

Ferguson did any more in the Prothonotary's office than an Attorney or an Attorney's clerk would do. I can't say that Ferguson did not fill up the blank writs which he has used, in the office of King & Barss. I remember the Judge used the word Broker.

(Sgd.) JAMES J. RITCHIE.

THOS. RITCHIE:—On more than one occasion I have seen Mr. Ferguson come into the Prothonotary's office and issue writs, and pay for them, signed by King & Barss. On one occasion I saw him issuing a writ which I believe to be altogether in the handwriting of Mr. Ferguson, signature and all. Subsequently I inquired and found that the fees upon the executions were charged to Mr. Ferguson (in the Sheriff's office). The Sheriff showed me an account in the name of Ferguson; the fees were charged to him and paid by him. 10

Cross-examined by Mr. KING:—Plaintiff's name in the suit I refer to was Cunard & Co. The writ was issued in the name of Franklyn.

THOS. RITCHIE.

D. ARCHIBALD, Sheriff, examined by J. J. RITCHIE:—I keep an account with King & Barss, and a separate account with Ferguson. [Produces book from Sheriff's office]. When King & Barss bring writs, the fees are charged to King & Barss; when Ferguson brings them, they are either charged to him or paid for by him at the time. [Shows a number of entries where entries are made to Ferguson, others to King & Barss]. I make the charges under instructions from the parties at the time. If Ferguson brought a writ up and said nothing, I would charge it to him. In cases of execution where there is an order to arrest, I get instructions from Attorneys. When I collect for Ferguson, I take receipt King & Barss, per Ferguson. 20

Cross-examined by Mr. KING:—I got no instructions from King & Barss to keep accounts in this way. I continued the accounts as I found them. I did not know from King & Barss that Ferguson was acting any differently for them than Mr. Frye was for Meagher, Chisholm & Drysdale. I have rendered bills to Ferguson, also to King & Barss. Ferguson told me that he was acting for King & Barss. I got instructions from clerks in other offices the same as I got from Ferguson, but I never made charges to the other clerks. Monies collected under executions are credited to King & Barss. In cases where there are only fees to charge, where Ferguson brought the writ the charges were made to him; he instructed me to do so. I never told King & Barss that I had separate account against Ferguson. Mr. Ferguson almost always paid at the time. Mr. Ferguson pays his account, and King & Barss pay theirs. 30

(Sgd.) DONALD ARCHIBALD, Sheriff.

WEDNESDAY, March 11, 1885.

PRESENT:—J. N. RITCHIE, Prest.; H. McD. HENRY, C. S. HARRINGTON,
J. Y. PAYZANT, ESQRS.
E. D. KING and W. L. BARSS, Defendants.

C. E. CRAIGEN, examined by FERGUSON:—Ferguson has been issuing writs since July, 1883, after he left Mr. Hunt. Mr. Ferguson brings writs in his own handwriting, signed King and Barss, and sometimes E. D. King. When time is up he enters judgment and 40