

possibility of the accused obtaining that cheque and the other 2 cheques, the evidence can't be anything else but circumstantial. No one saw the cheques in his possession. No one saw him take the cheque. And in conclusion I submit that the court must first consider whether the evidence as to the cheques ever being in his possession is strong enough and secondly the court must be satisfied that the writing on the cheques is that of the accused.

PROSECUTOR SUMS UP: -

The case that we have before us, is a case of forgery. Capt. Scott has gone to some length in dealing with some points that would be concerned with uttering forged cheques. There is no charge of that, the charge as read is forgery. Somebody writes a signature or has written on a document and then has committed forgery. Now what we had in this case were four cheques which you had before you. Those four cheques in turn along with specimens of handwriting were submitted to the handwriting expert, Mr. Gurin, who has no concern in the matter whatever other than to compare these hand-writings. Mr. Gurin has tremendous experience in affairs of this kind and he has given his decision with comparative tables that the handwritings of the specimens was the same handwriting as found in the body of the four cheques. We have the 513 form, we have form 108. First of all the accused when closely examined on them was somewhat hesitant about acknowledging the signatures and finally came across and acknowledged that they were and when he was asked to give a little sample of his signature he distinctly makes a 7 and draws it like a curved line. Distinctly different than his signature. In other words along with the handwriting of different names given in court when one signature he makes does not begin to concur, finally acknowledges it to be his after a little persuasion. I submit to the court that on the exhibit of the accused, disguised handwriting was given. I refer to the names given to him to write, the slowness and distinct disguised "T.J. White". We have the first 2 exhibits I and J and exhibit K on this poem "C'est la Guerre". We have Major Reid's evidence that the accused did some writing in his room. We kept a writing pad there and from the writing pad got this poem, I leave it to the court. We have evidence of the expert that it is the same writing as I and J. It is realized by the court that in a case like this if you have reason to believe that in the case of forged cheques to suspect some person of doing that forging and go and ask them is inviting disguised handwriting. The next step was taken to find out the samples of handwriting. We have it, Major Reid secured the poem "C'est la Guerre" from the writing pad from his room where the accused was accustomed to writing letters. The accused says he did not write letters in his room. I leave that to the court to decide. We have exhibit F. The accused declares he never saw it before in his life except at the summary of evidence. We have two parties, Mrs. Hamilton and Schriver, who the accused said were on good terms, no reason to have anything against him but denies all knowledge about a discussion on train schedules and that this discussion did take place. The accused took this train schedule from his pocket and produced it and gave it to Mrs. Schriver. He now disclaims all knowledge of it. There are two witnesses that say he did. That is another specimen to compare, it has similar writing to the cheques. Exhibit G. The accused disclaims all knowledge of Exhibit G. I point out the notes in handwriting. The accused is familiar with the minister of that locality whose names appears on it. "Salvation Army" is on the top of one of the pages. He claims he was in the Salvation Army before. He knows the minister comes from Newcastle. All of a sudden he disclaims everything. I submit and leave it to the court that the accused has presented a little picture of provocation all along the line, first with his own signature on the 513 form, exhibit I and J. In the first place he didn't want to acknowledge it, finally he was forced to acknowledge it. I submit evidence of fraud in the cheque, that the cheques went direct to the bank, were cashed, payment given for them, the handwriting upon them shown by the expert witness to be similar, forgery has been committed in this particular case by the accused.