

Case No. 15,454. UNITED STATES v. JACKSON.
[4 Cranch, C. C. 577.]¹

Circuit Court, District of Columbia.

March Term, 1835.

COMPETENCY OF WITNESSES—FORGERY.

The person, to the prejudice of whose right a forgery is averred to be, is a competent witness to prove the forgery. So, also, is the person whose receipt is averred to be forged.

Indictment [against William Jackson] for forging a bill and receipt of Polkinhorn & Campbell against Major William T. Barry, of eight dollars and fifty cents, for a trunk, by altering the amount, which was originally \$6.50 to \$8.50. The deposition of Major Barry had been taken by consent, provided he could be a competent witness, and was now produced by Mr. Key for the United States.

Mr. Brent, for the defendant, objected that he was interested; and cited the case of U. S. v. Anderson, in this court, in November term, 1834 [Case No. 14,452], and the cases there cited.

THE COURT (nem. con.) decided, that Major Barry was a competent witness, and his deposition was read.

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Mr. Key then offered Messrs. Polkinhorn and Campbell. Mr. Brent objected.

But THE COURT overruled the objection, and they were examined.

The indictment charged the forgery to be to the prejudice of the right of the said W. T. Barry, and with intent to defraud him, under the eleventh section of the penitentiary act of 1831 [4 Stat. 449].

¹ [Reported by Hon. William Cranch, Chief Judge.]