

## UNITED STATES v. BROWN.

{3 Cranch, C. C. 268.}<sup>1</sup>

Circuit Court, District of Columbia. Dec. Term, 1827.

## WITNESS—FORGERY—PERSON WHOSE NAME IS FORGED—ORDER.

1. The person, whose paper is forged, is a good witness for the prosecution.

[Cited in *U. S. v. Anderson*, Case No. 14,452.]

2. The following is “an order for the payment of money, or delivery of goods,” within the second <sup>1247</sup> section of the Maryland act of 1799, c. 75, namely: “Mr. E. M. Linthicum will please let the bearer, John Brown, have such articles as he may choose on my account, to the value of thirty dollars; also twenty dollars in cash, and oblige his friend, Henry Tayloe. For Col. John Tayloe. Washington City, 24th December, 1827.”

[Cited in *Garmier v. State*. 104 Ind. 445, 4 N. E. 55; *Long v. Straus*. 107 Ind. 103, G. N. E. 123. and 7 N. E. 700.]

Indictment for knowingly uttering as true, and with intent to defraud E. M. Linthicum and John Tayloe, the following forged order, namely: “Mr. E. M. Linthicum will please let the bearer, John Brown, have such articles as he may choose, on my account, to the value of thirty dollars; also twenty dollars in cash, and oblige his friend, Henry Tayloe. For Col. John Tayloe. Washington City, 24th December, 1827.” The said Henry Tayloe was offered as a witness, to prove that it was not his signature.

Mr. Bradley, for the prisoner, objected that the party, whose name is forged, is not a competent witness for the prosecution. Archb. Cr. Pr. 96.

THE COURT (THRUSTON, Circuit Judge, absent) overruled the objection, and suffered the witness to be sworn and examined.

CRANCH, Chief Judge, mentioned the case of *U. S. v. Peacock* [Case No. 10,019], in this court, at

December term, 1804, in which Mr. Sloane, a member of congress, was permitted to testify that the signature James Sloane, upon the forged bill, was not written by him.

Mr. Bradley then objected that the forged paper was not such an order for the payment of money, or delivery of goods, as was intended by the second section of the Maryland act of 1799. c. 75, and cited 1 Leach, 134; Williams's Case, Id. 114; and note to Lockett's Case, Id. 95.

THE COURT (THRUSTON, Circuit Judge, absent) overruled the objection, on the authority of *U. S. v. Bates* [Case No. 14,542], in this court, in June, 1810; but told Mr. Bradley that he might avail himself of it, on motion in arrest of judgment, when the point might be fully considered. Cur. ad. vult.

At May term, 1828, THE COURT overruled the motion in arrest of judgment, and sentenced the prisoner to fine and imprisonment.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]

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