

This testimony being read to the witness he persists in his statement and has signed.

PATRICK McKEOUGH.

Examined and sworn before us, the undersigned experts, this 11th day of April, 1859.

(Signed.)

A. WALLACE,  
C. BAILLARGE,  
ED. STAVELY.

LAWRENCE McKENNA, of Beauport, in the District of Quebec, Labourer, aged 27 years.

I have been acquainted with the Plaintiff's mill for fourteen years. I have been in the Plaintiff's six or seven years and about four and five years ago I was again in his employ for about six or seven months. I have also been employed by the Defendant about years ago more or less. It was usual for the mill wheel to stop at high tides, spring and full.

The mill wheel might have stopped from one to one and a half, two hours, or a little more perhaps, according to the way the wind blew. If it was blowing strong from the east the tide rose higher. When I was last in Mr. Brown's employ, the mill used to stop longer at high tides than when I was before in his employ. Sometimes the tide rises higher than other times, when there is a great freshet from above it makes more water, and on those occasions the mill stops longer. It was never to my knowledge necessary to cut away the ice in the tail race in the spring.

I never measured, but when there were two feet or two feet and one half water on the wheel we were obliged to stop. To explain what I mean by the expression "on the wheel" I state that a wheel is turning round, the water comes up the canal, of course, and it comes under the wheel, and it rises on the wheel, and the wheel is not fit to turn round. I suppose you wish me to explain what I mean by the water rising on the wheel. Because the water wheel don't turn round quit enough to drive the other movements up to speed, we are obliged to stop the water wheel.

Question.—Since you can't state with precision the period when you went into the Plaintiff's employ, can you state the time with reference to my wharf which may now exist and which did not exist at that time.

Answer.—Yes, the wharf on the east side of the river coming down from the Beauport road, was built in the time that I have been in Beauport. I was at the filling up of the wharf, being then in the Defendant's employ. It was I believe, before I was in the Plaintiff's employ.

During the first period that I stopped with the Plaintiff, the mill did not stop by the freshet of the river Beauport, but during last period it did so.

During first period the water had more room to flow that it has at present and that is the way that I explain it.

The water from the tail race instead of being able to flow straight on, now flows against the wharf and takes a turn round and passes down by the stone store and then goes straight down.

The water from the natural channel of the river now goes with the tail race.

What I mean by a freshet is a great rising of the water in the river Beauport after great rains or sudden thaws. When the tide water and the freshet meet it makes the level of the water higher, because the river water cannot get away.

This deposition being read, the witness persists in his statement and hath declared not to know how to write or sign his name.

his  
LAWRENCE ~~X~~ McKENNA.  
mark.

Examined and sworn before us, the undersigned Experts, this 1st day of April, 1859.

(Signed)

A. WALLACE,  
CHS. BAILLARGE,  
EDW. STAVELY.