

PATRICK McKEOUGH, of Beauport, in the District of Quebec, Labourer, aged 37 years.

I do know the parties in this cause, I am not related, allied, or of kin to, nor in the service or domestic of either of them or interested in the event of this suit.

I have been at the Plaintiff's mill off and on for two years, and I have been seven months working in it steadily.

I have been acquainted with the mill these eighteen years, since I came to the country, it was in the possession of Mr. McDougall, at that time. I never was employed in the mill in Mr. McDougall's time but my wife had a sister in the mill and I used to go backward and forward in the mill to see the water wheel and the machinery. I have some personal knowledge what the size of the wheel was at that time. I think the size of it at that time was twenty feet. I think the distance between the bottom of the wheel and the earth beneath it was about thirteen inches. There was nothing at that time but the tide that caused the mill wheel to stop. That occurred at every high tide. The mill on those occasions stopped from four to five hours. I am alluding to the tides, and the high water on the river, not including the water in the river. That happened in this year. The longest time that I ever know the mill to stop in Mr. McDougall's time, was two hours and a half. I never knew the mill to stop in Mr. McDougall's time from any other causes than high tides.

I don't know of any other change in the water wheel in the present time as compared to Mr. McDougall's time than some new arms that had been put into it.

The flood gates of the mill dam were opened in the evening of the eighteenth at five o'clock they remained open until the twenty second. The river had been flooded and there was a great deal of ice, and the gates were opened to let the water pass, all the gates were opened with the exception of one to the north side imbedded in the ice. The gates were so raised to the full height, required for the floating ice, but could have been raised higher.

I have been seven months steadily in the service of the Plaintiff in this cause, and am so still. I had been employed by the Plaintiff to work at the ice below the mill. It was not he that set me to work it was Mr. Ferguson, the miller, that set me to work. His object was to know when the water was stopped, that went back upon the water-wheel. I can't exactly say the day it was before the nineteenth. I had means of knowing the object of Mr. Ferguson besides what he told me for I knew that the mill had been stopped. I mean to say that it was stopped from the nineteenth to the twenty first, between eleven and twelve o'clock. The water wheel was submerged in water all that time, no grinding was done on the nineteenth.

It is the brother of the Plaintiff who has charge of the mill. Anger and Ferguson are the millers and the Plaintiff does not interfere in the milling. None of those parties nor the Plaintiff himself ever conversed with me or I with them on the subject of the evidence I was about to give. I have six children; we are eight in family, all dependant on my labour. The Defendant never saw me take stones from his side and throw them over on the Plaintiff's side. I never did that but I worked to clear the channel. At the bottom of the point below the mill, through the means of that wharf that is crossing the river, the water used to flow over across the point into the tail race and throw the back water to the wheel, and accumulated stones and gravel in the tail race and obliged me to clean it.

Question.—Do you know the lot of land to the east of the mill touching the gable?

Answer.—I know that behind the Defendant's wharf, it used to be a swamp, but he has filled it in.

Question.—Is it a binding oath upon you, when you are sworn without kissing the Crucifix?

Answer.—Any book or piece of paper is sufficient, I don't mean a plain piece of surface, but a piece of paper with writing on it. I am a labouring man, but I don't intend to wrong my conscience for either the Plaintiff or the Defendant, some people don't know much about the Crucifix.

Re-examined.

Any piece of paper that has writing on it isn't an oath.

The witness puts his hand upon the Chronicle newspaper and enquires, looking at the Experts, whether an oath taken on that paper would not be binding.

I know what a false oath is, to take a false oath and a mortal sin, that is the penalty of a false oath. The penalty of a mortal sin, is damnation hell.

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Examined under  
of April

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