

You condemn not the attempt alone, but the manner of it. Had it been ingenious instead of clumsy, would it have pleased you more? But in your mouth the word clumsy amounts to a compliment as denoting incapacity or inexperience, or both, in wrong doing. It was clumsy, you triumphantly declare, and of course instantly detected by you. You deal, as is your wont, quite unceremoniously with four judges, who thus receive under your hand a certificate of character for comparative obtuseness. This is surely an unnecessary "lifting up of your horn." But if the attempt was so clumsy, why could not the three first judges who heard the cause, detect it? Why did they order an expertise, and in despite of my remonstrances founded on my opinion of you, refer the question to your step-son, as an engineer and a practical man? How was it that forty-seven persons, half of whom are men of high social position, men of education and principle, men distinguished for scientific attainments and professional ability, all of them in every way unconnected with and independent of me; how was it, I say, that so many persons could be so blind or so wicked as to give the evidence of record? You have thus forty-seven witnesses, three experts, and seven judges, who could not see the clumsy attempt which is to you so very plain. The odds are great, but that is not all. I argued that the plaintiff could stop his mill at pleasure, and ascribe the stoppage to me. I added that as I could not place any person in the mill to prevent his resorting to trickery or artifice in order to deceive the Court, I was in his power. "Now let us read the testimony of one who had been four years his clerk in the mill."

Patrick O'Brien deposed as follows: "The plaintiff has not to my knowledge suffered any damage in consequence of the erection of the defendant's wharf previous to the 29th October, 1852," the day of the institution of the action. He adds: "In my examination in chief I stated that the building of the wharf had caused a rise of the water which threw it back upon the mill race and put the wheel in the water. I have since ascertained that this was an error, and I now know that this was produced by a quantity of stone and rubbish that were in the mill race. These stones and rubbish have since been removed and the mill race cleaned out, since which the evil has ceased."