

199. With regard to the title and carrying the work out?—As a matter of fact, Mr. Courtenay and Mr. Brandon.

200. Whom did you see mostly with regard to the carrying-out of the work? Was it not the Engineer?—Mr. Morton, City Engineer.

201. And there was some difficulty in coming to a head, and it went on from week to week and fortnight to fortnight until the draft I dictated was sent on to you by the solicitor?—Yes.

202. And then the negotiations were between you and the Town Clerk, when you fixed up the amount—when you fixed up £100?—Yes.

203. I wanted more?—You wanted more.

204. You remember my making the arrangement and sticking at £130?—Yes. At this time I was getting very angry about the business, and I said “either £100 or nothing.”

205. And you left it with the Town Clerk?—I filled in the £100 and left it with him.

206. I would like to ask you as a business man: Supposing an arrangement is made by which money is to be paid by A to B—we will say in this case, by you to the Council and by the Council to the Government—if a cheque is handed over to the solicitor of the Council and he is accompanied by the solicitor to the mortgagee to see that he does not do away with it, and the solicitor to the Council pays that money over to the Receiver of Land Revenue and says that it is paid over in accordance with that letter, do you not think that that is a substantial compliance with the conditions?—Of course. It is done every day in business. A man over and over again in our business transfers a piece of land and makes an arrangement to purchase a property. Some little time afterwards he makes an arrangement to sell it, and there is an arrangement between the purchaser and the seller that the cheque of the one shall go towards the purchase-money, and there is no handing over of a special amount of money.

207. You were asked by Mr. Remington whether, when the letter of the 5th September was written, the Council knew you were the owner of the ground. I would like to point out to you that the agreement which was drafted had been submitted and agreed to by you before that?—What date is that?

208. That was some time in August; it was approved by the City Council on the 27th August. You had agreed to the terms of that agreement except that the amount to be contributed by you was left blank. Is that so?—That is so.

209. It was before the committee on the 27th August, and approved by the Council on the 29th August. Part of the agreement was that we undertook to apply to the Government for this piece of ground?—Yes, I understand.

210. And the letter of the 5th September from the Town Clerk was written, as he thought, in compliance with that agreement. It was corrected by me writing my letter to the Minister later on the same day. Mr. Remington was not here when I gave evidence that when I saw his letter I did not consider it bore out the position, and then I wrote my letter which explained the position. That is in my evidence. You remember my telling you when I saw you and tried to get you to arrange with regard to the party wall that I was determined, so far as I was concerned, that the work would not go on if it cost more than something in the vicinity of £900?—Yes, I remember your saying something about that.

211. And that you would have to come to some arrangement with us if you wanted your land improved which would enable us to do that?—Yes.

212. *Mr. W. Fraser.*] Following upon the question: when was that understanding about the Council not spending more than £900?—They had no understanding with me.

*Mr. Hislop:* The question I asked was whether, during the conversation when he came to me, he remembered that I made the suggestion.

*Mr. W. Fraser:* I am asking what is the date of that conversation, because the dates are important matters in this. Was it after the 5th September?

*Mr. Hislop:* No.

*Mr. W. Fraser:* Was it after the 28th June?

*Mr. Hislop:* It was some time in July.

*Mr. W. Fraser:* July, 1907?

*Mr. Hislop:* Yes.

*Mr. W. Fraser:* That is what I want to get at.

*Mr. Macdonald:* I think it must have been about July.

*Mr. Hislop:* You see, he made the suggestion that we should pay the £650, and that that would put the thing right so far as taking the piece of land was concerned, and that we might adjust the matter so far as the two pieces were concerned. I said “Nonsense,” and then I said, when I spoke about him contributing, that as far as I was concerned the work would not go on if it was to cost more than about £900.

*Mr. Macdonald:* That was really the first time I learned that they only wanted a very small piece of ground.

*Mr. Symes:* It would be between the 28th June and the 5th September?

*Mr. Macdonald:* Absolutely.