

No. 5226 Equity

it there had been a general, draining out of the various, attached to and evidently in use in the running of the Mill, and it was apparent, to my mind, that it had been swept and garnished; in fact Mr. Todd, did not deny but told me he had taken it, but, claimed, that were not fixtures. Q. & A. Was not the large bin you speak of removed prior to the day of sale, and at the time when the wall was repaired?

Ans. A large bin may have been removed, but, the bin, I speak of was removed between the 11th & the 20th of September.

Q. & A. Did you see the bin you speak of, on the 11th of Sept. and if so, where was it, then located, and situated?

Ans. To the best of my recollection, it was on the lower floor of the Mill. I remember particularly that the lower floor was pretty well filled up, on the day of sale, whereas, on the 20th it seemed to be entirely empty, whereas, on the 20th numerous appointments had been removed, I think, on the 20th there was a small bin, sitting on the 2^d floor in the N. E. corner, that seemed to be detached and, if I remember, correctly, on the 11th Mr. Todd did say something about a bin having been detached, I think it was, saying if I remember, correctly.

Q. & A. Was the bin, that you speak of as on the first floor set up, ready for use on the day of sale?

Ans. That I don't remember, I don't think it was, because Mr. Todd said a had been removed in repairing the wall. Q. & A. Thus, are you enabled, to state that the bin you speak of as being on the lower floor, was in the Mill, at all, on the day of sale either as set up complete, or in pieces?

Ans. My recollection is, that the bin was intact. It was simply detached from that which held it, and lying on one side and to one side, on the day of sale, that is, the best of my recollection. I know that the lower floor was very much crowded, on that day and I furthermore know that on the 20th it was almost entirely bare. Q. & A. Did not that which was on the lower floor, on the day of sale, consist for the most part, of lumber, that had been brought here in connection with the repair of the wall, scaffolding, &c.

Ans. I remember any evidence of scaffolding, and can't conceive what would be used for on the floor of the Mill, remote from the breach in the wall, and do not see how it could have been used near the breach among the wheels, Machinery and gearing of the Mill, I suppose from the structure, and the position of the overshot wheel, that the work must have been done from the inside, whereby placing boards along on the gearing. That I don't know positively because I did not see the work done, and only speak from the nature of things.

Q. & A. You have said in your Examination in Chief that the Elevator was removed. Will you please state what you mean by the Elevator.

Ans. It was told to me by Messrs. Todd, and Stone on the day of sale, that a certain upright, trough-like appointment of the Mill was an Elevator in which concluded that when the grain was delivered in the lower part of the Mill it

Testimony

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