

stroke would cost more than four thousand pounds and perhaps five thousand. Does not know if the Malakoff was the most powerful freight boat on the St. Lawrence, but knows that she had the largest cylinder. Belonged to the firm of Bartley & Dunbar. Furnished shafts and flanges for the Malakoff and other small pieces which from the account which he has in his hand would have cost three hundred and one pounds; this account is in my partner's hand writing. Last saw the Malakoff at the time he put in the shafts, the engine and boiler must have been in a condition to work at the time for she ran for some time.

JAMES A. GLASSFORD, is a forwarder for the last 15 years. Is acquainted with steamboat property. Knew there was a steamer of the name of Malakoff in 1859. Cannot say what would be the cash value of the said steamer in 1859. Does not think she could be sold for cash then. Heard of the Huron being sold and the Colonist in 1859. The Colonist was sold for twenty two hundred pounds, and he thinks she was more suitable for the river and lake navigation than the Malakoff. The St. Lawrence was sold for twelve hundred and twenty five pounds. Does not know the St. Lawrence sufficiently to compare her with the Malakoff.

CROSS-EXAMINED.

Does not give his opinion as a builder of boats but as a purchaser of boats which he had formerly. The Colonist was sold by the assignees of a bankrupt estate; the St. Lawrence was also sold in the same manner. Knew the Wellington which was sold at the same time for five thousand pounds at a forced sale; that the Huron was sold at a forced sale at four thousand pounds. The Wellington cost Hooker, Jacques & Co., nine thousand pounds and she was sold by them for five thousand pounds. Thinks these boats were sold below their value, and if sold at such a low price it was because there was nothing to be done and not because they were intrinsically deteriorated in value. The Huron was sold on a long term of credit.

JAMES H. HENDERSON is a forwarder for several years. Was a steamboat proprietor. Knows the Colonist was sold in 1858. for twenty one hundred pounds. Thinks the Colonist was a better boat than the Malakoff. In speaking of the Malakoff, he speaks generally, never having examined her. The St. Lawrence was sold for twelve hundred pounds at private sale; does not think the St. Lawrence was a better boat than the Malakoff. Knows very little of the Malakoff.

CROSS-EXAMINED.

All the boats he referred to were sold by forced sales. The Colonist was purchased by the firm to which he belonged for six thousand pounds in 1855. She was finished in 1854, and purchased that winter, was built for Lake Erie and so as to go through the canal locks; the Malakoff would not go through the locks. Understood that the Malakoff would bring four thousand barrels of flour. The Wellington was sold in 1858 as belonging to bankrupt estate for five thousand pounds.

WILLIAM LUNN has been an Insurance agent for some years. The risks would be greater on a boat laying in Tate's dock than one navigating. Would not take a risk on a boat laying in Tate's dock for a year. Mr. Grant's agent, Mr. Tait, effected an Insurance with the Equitable for one thousand pounds.

Question.—Did not George Tait, acting as agent of the Plaintiff, effect an Insurance with the Equitable Insurance Company on the 30th July 1858, and prior to the Insurance with the Defendants upon the Malakoff and subjects insured or some of them, and did he not then make some and what representations to the said Equitable Insurance Company with respect to the condition and circumstances of the Malakoff and in respect to her navigating, when or prior to effecting such insurance with the said Equitable Insurance Company?

Witness answers "yes" to the first part of the question. Plaintiff objects to the latter part of the question. Objection maintained by the Court.

CROSS-EXAMINED.

Is not aware that there is an action against the Equitable by Plaintiff. Witness had conversation with Mr. Woods respecting the mode of defence. The Equitable is not to pay half the expenses of this action.