

I did not count the number of loads which the Defendant deposited on the wharf, and not having counted, I do not know the number.

That wharf is the only wharf that I know of on that side of the river for loading and unloading of grain or other articles for the mill. I might know it if I were shown a plan of the premises.

Question—Look at the plan exhibited to you herewith marked “Exhibit of the Intervening party B” it is true that the quay marked with the letter I in the said plan, some distance below the mill is in the position and locality of the wharf of which you speak.

Objected to by plaintiff and taken *de bene esse*.

Answer.—I don't know. I don't understand by the plan, whether that is the point or not.

Question—Is there any other wharf in the locality in question besides that of which you speak?

Answer.—Not when I was there.

The present notes of evidence, having been duly read to the witness, he persists therein, declaring the same true and hath signed.

(Signed) JAS. BROWN.

Sworn before me at Quebec, at enquetes }
and merits 14th May 1868, }
(Signed,) A. STUART. }
J. S. C.

PATRICK O'BRIEN of the Parish of Beauport, in the district of Quebec Post-master, aged about sixty-nine years, being duly sworn upon the Holy Evangelists doth depose and say:

I do know the parties in this cause; I am not related, allied or of kin, nor in the service or domestic of either of them, or interested in the event of this suit.

I have been a resident of the Parish of Beauport for about thirty-three years.

I know the wharf mentioned in the declaration of this cause.

Question—Do you know who was in possession of the said property as proprietor during the time you have just mentioned?

Objected to by the Defendant and objection overruled.

Answer.—A Mr. Gordon was in possession of the said wharf at first, and Mr. Brown, the Plaintiff, afterwards.

The Plaintiff had been in possession of the said wharf for the fifteen or sixteen years immediately preceding the action in this cause.

He was in possession of the said wharf all that time openly, publicly and as proprietor.

The wharf was used for unloading wheat and other grain for the Beauport mills belonging to the Plaintiff.