

The foregoing declaration covers the period from the date of the erection of the wharf down to the day of his cross-examination (March, 1856). Here, too, is proof of the stoppage of the mill by means of rubbish, which, but for an after thought, would have been imputed to me, but the clumsy attempt which you see, is invisible to the witness.

Here, also, is proof of an attempt to my prejudice, against which I was perfectly defenceless, nor will you consider it clumsy. It is nevertheless the plaintiff who intentionally elicited the evidence in chief, which, but for the conscientious scruples of his clerk, would, by means of a falsehood, have established, incontrovertibly, his right of action. But the clerk, who speaks like a man of intelligence, who was clearly interested in supporting, and bound to support, his employer, whose attention was doubtless on the stretch, could not see the clumsy attempt which you so instantly detected.

14. "I have abstained from advertng particularly to the facts, because they are so minutely noted down and ably commented upon in the report of the experts, Baillargé and Stavely, that I could do no more than uselessly repeat what they have well explained."

You declare in the 14th paragraph that you have abstained from advertng particularly to the facts because they are noted *down* and ably commented upon by the experts. You have thus three reasons for ignoring the facts, firstly, the factums of the parties; secondly, the opinions of some of the judges, and thirdly, the noting down of the experts. What you mean by noting *down*, unless there be in your judicial opinion a noting *up* which has a different signification, I shall not pause to consider. That you should compliment your step-son Baillargé, whom you evidently believe to have been unfavorable to me, is natural, but notwithstanding his relationship, to you, I hold him as a man of rare talent, in great comparative respect, and feel strong enough to overlook the abortive efforts to which your commendation is to be ascribed.

Your step-son specifically admits that the bank (on which my wharf is built) forms a *natural* obstruction to the flow of the water. He reports that my wharf has not obstructed any channel, canal or passage, for none existed when my wharf was built. He adds, that the trees growing upon the above mentioned natural bank (on which my wharf is built) are pretty good evidence of themselves of the truth of the fore-