

11 were reversed ; 1 was reformed ; 1 was modified.

AGAIN:—8 were confirmed unanimously ; 2 were reversed unanimously ; 1 was modified unanimously. In 8 there were two dissenting Judges ; in 3 there was one dissenting Judge.

Thus out of 22 judgments, 11, or exactly half, were unanimous, probably a larger proportion than usual. In 8 cases there were two dissenting judges, thus rendering the decisions of the three forming the majority of little value as precedents, especially when the remarkable fact is taken into consideration that of the 8 judgments in which there were two dissenting judges, 6 were reversals, and one a reformation of the judgment of the court below. Thus, including the judge of the court below with the two dissenting judges who thought the judgment should be confirmed, we see the vote stand 3 to 3 in all these 7 cases.—Several of these involved questions of fact only, and Mr. Justice Meredith intimated his regret that judgments should be reversed where it was simply a question on which side very evenly balanced evidence preponderated.

A DARING FORGERY.

The forgery mentioned in the case of *Wenham v. Banque du Peuple*, reported in this number, is such an extraordinary instance of daring and successful crime, that it may be interesting to advert to some particulars not mentioned in the judgment. During the summer of 1863, Joseph Wenham, Esq., broker, of Montreal, had occasion to be absent from town for several weeks. On his return, having drawn cheques upon two banks at which he had deposits, he was surprised to learn that there were no funds. On enquiry it appeared that during his absence three cheques, purporting to be signed by Mr. Wenham, had been presented at the banks and had been paid. One of these cheques was on the London and Colonial Bank, for \$94, dated 4th August, 1863 ; the other two were on the Bank of Upper Canada, one for \$491.15, and the other for \$49.13, both dated 17th August, 1863. The signature to

these cheques was so exact an imitation, that those who had been for many years acquainted with Mr. Wenham's hand writing could not with certainty distinguish the forgeries from genuine signatures. It was observed as a rather curious circumstance that certain figures occurred in these and all the forged cheques mentioned below. The matter was referred, we believe, to the manager of the Commercial Bank and the cashier of Molsons Bank, who caused an advertisement to be inserted in the daily papers, requesting information from any person through whose hands the cheques might have passed. Mr. Wenham's high personal character caused his assertion that the cheques were forgeries to be readily received. The money was paid over ; and there the matter rested, no information being obtained to clear up the mystery.

It was subsequent to this that a second series of forgeries took place, giving rise to the legal proceedings. In the fall of 1864, Mr. Wenham happened to have deposits at four banks. These deposits were merely temporary business deposits, his standing account being at a fifth bank. On the same day a cheque was presented at each of these four banks, purporting to be signed by Mr. Wenham, payable to the order of his associate, Mr. Simpson, and in each case for a sum very nearly the same as that on deposit. The cheques were all paid without any suspicion being awakened, and all turned out to be skilfully executed forgeries.—The carrying out of this daring scheme required an exact knowledge of the contents of four different bank books, within a brief interval before the presentation of the cheques. After the first forgery, Mr. Wenham adopted the precaution of making his cheques payable to the order of Mr. Simpson, his associate or partner in his brokerage business, but on the second occasion both names were forged with equal adroitness. The heaviest sufferer by the second forgery, the Banque du Peuple, thought proper to resist payment, and allowed an action to be brought by Mr. Wenham for an amount equal to that of the forged cheque. It was in this case that Mr. Justice Monk pronounced the decision reported elsewhere.