

**Case No. 15,819.** UNITED STATES v. MORROW.  
[4 Wash. C. O. 733.]<sup>1</sup>

Circuit Court, E. D. Pennsylvania.

Oct. Term, 1827.

COUNTERFEITING—PASSING THROUGH AGENT—RESEMBLANCE TO GENUINE MONEY.

1. Proof of passing, or attempting to pass counterfeit money by an agent, employed by the defendant for that purpose, is the same as proving the acts to have been done by himself.

[Cited in brief in *Biles v. Com.*, 32 Pa. St. 536.]

2. In a prosecution for passing counterfeit money, the jury should be satisfied that the resemblance of the forged to the genuine piece, is such as might deceive a person using ordinary caution.

[Cited in *U. S. v. Bricker*, Case No. 14,642; *U. S. v. Williams*, 14 Fed. 553.]

The prisoner was indicted for forging certain coins in the similitude of the half dollar coins, coined at the mint of the United States, and for passing and attempting to pass the same to defraud one John Sailor; these offences being stated in separate counts. The evidence of Sailor was, that a small boy, eight or ten years old, came to his store and purchased some articles, for which, he offered in payment, one of these forged pieces, being made of pewter; which he instantly detected to be false, and had the boy apprehended, and taken before the mayor. The prisoner confessed that he had employed the little boy to pass the piece, which had been offered in payment to Sailor, as well as other similar pieces, and was, by agreement, to give him one half Of the numerical amount of every piece he should pass. The court allowed evidence to be given that the prisoner had, on the same day, caused other forged money similar to that stated in the indictment, to be passed to other persons than Sailor, for the purpose of proving his knowledge of the forgery. 3 Chit. Cr. Law, 810, note W.

Mr. Ingersoll, U. S. Dist Atty.

Clay & Lauatt for defendant.

WASHINGTON, Circuit Justice, charged the jury, that if they believed Sailor, the offence of attempting to pass the forged piece was fully made out; as the attempt made by the agent of the prisoner, employed by him, was his attempt; and his contract with the boy, together with the other evidence, was strong to prove that he knew the pieces to be forged. But after all, the jury, before they can convict the prisoner, ought to be satisfied that the resemblance of the piece offered to Sailor to the genuine half dollar of the United States is sufficiently strong to deceive persons exercising ordinary caution. The piece attempted to be put off upon Sailor is of pewter, very light; and as it seems to the court, is, in all respects, a miserable imitation of the genuine half dollar. But the jury must judge for themselves.

Verdict, not guilty.

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END OF CASES IN BOOK 26.

<sup>1</sup> [Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.]