

Case No. 15,484. UNITED STATES v. JOHNSON.
[1 Cranch, C. C. 371.]¹

Circuit Court, District of Columbia.

Dec. Term, 1806.

CRIMINAL LAW—EXAMINATION OF JURORS—COMPETENCY OF WITNESSES.

1. The court will not ask a juror, before he is sworn, whether he has formed and delivered any opinion as to the case; but leave the party to challenge for favor.
2. A witness is not competent to testify as to the similitude of handwriting, who has only seen, for a few minutes, papers acknowledged by the defendant to be in his handwriting.

[Cited in *Talbott v. Hedge*, 5 Ind. App. 560, 32 N. E. 788.]

Indictment [against Jeremiah Johnson] for forging a check on the Office of Discount and Deposit at Washington, the said office being a bank established under a charter from the government of the United States. The indictment was under the act of Maryland, November, 1797, c. 96, § 2.

UNITED STATES v. JOHNSON.

F. S. Key, for the defendant, requested that the jurors might be asked whether they had formed and delivered any opinion upon the case.

THE COURT (DUCKETT, Circuit Judge, absent) refused to suffer the question to be asked, saying, that if the defendant wished to challenge the jurors for favor he might do so.

Mr. Alexander, a witness for the United States, upon being asked by the court what knowledge he had of the handwriting of the prisoner, said that he had, as a justice of peace, seized a book of accounts, which the prisoner acknowledged to be in his handwriting; that he examined the handwriting in the book, which he had in his possession only about fifteen minutes; that he also saw, in Mrs. Cassin's possession, a piece of writing which the prisoner acknowledged to be his; and had, since the prisoner was confined in jail, received two notes from the prisoner; that his only knowledge of the prisoner's handwriting was derived from those circumstances; that he could only swear that the check was like what he had seen.

Key & Dorsey, objected to this testimony, and cited McNal. Ev. 417, (Yates's opinion;) and Peake, Ev. 67.

Mr. Jones, contra, cited Esp. 144; 1 W. Bl. 384.

THE COURT said that Mr. Alexander's testimony was not evidence of the handwriting of the prisoner.

Verdict, not guilty.

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