

Case No. 15,255.

UNITED STATES v. GREEN.

[2 Cranch, C. C. 520.]<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1824.

FORGERY—REQUEST TO LEND MONEY.

A written request to lend money may be the subject of forgery at common law.

Indictment [against James Green] for forging “a certain paper writing purporting to be a request or order upon one R. Woodward for the loan of money, and to be signed by one John Duley, with the name of the said John Duley thereunto affixed, the tenor of which paper writing is as follows, to wit:—Georgetown, October 19, 1824. Mr. R. Woodward, Sir, would you Be so kind as To lend me ten or. 15 Dollars And Eye will call And settle with you on the 20th. John Duley.”—with intent to defraud the said R. Woodward, otherwise called Roswell Woodward, against the form of the statute in that case made and provided, and against the peace and government of the United States.” The defendant pleaded guilty. But THE COURT, having some doubt whether it was forgery either at common law or under the Maryland act of 1799 (chapter 75, § 2), took time to consider. That act has the words, “any warrant or order for payment of money.”

THE COURT (THRUSTON, Circuit Judge, absent), decided that this was not a warrant or order for the payment of money, and therefore not within the statute of Maryland; but that the indictment was good as an indictment for forgery at common law, upon the following authorities: *Rex v. Ward*, 2 Ld. Raym. 1461, and the cases there cited, namely *Rex v. Stocker*, 5 Mod. 137, 1 Salk. 342, 371 (which was an indictment at common law for forging a bill of lading, and which was adjudged bad on demurrer because the charge was in the alternative,—namely, that he forged or caused to be forged; but no exception was taken to it because the offence was not forgery at common law); *Rex v. Ferrers* 1 Sid. 278 (forging an acquittance for 7 lbs?); *Farr’s Case*, T. Raym. 81 (a warrant of attorney); *Dudly’s Case*, 2 Sid. 71 (the entry of a marriage in the register of marriages); *Savage’s Case*, Style, 12 Getters of credence for collecting money); *Rex v. Deakins*, 1 Sid. 142 (for counterfeiting a protection in the name of Sir Anthony Ashley Cooper, as a member of parliament, when he was not); *Reg. v. Yarrington*, 1 Salk. 406 (for forging a letter); *Rex v. Ward*, 2 Ld. Raym. 1466 (for forging an indorsement on the back of a certificate).

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