

unhappy situation of the Prisoner. It was true, the life of an old inhabitant, whom they had all known for years was in their hands; and his general Character might, perhaps, incline them in his favor. He had no objection that every advantage of this kind should be extended to him; he would only request the Jury to suspend their Judgment, until they had heard the evidence which he had to produce. "Give him," said the *Attorney General*, "the full presumption of innocence, to which at this moment he is entitled; but, at the same time, give to the evidence the weight to which that also is entitled; believe it to be improbable that the Prisoner has committed the crime imputed to him, but do not believe it to be impossible; follow in one word the rule of your duty, hear all that shall be offered in proof, without bias in his favor, and without prejudice against him, but decide, as your oaths require according to the evidence."

The *Attorney General* then stated, that the first Count of the Indictment charged, that, the Prisoner had forged a certain receipt or acquittance for money, with intent to defraud one *William Grant*, in these words:

"Recd. of Mr. George Millar  
Twenty pounds 16s. Cy. in part  
rent due 1st May last."

WILLIAM GRANT."

"July 21st 1802."

and that the second Count charged him with uttering the same receipt knowing it to be forged; he begged the Jury to remark, that to alter a writing and make it appear to have been done at a time when it was not done, and by that alteration to give, or attempt to give, it an operation which in truth and justice it ought not to have, was forgery. This was

precisely the case of the Prisoner: He had been a tenant of Mr. *William Grant*, for many years, they had also had considerable dealings together. In the course of last fall, Mr. Grant instituted an action in the King's Bench against the Prisoner for a balance of £130. due him, at that time. To this action the Prisoner pleaded payment of part, and in support of his Plea filed two Receipts: the one, that which was charged in the Indictment, purporting to have been given on the 21st July 1802; the other, a receipt for £25, purporting, to have been given, on the 1st of August, 1802. The last receipt would be produced, as they would see from the evidence, that it was connected with the other; but he should not offer any proof to shew that it was forged, as it was not at present the subject matter of inquiry; but with respect to the first, he should prove, that it was signed by Mr. Grant and given to the Prisoner, so long ago as the year 1792; and, had by the Prisoner, been charged in his account current of 1793, against Mr. Grant, and credited by him.

To substantiate this fact, which would prove the forgery, he should produce a witness, Mr. *Keable Sergeant*, to whom the Prisoner applied in the year 1793, to make up for him his account current with Mr. Grant; to him, the Prisoner then delivered the two receipts, with other papers; and from them, he made up the account: this witness could identify the receipt in question, more particularly, because at the time when he made up the account, he indorsed upon it, in his own hand writing, the amount of that and of the other receipt; which indorsement, was still visible, though an attempt had been made to obliterate it with ink; it was yet so visible, that the whole, or very nearly the whole was legible; the Witness could prove