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largest business in the province. Witness gave £750 perhaps 20 years ago for the good will of a retail house, corner Place d'Armes. Witness paid for everything besides. If a fair business was done it should give a net profit of ten per cent, that is such a business as witness supposes Defendants did. That is wholesale and retail. Witness was Executor to the estate of the late William Lyman. Defendants had to pay him from £18,000 to £20,000. Cannot say for what. From Plaintiff's reputation and high recommendations, witness was disappointed at not getting Plaintiff.

Cross-examined:—Witness took a Mr. Beers as partner in the place of plaintiff. He made no profit because a good many bad debts were made, and did not conduct business to witness' satisfaction. Beers is dead. It was into this business witness intended to put plaintiff. Had there been no bad debts at the balancing of the books, profits would have been good. They were better every year—£600 profit second year. Witness had a share in the business before taking Mr. Beers. Mr. Beers had £200 as salary and a share of profits.

JOHN C. SPENCE:—Knew plaintiff in 1857. Knew of his receiving a letter from defendants. Plaintiff brought the letter to witness who saw a draft of the reply in 1857, shortly after he first saw the said letter from Lymans, Savage & Co. Witness saw plaintiff one Sunday in the store, and plaintiff said there is my answer to their letter lying in the desk. This was shortly after my seeing the letter to him from Lymans, Savage & Co.

Cross-examined:—Plaintiff showed witness the draft of his reply shortly after his receiving the original letter; cannot say how long after the letter that I speak of as having been pointed out to me by plaintiff; was so pointed out on Sunday; none of the firm were present, nor any one in the employ of Lymans, Savage & Co. Plaintiff had the key of the premises, and was apparently in charge of them. On that day witness did not read the letter lying on the desk, but has read the copy shewn to him by plaintiff. It was pointed out by plaintiff as being the letter, and this by plaintiff. To the best of his knowledge it was the Sunday after the 5th of April, 1857, that witness saw the letter lying on the desk that plaintiff pointed out to him.

JOHN SINCLAIR:—Plaintiff called at witness' office and said he had offers from the defendants, and wished his advice. He spoke of other offers from Mr. W. Lyman and Mr. John Carter; when he told witness all, witness advised him to accept the offer of Lymans, Savage & Co. There was nothing of a private matter about it.

Cross-examined:—Plaintiff did not shew the letter to witness. He only consulted him about his offers.

HENRY T. LAMPOUGH:—Knows parties. The defendants do a very large business; estimates good will of such a business at from £8,000 to £10,000. Is not aware they were in need of money in 1857; was not asked for accommodation paper.

Here the plaintiff's enquete closes.

EVIDENCE FOR DEFENDANTS.

JOHN O'LEARY:—Knows parties. On the 28th May, 1857, witness had some conversation with the defendant Savage about plaintiff. Savage said he had heard something about

plaintiff, and wished me to find out whether it was true or not. On the same evening witness went to the store of defendants, and remained there till half-past eight, when plaintiff came out; went up St. Joseph Street to Little St. James Street, through St. Mary Street, and went down a little street to a place where one of Mrs. Scott's daughters lived. He rapped at the door; it was opened, and he went in. Witness returned to the store, and plaintiff returned at 12.30 p.m. in a cab. Witness took cabman's number. This was a house kept by Mrs. Scott's daughter, as far as witness knows. The daughter is known as Martha Scott; have known her for 5 or 6 years. About four years ago she lived with her mother, who kept a bawdy house, and does so still. Since that time she lives in a house adjoining. Witness was in there only once, and that was about three years ago. Since then witness does not know her character, as when on duty witness was told not to go there, as the only person who visited her was Mr. Higginson. Cannot say if she was a prostitute in her mother's house; to the best of belief witness says her sister was living in the same house with Martha Scott. Her sister's name is Emma; all I know of her is the same as her sister. The general repute as to plaintiff's character, is that he consorted with Miss Scott. Witness has heard so, and heard that plaintiff goes there still.

Cross-examined:—In that house at the time resided Martha Scott and her sister. Not to my knowledge is that a bawdy house; never prosecuted as a bawdyhouse. Witness heard several times this 3 years from Emille Duval that plaintiff was often in her house. He never saw him enter any other house than Miss Scott's. Witness has seen over fifty young men enter bawdy houses. Mr. Savage, defendant, requested me to go after plaintiff. Before then witness never knew of his going to any house at all. Witness watched till half-past 12 o'clock at defendants' store, and saw plaintiff return. He did not again go out. Watched on another evening, but did not go out.

FRANCIS TURNER:—Knows Plaintiff and Defendants by sight—knows their store, knows Martha Scott, her sister Emma, and their mother. Has seen Plaintiff in company with Martha Scott. Mrs. Scott keeps a house of ill-fame, and has done so for a number of years. Witness some years ago when Defendants were in their old store, probably five or six years ago, first began driving Martha to the store. When in the new store witness has driven both Martha and Emma Scott together to the new store at half-past seven or eight o'clock when the store was open. Witness has done this several times. Both went into the new store. In the old store Plaintiff used to come and drive round with her, Martha, and go in again. Witness would drive down and she would go in, after she would come out they would wait in the neighborhood until he would come out. Once witness drove to Hibbard's store down on St. Paul Street. Plaintiff followed down and overtook witness and the Misses Scott. Witness has seen Plaintiff in her house in the evening and mornings often and often. The last time a few days ago. In 1857 and 1858 saw him there frequently. He passed the night frequently there in 1857 and 1858; that is, he would come late at night and go away early in the morning.