

Four other witnesses have been examined, who are also perfectly familiar with McCready's signature from having seen it many times. His two brothers, also Gougeon and Mullarky, all swear in the most positive manner that the signature in question is not defendant's signature, and they show notable differences which exist between the veritable signature of defendant and the one in question.

In this case at least 300 genuine signatures of defendant have been exhibited, and if we proceed by comparing the writing, I do not see how it can be possible for any misunderstanding as regards the nature of these signatures. Four notes besides the one in question in this case have been produced and repudiated by McCready. The signature on the five notes were evidently done by the same hand and have such a striking resemblance in them that one could almost say they had been lithographed. On the contrary, in all the veritable signatures of McCready, there are differences that are remarked in all genuine signatures. The principal and notable differences between the genuine signatures and those repudiated, consist in the following: In writing his signature, the defendant McCready writes "Robt." without lifting his pen, and this is invariable in all his signatures, except when his pen had not enough ink or else caught in the paper, which is very visible. In the repudiated signature, the letter "R" is formed by two strokes of the pen.

In the genuine signature the "M" is formed without lifting the pen. In the repudiated signatures the "M" is formed by several strokes of the pen. In the true signatures the marks under the small "c" in "McC" are all made from left to right, *i. e.* starting from the side of "M" and finishing on the side of "c." On the contrary, in the signatures that have been repudiated, these marks are all made from right to left, and by a stroke of the pen directly inclined to the left side, *i. e.* starting from the side of the "C" and going to the side of the "M." In the genuine signatures the word "Cready" is written without lifting the pen, and this invariably. In the rejected signature on the contrary the pen stopped after the letter "a," and then commenced a new stroke of the pen to form the "d." The formation of the two last letters "dy" is also most characteristic in the genuine signatures—it never varies in its most essential character. These letters are very differently formed in the rejected signatures. In the genuine signatures there are, with one or two exceptions, a dot under the "t" in Robt., and there are not any in the repudiated notes.

The plaintiff's counsel insisted on the fact that there were considerable differences in the different genuine signatures of the defendant McCready. This fact is undeniable; there is perhaps not a man who signs twice a signature identically the same. There are always some differences which depend either on the ink, the pen, the paper or the disposition of the person who signs or even upon the position he is in. But after examining and comparing attentively more than three hundred signatures of the defendant that are filed in this case, one is easily convinced that they have altogether prominent characteristic resemblances and in these the repudiated signatures essentially differ.

The main distinctive character of the defendant's signature is that it is of an irregular hand, and sometimes trembling, while on the contrary the distinctive character of the repudiated signatures is that they are made by a steady hand and by a person having a good knowledge of handwriting. I find besides in the rest of these differences between the different signatures of defendant, the proof that they are true; I find, on the contrary, in the resemblance of the repudiated signatures to each other, the proof that they are imitated. A similar view was taken by Judge Howell in a celebrated case before the Courts in Louisiana in a case relating to the estate of John McDonogh; he expressed himself as follows:—"All the witnesses agree that no two genuine signatures of an individual are ever exactly alike, while some of them make it appear that the unusual similarity in this instance can be caused only by tracing"—18 n—La Rep—119."

An expert, Dr. Baker Edwards, was examined; he had photographed some of the genuine signatures of the defendant, and some of the repudiated signatures, and after examining these different signatures, he is of opinion that the repudiated signatures, and among others, the one in question in this case, are not the true signatures of the Defendant. Besides this formal proof made by witnesses who know the defendant's signature, and that made by comparison of writings, there is the one made by the witness Booth, of the repeated admissions made by the defendant Seath, recognizing that the note was forged. Booth swears in effect that about the 14th September last, at the time the first difficulty relating to these notes arose, Seath recognized that the note that was then presented by the Union Bank was false, and that later he recognized that there were notes forged to the amount of about \$10,000. An attempt was made to attack the credibility of the witness Booth. Counsel weighed heavily on the fact that Seath would not have admitted that these notes were forged.