

**Case No. 15,565.** UNITED STATES v. LARNED.  
[4 Cranch, C. C. 312.]<sup>2</sup>

Circuit Court, District of Columbia.

May Term, 1833.

HANDWRITING—COMPARISON.

Where the witness has acquired a knowledge of the handwriting of the prisoner, by having often seen him write, &c., it is competent for him to compare the paper in question with the genuine handwriting of the prisoner, and to state his belief resulting from both sources.

Indictment [against Joseph Larned] for forging a certificate of freedom. Upon the trial, a witness, Mr. Keller, stated that he was acquainted with the handwriting of the prisoner. That about three years ago he and the witness wrote in the same office. When he first saw the paper, if the prisoner's name had not been mentioned, he would not have said, at once, that it was his writing. If the prisoner's name had been mentioned, he would have thought it might be his, but he could not have sworn to it. He took it to the books of record, written by the prisoner, and from the comparison, and a similarity and peculiarity in the form of his capital letters, he did and does believe the paper in question to be in the handwriting of the prisoner.

Mr. Taylor, for the prisoner, objected that this was evidence by comparison of hands, which is not admissible.

THE COURT (nem. con.) said, as the witness' belief was founded, in part, on his general knowledge of the prisoner's handwriting, and in part on his having compared it with the writing of the prisoner, the evidence must go to the jury with an instruction, that so far as the witness' opinion was founded upon the comparison, it was not evidence.

But THE COURT (nem. con.), upon consideration of the authorities cited in 4 Starkie, 651, Add. (Pa.) 35, and 6 Bin. 349, said that they were satisfied that where the witness has acquired a knowledge of the handwriting of the prisoner by having often seen him write, &c., it is competent for him to compare the paper in question with the genuine handwriting of the prisoner, and to state his belief resulting from both sources.

The prisoner was convicted, and sentenced to the penitentiary. [See Case No. 15,566.]

<sup>2</sup> [Reported by Hon. William Cranch, Chief Judge.]