

close by the Sheriff towards the tavern, and I myself was struck, but the blows could not have injured any one.

Q. Did you see the Sheriff strike any one?

A. Yes—William Aitken, a son of John Aitken—with the handle of his whip—he made a blow at the boy. I believe the Sheriff suspected that the boy had thrown snow at him, but I believe he did not.

Q. Is the lad of good character?

A. Yes; he is reckoned very civil. I advised the Sheriff to go off, as I thought his conduct might irritate the people. No one went past the tavern except the Sheriff and one Cutler, and William M'Ewen.

Q. Who is Cutler?

A. The Sheriff's son, or some connection—and M'Ewen is a constable.

Q. Who were the securities?

A. One Richard Bourke, and Mr. James Douglas's son, Alexander.

Q. What else was the Sheriff doing after the sale besides talking with the securities, and after the cattle, by his orders, were again locked up?

A. He was going through the crowd; and his step-son, Cutler, unyoked the horse from the sleigh, and rode, different times, through the crowd.

Q. Do you consider, upon the whole, that the conduct of the Sheriff was prudent, in remaining so long on the ground, after the sale was over, and the cattle locked up?

A. No, I don't think it was; I thought it was likely to create a riot or a mob, or something of that nature.

Q. Did the Sheriff say anything particular to you on the road from James Douglas's to the tavern?

A. Yes—he said he would require me to testify on some future day, that the people had abused him. But I could not—for I did not think anything was done worth the notice of a man—and so I told him.

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DANIEL FLYN, of Lot 43, (Bay Fortune)—Major,  
*called in and examined.*

Was at Mr. James Douglas's the day the Sheriff sold the cattle—was there before the Sheriff arrived—Sheriff said the conditions of sale would be, cash on delivery—heard several bids for every article put up, and the highest bidders tendered money for the cattle, but he would not take it, as being under value—did not hear him say that he would call a sale again—ordered cattle to be put in the stable. Witness remained while the Sheriff was there:—Sheriff seemed to be doing nothing, but conversing with a number of persons—saw Cutler leading and riding his horse round the crowd—was looking at the Sheriff when the Sheriff turned round and struck Joseph Steel, who was standing behind the Sheriff, an hour and a half, or thereby, after the sale—Steel made no resistance, but walked away.

Q. Was there any interruption given to the Sheriff during the sale?

A. None; except a couple of lumps of snow which were thrown up in the air and fell upon his shoulder, which was supposed to have been thrown up by some boys.

Q. Were you standing nigh the Sheriff during the sale?

A. Yes. Saw the Sheriff until after he passed the tavern, where the crowd stopped, and saw the Sheriff walking beyond, after the sleigh, 'till he went out of sight. Every thing was peaceable and orderly 'till half an hour after the sale was concluded, and even then there was nothing but throwing up in the air a few lumps of snow, some of which might have fallen on him. When the two handfulls of snow fell on him during the sale, they were so light that they could not have molested any one—the Sheriff, when they touched him, never turned round.

Q. Did any one, in your hearing, threaten the Sheriff?

A. No one that I heard.

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KENNETH MACIVOR, *called in and examined.*

Q. Where do you reside?

A. At Souris.

Q. Were you at the sale of James Douglas's property?

A. Yes.

Q. Were you at the sale from the beginning?

A. No—the Sheriff was offering a Cow for sale when I came there—I think the first beast offered for sale.

Q. State what you saw, during the sale?

A. When I came there he was offering a Cow for sale, and the highest bid was, I think, 6½d., and the Sheriff said he would not let the cattle go for that price, and so on, with all the rest that were put up.

Q. What was done with the cattle after the sale?

A. The Sheriff desired them to be put in, one by one, which was done.

Q. How did the people conduct themselves at the sale?

A. Some of them, who I did not know, threw some cow-dung and snowballs at the Sheriff—it was only one or two—the rest seemed peaceably enough.

Q. Did you see any person there having sticks or stones?

A. None, at the time of the sale, and when that was done I went away.

Q. If that assemblage had been generally armed with sticks, must not you have observed it?

A. Yes, I must, if they were; but they were not, to my knowledge.

Q. Did you hear a gun fired?

A. Yes—before I came to the place of sale I heard the report of a gun, and the sound of a horn.

Q. Do you know D. Flyn, John M'Donald, and James M'Kenzie, and did you see them at the sale?

A. Yes.

Q. Were they, in any way, molesting the Sheriff?

A. No.

Q. Did you see James M'Kie there?