

pardon, Lambly does not say so. What Lambly says is that, "the river is navigable to near the mill for bateaux, small "schooners and so forth." But he himself on his own admission never was as high up as the mill. He therefore never saw any craft whatever sail up. His evidence then is merely inferential and not that of an eye-witness. Then inferential as it is, he does not say *how near* he infers that the small craft he describes did sail up, or could sail up. This is a point of which you make a great deal, and it was the interest of my adversary to have proved it if he could! If any craft whatever, to use your words, sailed up *as far as the mill*, they could scarcely be phantom ships, they must have been manned by living men, and have been seen by some one or more of the multitudes daily resorting to the mill. Now any one of any crew, or any single spectator could have testified to the fact. In your view of the case this fact is decisive. It was not my business to prove it, why did not my adversary do so?

You are pleased further to draw an inference which seems in your estimation to be conclusive. "It is doubtful, you say, if a skiff of the very smallest size could be brought (that is floated) up to the mill." The use of superlatives in the preceding sentence, unluckily for the plans to which you so triumphantly appeal, show that at the spot in question, the channel is 19 or 20 feet wide.

You speak of a skiff of the smallest size, and are evidently ignorant of the signification of the term. A skiff is a little boat so narrow that one man can pull two oars, one in each hand. They are, indeed, often made so narrow that the rowlocks are unavoidably attached to outriggers. Any one so inclined could have lately seen one in the harbor of Quebec, sixteen inches wide. As I believe it to be still within reach, I shall, whenever the necessity arises, produce it as an exhibit. Now, sir, you have, upon my authority, the breadth in inches of a skiff of the smallest size. Do you doubt that it could pass through a space 19 or 20 feet wide?

You distinctly and positively affirm that the *evidence* of Lambly *excludes all doubt* that I have erected a wharf in the river Beauport. Lambly avows that (until he visited the spot to oblige his neighbor the plaintiff) he "*had never been so high up as the mill.*" He specifies a particular distance