

ALEXANDER ABRAH, of the City of Quebec, in the District of Quebec, Dry goods Merchant, aged above twenty-two 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 to, nor in the service or domestic of either of them; or interested in the event of this suit. On the sixth day of November last, I heard that the Plaintiff had met with an accident by the overturning of his vehicle, and went that I went up to his brother's lodging, over his shop in St. John's Street, where I found him with his head lacerated, and it appeared that there was considerable quantity of blood from his forehead coming out of the laceration that lacerated it. After a short delay he requested me to go up and see the place where the accident occurred, which I did, taking Mr. James Woodley with me. It was then eight o'clock for the gun fired, when we were questioning the spot where the accident happened, in St. John's Street, without, in the City of Quebec, and opposite to a building, thus in course of erection for a gentleman named March. I then and there found the street leading to the said house encumbered by a large quantity of building materials to the extent of about four and a half of my paces, for I passed the street from one side to the other not being free and unobstructed. I went to measure in order one of my paces, my horse were all equalled that way, and I discovered that the building materials were laid. There was one stone projecting out further than the building materials, near the half of the width and I found the spot to be occupied by the horse in building materials having four paces for the width of the stone. I did not measure the stone in question but it was a large stone about the size of a large stone. The building material which accumulated over the street was composed of brick, stone, and mortar, and was so high that I have never had upon the building material, and I was in the street in question but I found it as it looked well but not particularly good, and some of the said obstructions was put on the building. There was however, a small lantern hanging from the building immediately joining the one in course of construction, with a lighted candle in it, it was suspended about a yard and a half or two feet from the building, probably to give light to foot passengers. There was no fence around the building materials in the street; no part of the street was fenced off from the building materials within. The light in the lantern was a faint light and not nearly as brilliant as a gas flame, it was about the height of a gas lamp from the street. I know from whom the Plaintiff purchased his horse, the horse was then about three years old, that it when he purchased him, that was about four years ago. When I said three years old I meant being four. I am not in the horse line of business and cannot speak positively of his value but I know a good horse from a bad one, and I considered Mr. Barrow's a very good horse. Mr. Jiggins refused thirty-five pounds for the horse in my presence, when he was rising four years of age. Mr. Jiggins has not chosen to sell the horse unless he get a good price for him. I had no occasion in October or the early part of November last year to purchase John's horse. Mr. Jiggins mentioned above resides in the Township of Levis. Upon several occasions since the accident I saw Mr. Barrow but he appeared to be suffering.

Cross-Examined.—St. John's Street, without, is a broad street. I have no personal knowledge of the accident in question, not having been present, nor at what time of the day it happened. I remembered have past a little above the upper portion of the building materials; it was on the opposite side of the street. I did not observe particularly that there was a lamp post at the corner. The gas was lit at the time when I went out to look at the spot where the building materials came. The gas did not show a good light on the building materials but it threw a better light on the upper portion than it did on the lower; but that place where the stone projected out further than the rest of the material was the darkest place in the street.

JOHN BICKELL, of the City of Quebec, in the District of Quebec, Assistant City Treasurer, aged above twenty-two 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 to, nor in the service or domestic of either of them; or interested in the event of this suit. On Saturday evening, the sixth of November last, to the best of my recollection, I was going in to the Cathedral and when I got inside of John's Gate of this city I saw a crowd of people collected, I asked what was the matter, when some one in the crowd said Mr. Barrow's horse was killed and that he was very severely injured; I enquired of the crowd where he had been taken to, and they said to Mr. Bickell's, I went there and saw him; but before that I saw his horse upon a truck with one of his legs broken. He was then quite dead. I am Major in the Militia Active Force. I have driven to the country with Mr. Barrow on one occasion to Frampton and on another to Crumboire. The larger portion of the roads to these places are very bad. I thought the horse upon those occasions an admirable horse, and the driver, Mr. John Barrow, an excellent driver and exceedingly careful, much more than I would have been myself. The Plaintiff is Adjutant of the foot company of Militia Artillery active force, and as such under my command. From my position in the Force I know that all Adjutants are entitled to keep a horse and are exempt from paying taxes for the horse. On field days I was present when Mr. Barrow used his horse. He appeared to be well trained and stood far remarkably well. A horse being trained in this manner makes him more valuable. I occasionally passed St. John's Street, without, opposite March during the months of October and November last. I thought it more remembered than ordinary, I passed beyond what I considered to be the half of the street. March's house in the second house in the second block outside St. John's Gate of this city. I live in St. George's Street, St. John's Suburbs, and generally turn down, to go home, by the second street, between Stokes and Falkington's corners. I was in the habit of going home at least twice a day. As it was none of my business I did not pay particular attention to the manner in which the street was encumbered. I went down with the Plaintiff from Mr. Bickell's to his brother's on the night of the accident and when we reached the brother's we took off his things and rubbed his shoulders and neck, to remove pains that he complained of in those localities. I think it was with arms we rubbed him. Mr. Barrow's head was bandaged and there was blood running down from under the bandage.