

UNITED STATES *v.* RUSSELL.

*Circuit Court, D. Massachusetts.*    October 31, 1884.

COUNTERFEITING—GILDING    OLD    ENGLISH  
SHILLINGS—INTENT—IGNORANCE OF LAW.

To change, by any kind of manipulation, silver, copper, or any other metal into the resemblance of some coin of the United States, or foreign coin, made current by law, or current as money in the United States, by gilding, electroplating, or any other process, or coloring it so that it resembles gold, is an indictable offense, under chapter 24, act of Congress, January 16, 1877; and a party so doing cannot excuse himself by showing what was his intention, or that he did not intend to use the coins he so made for fraudulent purposes, or that they should be so used by others, or that he was ignorant of the law.

This was an indictment under the act of January 16, 1877, *c.* 24, for falsely making, forging, and counterfeiting coins in the resemblance of gold sovereigns. It appeared in evidence that the defendant, who was a gold plater, plated with gold certain English shillings of the reign of George III., the result of which was that they closely resembled gold sovereigns, and were afterwards passed as such. There was no allegation in the indictment that the acts were done with intent to defraud, and it appears from the evidence that, in fact, the defendant had no such intent.

*Charles Almy, Jr.,* Asst. U. S. Atty., for the United States.

*A. W. Boardman,* for defendant.

WEBB, J., charged the jury as follows:

“The defendant stands charged with an offense under a law designed to protect the community against the circulation of spurious money. Questions of law are presented which are of great importance, and my opinion of which can be reviewed and corrected, but

not by you. You will take the rule which I give as correct.

“I instruct you as matter of law that to change, by any kind of manipulation, coin of silver, copper, or any other metal into the semblance of other coin by gilding, electro-plating, or any other process, or coloring it so that it resembles gold, is within the law. It must be made to resemble some coin of the United States, or some foreign coin, made current by law or current as money in the United States.”

After stating the facts, the judge further charged the jury as follows:

“Under this statute the unauthorized making or forging or counterfeiting coins in the resemblance and similitude of any foreign gold or silver coin which, by law, is current in the United States, or in actual use and circulation as money within the United States, is absolutely prohibited, and whosoever does the prohibited acts is subject to the penalties of the law. The only question is whether the accused did, in fact, forge or counterfeit such coins as charged against 391 him in the indictment. If he did, he cannot excuse himself by showing what was his intention, or that he did not intend himself to use the coin he so made for fraudulent purposes, or that they should be so used by others. Nor can he be excused on account of his ignorance of the law—that it did not allow him to do what he did.”

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