

nine the Receipt minutely, so as to know the exact sum; there were several Bons for Bran, which were also given to him by the Prisoner, subscribed with the name "Wm. Grant;" there were more than 30 or 40; he could not say the precise number, he made them up into bundles and marked on the back of each bundle the number which it contained. He was not positive to which of the Prothonotaries he delivered the Paper; but believed they were both in Court at the time.

In answer to a question put to him by the Court Mr. Stuart said, that the Receipt of 21st July 1802, was given to him by the Prisoner with others to be filed in the Cause of *Grant vs Miller*.

George Pyke, Esq. was then called and sworn. He said he was one of the Prothonotaries of the Court of King's Bench, and attended in the discharge of his duty in the February Term last. He recollected that several papers were filed by Mr. Stuart on the 4th February last, in the Cause of *Grant vs. Miller*; and from a Mark [A] in his hand writing; on the paper shewn to him (the Receipt in question) he believed it to have been one of them; he delivered it with others in communication to Mr. Taschereau, who was of Counsel for the Plaintiff. He could not say whether he delivered it in the same state in which he had received it: he had not particularly examined it when he delivered it. He delivered it in the office, to Mr. Taschereau, the day upon which it was filed; about two hours after the rising of the Court. He did not think he had been absent from his office in the interim; to the best of his belief, he delivered the Papers in the same state in which he received them. The receipt was one of the 5 filed by Mr. Stuart, they were also attached by a small ribbon to a piece of paper which served as a cover. On the back of the cover, Mr. Stuart had marked "filed by the Defendant, 4th February, 1803;" to which he subscribed his initials, G. P.; He delivered the 5 Receipts so attached to Mr. Taschereau, but at that time he had not examined the contents of them. He had only counted them, to see if the number was right. He does not recollect that they were returned to him till the 7th, when Mr. Taschereau informed the Court, that he meant to proceed by an "*Inscription en Faux*," against two of the Receipts; they were all returned to him at that time. He then noted upon the Minutes the Date of the two Receipts. He marked one of them which is the Receipt now in question, with the letter A; the other with the letter B. The Paper (the Receipt A) now exhibited was one of them. Mr. Taschereau did not file an "*Inscription en Faux*" because upon his Motion a rule was obtained upon the Defendant, to appear in Court, and to declare whether he

meant to make use of the Receipts or Not. Mr. Stuart his Counsel, the next day declared that he did not intend to make use of them, and obtained leave by consent to withdraw them. It was then that the Witness marked the two Receipts with the letters A & B. The paper now in question is marked A, (he here read the Entry from the Minutes, and an order made by the Court on the 12th February to this effect, viz. that the said exhibits "A. & B. be impounded in the hands of the "Prothonotaries, to be delivered to His Majesty's Attorney General, for such proceedings thereon as he shall think fit."

Cross Examined by Mr. Ker.—He did not examine particularly the Receipts at the time they were filed; but examined them particularly when they were brought back by Mr. Taschereau. It was customary to mark every Exhibit individually, at the time it was filed, but from the circumstance of these Papers being attached together, he at first had marked the cover only. They were not sealed together with wax; the ribbon was run through them and tied in a knot. The Counsel for the Prisoner did move to withdraw the Papers, as he did not intend to make use of them. He, the Witness, obtained his knowledge of the Paper in question, when he marked it A. He could not swear positively that it was one of those which he received from Mr. Stuart, but could swear that the Papers which he did receive, he delivered to Mr. Taschereau; but he could not swear that those which Mr. Taschereau had delivered back were the same, which he Mr. Taschereau had received. The Papers were in the custody of the Witness; many persons had been back and forwards in his office; Gentlemen of the Bar in particular. The papers were laid on the Table, where the Witness was writing; it was impossible for him to say they were so much in his custody that no body could have touched them.

Thomas Taschereau, Esq. sworn; he was of Counsel in the cause of *Grant vs Miller*, in February last; was in Court when Mr. Stuart, for the Defendant *Miller*, filed certain papers; immediately after the Court, he applied to Mr. Pyke for them, and was told they were not yet paraphrased. He applied again soon after, within 3 hours; Mr. Pyke then gave him some of the papers filed by Mr. Stuart; he received them in the Prothonotary Office, between 3 and 4 P. M. within three hours after the rising of the Court. He examined the paper now shewn to him (the Receipt A.) when he received it from Mr. Pyke, it then bore the date now upon it. He returned it to Mr. Pyke without alteration; he shewed it the same evening to Mr. Grant, but it was never out of the witness's possession.