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James Woolley, of the City of Quebec, in the District of Quebec, Shoemaker, aged above twenty-
years, being duly sworn upon the Holy Evangelists, doth depose and say: I do know the parties in this
case; 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 know Mr. Marion's new building situated in St. John's street in this city, in St. John's
Suburbs. This said St. John's Street is one of the principal streets of the city, and is the only direct outlet from
the City to St. John's Suburbs, and is continually thronged with vehicles and passengers. I would
look upon any obstruction in the road in that place as exceedingly dangerous, that is opposite Marion's
house or anywhere thereabouts, inasmuch as the block in which Marion's building is situated is the second
from St. John's Gate. For three years I lived two doors from the house where Marion's new building
stands. I saw the Plaintiff in this cause on the night of November last, immediately after the accident
to him, and in consequence of having been thrown out of his vehicle, he was then at Mr. Rickell's
grocery shop, close to St. John's Gate. Hearing that the cause of the accident was his horse's jumping away in
consequence of the vehicle with which he was driving coming in contact with the obstruction opposite Marion's, about a
quarter or half an hour after, at the request of Mr. Adair, a witness examined in this cause, I went out to
take more particular notice of the obstruction or encumbrance opposite to Mr. Marion's said house. The
obstruction consisted of bricks, stones, and other building materials. There was no light upon the obstruction in
the street nor upon Marion's building at the time we measured the width of the street by pacing it on the
night of the accident, but there was one building adjoining house on the country side of it. I paced the street
with Mr. Adair, but the number of paces across the street I do not remember. Mr. Adair took a note of it, I
do not, but I remember that the encumbrance, that is the building materials opposite Marion's said house
occupied two-thirds of the street, besides that there was one stone that lay some three or four feet outside the
rest of the pile and a half to two feet high on its depth. The stone was to the country side of the pile of
brick and was considerably higher out in the street. I was in the habit of going St. John's road nearly every
day during the months of October and November during last year and for the last month previous to the accident
the street appeared to be about as much encumbered there as upon the day of the accident, I perceived little
or no difference. When I say that the stone was on the country side of the pile of bricks it was opposite about
the centre of Marion's house, the pile of bricks being on this side of the said stone. Question.—Was the
obstruction in the said street so great for some time previous to the accident that it must have come under the
notice of the officers of the Corporation of this City? (Objected to, taken de bene esse.) Answer.—It might
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and people crying out to clear the road, I had just time to stop back behind the Gate so as to clear myself, when
the horse came through, galloping at a furious pace, when he came through the gate he ran against a load of
wood in a cart, which caused the waggon which the horse was drawing to be broken off from him. I did not see
any one in the waggon then. The horse went on down the street. I then immediately passed through the Gate
and discovered the moment I got into the gate that two persons had been thrown out of the vehicle and
dangerously hurt. We then immediately got assistance, and had these persons taken into Mr. Rickell's the
grocer. I was walking out to the westward towards the Suburbs, I was just inside the Gate and about to enter
it, when I heard the noise of the horse galloping and the people crying out as I have mentioned above. I then
stopped back and did not enter the gate until the horse passed through as above mentioned. I then went into the
gate and when about a third through perceived two persons lying up against the side of the gate. These were
the persons above mentioned, whom I found to be the Plaintiff and his sister. As far as I could judge from their
position in which the Plaintiff and his sister were, they must have been thrown out in the gate, and I attribute their not
being killed to their being dropped up in buffalo robes. In the month of October and the early part of November
last, I was in the habit of driving out in my waggon out St. John's Street, without, in the City of Quebec. I
know the house which was then in the course of construction for Mr. Marion, it is on the north side of St. John's
Street, without, aforesaid, in the second block outside St. John's Gate, and two doors above Stokes the grocer's.
The street opposite the said Marion's house was during the month of October and the early part of November
last, very much encumbered with stones, bricks, and other building materials for the said house, so much so that
I found it difficult several times about that time in passing another vehicle from a house, I did so five or six
several times to allow another vehicle to pass before I could get by. The street was not cleared off in any way
for the building materials opposite the said Marion's house. About once a week on the evening of the said night
of November, the day of the accident to Mr. Barrow, I went out and measured the distance of the street
obscured by building materials, that is to say, the space between the building materials opposite Marion's said
house and the parapet on the south side of St. John's street, without. I found there was fourteen feet six inches
of clear road for horses and vehicles, the remainder being taken up with building materials. I measured the road
with a tape line. There was a light tacked up on the gate next to the westward of Marion's building. There
was no light upon the obstruction in the road, I took particular notice of it. The light over the gateway stood
out a foot or so, in a lantern, so far as I remember. St. John's Street, without, is a pretty wide street and if
the street was not obstructed I think that five waggons could pass abreast between the parapets. I know Mr.
Walker, a dry goods merchant, of this city. His Christian name is John. He pointed me to measure the distance
between the obstruction and the parapet on the south side of St. John's Street aforesaid, on the evening of the
said night of November last, that is on the evening of the accident.

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years, being duly sworn upon the Holy Evangelists, doth depose and say: I do know the parties in this
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the event of this suit. I know Mr. Marion's new building situated in St. John's street in this city, in St. John's
Suburbs. This said St. John's Street is one of the principal streets of the city, and is the only direct outlet from
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notice of the officers of the Corporation of this City? (Objected to, taken de bene esse.) Answer.—It might
have been that but if the police had paid attention to their duty they must certainly have seen it.

Cross-Examined.—St. John's Street, without, is one of the broadest streets in this City. If there was no
encumbrance in the street opposite Marion's house I think that four horses and waggons could pass abreast, that
is between the two parapets. I paced the street myself but I do not now recollect the number of paces. I signed
the memorandum that Mr. Adair made, and I am sure what he said was correct. We only paced the street, we
did not make use of any instrument to ascertain the exact width. I think the large stone of which I have already
spoken extended three or four feet beyond the pile of bricks. The house of which I have spoken as adjoining
Marion's new building is only separated by a gate wall. The light of which I have spoken was immediately
over the gateway of the said house.

Re-Examined.—The light, so far as I remember, did not extend into the street, it was a very poor light, an
ordinary candle light. The night was a very dark one and cloudy. We went purposely to see if there was any
light, and I am positive there was no other than the one I have mentioned. I saw no watchman there and I think
there could have been none as we were there some time and no one having authority came to us or inquired what
we were doing. From the examination I made with Mr. Adair on the night in question I do not think that two
vehicles could have passed one another in the gap of the road between the said encumbrance and the parapet on
the south side of the road, without danger, especially where the stone was, I do not think that two could have
passed, and I am positive that a person in a vehicle could not have seen the stone at that time from the darkness
of the night, and there being no light on the pile, in fact I could not see it myself until I kicked against it in
going around to examine the pile and measure the street.

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