

Cross-examined by Mr. Stuart, he returned the same papers which Mr. Pyke delivered to him; they were never out of his possession until he returned them to Mr. Pyke. Nobody had access to them; he did not take a copy of them. He filed a Petition on behalf of Mr. Grant, stating his intention to proceed by an "*Inscription en faux*;" and got from Mr. Pyke copies of the two Receipts which were served upon Miller. He did take a memorandum of the contents from the originals upon filing his Petition. The Court granted "*Aste*," and ordered the Defendant, Miller, to appear in Court within 3 days to declare whether he intended to use the two Receipts or not. The next day, Mr. Stuart declared in Court that the Defendant did not mean to make use of them, and prayed leave to withdraw them from the files. The Receipt marked A. was one of those upon which he, the witness meant to found the "*Inscription en faux*." He does not remember whether there were any other persons in the office, when Mr. Pyke delivered them to him from his Table; but is sure, he received them the same day they were filed.

Mr. Keable, Serjeant, was then called and sworn; he said that he had resided in Quebec 15 years, and knew the Prisoner the whole of that time. He had been frequently employed by him to make up his accounts; and did make up for him, an account current, with Mr. Grant, in December 1792. *An account was here produced to him, upon which he said*, that the body was of his own hand-writing; and that the Signature to it, was that of George Miller, the Prisoner, at the Bar. He knew his hand-writing, had often seen him write. He had made up that account for the Prisoner either in December 1792, or January 1793. At the time when he made up the account, he saw the Receipts to which an *Item* in the account current charging Mr. Grant, with "£45 16 for rent as per receipts" alludes; they were two in number. He believed that he did indorse upon one of them, the sums contained in both, and added them together on the back: (here the receipt A. was exhibited to him;) he believed the indorsement thereon to be of his hand-writing; but it was so covered with ink that he could not positively say. He was desirous to take it to the window and examine it, which he did; and he then swore that he believed it to be his hand-writing; he had not a doubt of it, and that the indorsement was made by him at the very time he made up the account. He was sure that it was not made at any time after the year 1792. (The second marked B. was then shown to him,) and he swore that he verily believed it to be the other Receipt referred to in the above mentioned *Item* of the account current; that the date which the Receipt A. now bears "21 July

1802" was not upon that paper when he made up the account; but the Receipt was at that time signed by Mr. Grant. He does not recollect whether there was, or was not another date; but if there was a date, it certainly was not the date which it now bears.

The Witness here read the indorsement, viz: "*Receipts on account for rent St. Roc fields.*"

£ 25
20 16

£ 45 16

and added that it was in his own hand writing, that the Prisoner was present when he made out the account current, and that it was the only one he ever made for the Prisoner against Mr. Grant. *Cross Examined by Mr. Ker*. He had been long in the habit of doing business for Mr. Grant, almost ever since he had been in the Country. The Prisoner had rented the Mills of St. Roc from Mr. Grant, for 12 years; and had made many payments. The *Item* in the account current, alludes to two Receipts; he did not know whether the Prisoner paid the money or not, at that time. The Receipts were in his (the Prisoner's) possession. He could swear, there were but the two Receipts; but he could not say that there might not have been room enough upon the same paper, to write two Receipts. In the course of business, it was very possible that he might have indorsed other Receipts in the same way; but he did not recollect to have indorsed any other. It was at the time of making up the account, that he made the indorsement. He could not say at what time the money was paid, except from an entry in Mr. Grant's Cash Book, which, he, the Witness, did not make. He received the Receipts from the Prisoner at the time of making up the account; and can swear to three or four of the words in the Indorsement: they are very legible; the figures are also very legible. There is no date to the indorsement. He said he did know the hand-writing in which the date to the Receipt was written; but that it was not Mr. Grant's hand-writing, with which he was well acquainted.

William Grant, Esquire, was next called and sworn.

Mr. Ker and Mr. Stuart, for the Prisoner, objected to Mr. Grant's being examined: they argued that he was not a legal Witness; that he was charged in the indictment, to be the person whom the Prisoner intended to defraud, and was therefore interested; that it was settled that the person whose name is charged to be forged, is not an admissible Witness to prove the forgery. In support of which,