

MATHEW H. GAULT has been an Insurance Agent in Montreal for the last 9 years. Witness refused the risk on the Malakoff. Considers the risk of vessels in dock when surrounded by other vessels to be greater than when navigating.

CROSS-EXAMINED.

Never heard of a boat being burnt in Tate's dock. Heard of several being burnt navigating.

ANGUS R. BETHUNE is an Insurance agent. Would not take a risk at Tate's dock. Never had an offer to insure a steamer in Tate's dock. Thinks the risk greater.

JAMES REAVES is a clerk in the employ of the Defendants for the last 9 years. Recollects that Mr. Tait came to his office in 1858 to insure the Malakoff. Saw Mr. Wood taking down the Register and turning it to himself. Does not recollect that Mr. Wood read anything out of it. Saw the entry in the book of evaluations respecting the Malakoff. There was nothing in the book of evaluations concerning the fact that the Malakoff was a part of the old North America. Being shewn a book of evaluations for 1859 he declares that the entry in it is similar in substance to that of 1858. Was present when the insurance was effected on the Malakoff, by George Tait, who stated that the steamer was then laying in his dock undergoing repairs, and that when complete she would be employed upon the Lake and River between Hamilton and Quebec. Mr. Tait said that the boat was then laying in their dock, that she was undergoing repairs or refitting, when those were completed she was to be taken out and run on the Lake and River principally between Hamilton and Montreal, but that she might run to Quebec as a freight boat. This is the meaning of Mr. Tait's conversation, but I cannot cite the precise words. He then stated that he had effected an Insurance with the Equitable for one thousand pounds. The policy was not then made but a receipt was given containing the clause that she was to navigate and the policy was afterwards made in conformity with said receipt. Witness proves exhibit "X," to be a true copy of the register of 1859 respecting the Malakoff.

CROSS-EXAMINED.

Copied the policy from the policy book. The stipulation of Mr. Tait is in the policy. The book in question did not come from Buffalo for the occasion. They have it since last February or some time afterwards. The representation made by Mr. Tait was never talked over between Mr. Wood and Witness. Nevertheless the witness told Mr. Wood what he was going to say, but Mr. Wood did not tell him what he was going to say. Read Mr. Wood's testimony in the Herald to day. Mr. Wood asked witness about a week ago if he recollected any of the representations made by Mr. Tait. Swears that the extract fyled from the book of evaluations is a true copy of the entry respecting the Malakoff in the same book of 1858. Saw said book in last February or January for the last time.