

built in 1852, is the wharf of which I have spoken in my examination as having been built by the Defendant to the best of my recollection before the Plaintiff acquired possession of the mills, or since, I am not certain which.

Question.—Has the mill of the Plaintiff worked since the new wharf has been built by the Defendant in the same manner as it used to be worked before the said wharf was built.

Objected to as not being confined to a period previous to the institution of the action. Objection maintained by J. Meredith.

Question.—Is there room enough at the present moment to admit of the passage of an ordinary sized bateau used for the purpose of conveying grain between the new wharf built by the Defendant and the Plaintiff's property on the other side?

Answer.—I do not know of any bateau of that kind of shape at all.

Question.—I wish you to speak of bateaux generally used in conveying grain from Quebec and other places to the Beauport Mills?

Answer.—A large bateau cannot get up at all; such bateaux as we are in the habit of using for the conveyance of grain, because the width between the two wharves is not sufficient to let them pass.

Question.—What effect, had the building of the said wharf by the Defendant upon the waters of the river previous to the 30th of October last?

Answer.—It brought the water into a smaller space and by contracting the water, threw back water upon the mill-wheel.

Question.—What effect must the back water have had upon the working of the said mill? and state how it must have affected the working of the said mill and machinery?

Answer.—The back water has the effect that every inch of water that rises on the water wheel, is a stoppage to the working of the mill and the more it rises the less motion the wheel will have. Every inch of back water that rises against the water-wheel, requires an additional quantity of water to propel the wheel, which would have the effect of breaking the wheel, and thereby stopping the working of the machinery of the mill.

Cross-Examined.

I am not in the habit of going every day to the mill. I go pretty often. I have not been there more frequently of late than I used to be. I have been there once this week and once or twice last week; I could not exactly say, I could not say of the week previous.

Question.—What do you mean by this answer?

Answer.—I am not obliged to keep an account of every time I am at the mill. I pass the mill every day sometimes I go in, sometimes I do not. I do not think that this is a fair question at all. I do not think that any man has a right to pry into my business where I go.

Question.—Were you very much occupied at your own mill in October last?

Answer.—Yes.

Question.—How often did you visit Mr. Brown during that month?

Answer.—I passed his mill 2 or 3 times every week, as I was shipping flour from the same wharf.

Question.—From what wharf did you ship that flour?

Answer.—From the lower wharf.

Question.—How far from the mill is that wharf?

Answer.—I could not say the exact distance.

Question.—Have you any objection to estimate the distance to the best of your knowledge and belief?

Answer.—I never measured it, and for that reason cannot say the exact distance.

Question.—I did not ask you to specify the exact distance, but to state to the best of your knowledge and belief how much you estimated it to be?

Answer.—Let me have the meaning of this question, for there are two lower wharves and I wish to know which of the two is meant.

Question.—Be so good as to describe the localities of the two lower wharves; and the distance of each from the mill?

Answer.—To the best of my knowledge the wharf at the end of the wooden store is about 200 yards less or more from the mill, and other about the same distance from the last mentioned wharf, making about 400 yards from the mill or thereabouts.