

CANADA,
PROVINCE DE QUEBEC, }
District de Québec,

DANS LA COUR SUPERIEURE.

BROWN,

DEMANDEUR,

vs

MARCOUX,

DEFENDEUR.

vs

GUGY,

INTERVENANT.

PREUVE DE LA PART DU DEMANDEUR.

JAMES BROWN of Quebec, in the district of Quebec, grocer, aged thirty-three years, being duly sworn upon the Holy Evangelists, doth depose and say :

I do know the parties in this cause ; I am not in the service or domestic of either of them or interested in the event of this suit

I am the nephew of the plaintiff.

I know the wharf mentioned in the declaration in this cause, and situate on the Western Bank of the River Beauport, in the Parish of Beauport.

The Plaintiff was in the month of September eighteen hundred and sixty-six and had been for some years previous in possession as proprietor of the said wharf. The purpose for which the Plaintiff used this wharf, was for loading and unloading barges with grain and other things intended for the mill.

The Plaintiff was in such possession of the said wharf in the month of September eighteen hundred and sixty-seven.

I know the defendant by sight. In eighteen hundred and sixty-five about mid-summer and in autumn the Defendant unloaded stones on the said wharf and left them there. If any of those stones should have accidentally fallen into the river, the danger to the barges coming there to load and unload would have been great.

If barges were coming into the river with wheat, and these stones were in the river, of course they would not come in.

Cross-examined.

I do not know that any stones fell into the river at that time. I was on the premises in question at that time for twelve months in charge of the mills for my uncle the plaintiff in this cause.