whether he intended to make uſe of it and, if he ſays that he never had any ſuch intention and immediately withdraws it, which was the conduct of the Priſoner, the fyling can only be conſidered as a miſtake in the Attorney.

The *Chief Juſtice* ſaid that this objection could not prevail: if what Mr. *Ker* had urged, was in this inſtance the fact, it ought to have been proved; the Evidence was now before the Jury, and they muſt decide upon it. At the ſame time, he ſhould not do juſtice to the Priſoner's Counſel, if he did not ſay that the objection was extremely ingenious. The learned Judge, then ſtated to the Jury, that the altering as well as the making of a falſe writing, was forgery, and there could be no doubt that adding a date to a receipt and making it thereby import, that it was made ten years after it was made, in fact, with an intention to defraud an Individual, amounted to forgery; but there was no evidence he ſaid in the preſent caſe to ſhew by whom the alteration was made upon the Receipt in queſtion; that ſuch an alteration had been made no man who looked at the paper could deny; but that there was nothing which the Jury had heard in evidence, from whence the ſlighteſt preſumption could be raiſed againſt the Priſoner, there was nothing to ſhew that he had either forged, or cauſed to be forged, or had aſſiſted in the forging of the Receipt charged in the Indictment: he therefore directed them to lay the firſt Count of the Indictment aſide, and to confine their inquiry wholly to the ſecond Count.

The charge in that Count was for uttering a forged receipt for money, knowing it to be forged. The ſubſtance of the evidence, was (if the witneſſes were to be credited) that this receipt was given by Mr. *Grant* in 1792, that it was then in the priſoner's poſſeſſion, was charged by him againſt Mr. *Grant*, and credited by the latter; and from hence it was inferred that it could not of courſe have been made in 1802; and that the priſoner, muſt have known it: and therefore, if he uttered it, that he uttered it knowing it to be falſe and forged. As to the uttering, the Court he ſaid, had already declared that they had no doubt, that the fyling of the receipt was an uttering in law, and to enable the Jury to ſay whether it had been uttered knowingly, and with an intention to defraud Mr. *Grant*, he ſhould lay before them the evidence which had been given.

[*Here the learned Judge recapitulated the evidence with comments upon those parts which particularly affected the priſoner, either in his favor or againſt him.*]

He concluded, by obſerving that as it was evident that the receipt charged had been uttered by the Priſoner, their inquiry was reduced to two points 1ſt, whether the priſoner had uttered it knowing it to be forged; and 2dly whether he had ſo uttered it with intention to defraud *William Grant*; and if they were ſatisfied that theſe two points were againſt the Priſoner, they would find a verdict of Guilty; but on the other hand, if they were not ſatisfied on theſe points, they would ſay that he was, not Guilty. If the ſcale was equally balanced, they certainly ſhould incline to the ſide of mercy, for ſaid the learned Judge, it happens often "That what in pri-" vate is ſufficient to convince us that " a man is guilty of a crime, will " not ſatisfy the oath, or ſupport the " conviction, of a Jury."

The Jury after retiring for an hour, returned with their verdict "*Not Guilty.*"

*** *The unexpected length of this Trial and other circumſtances connected therewith, have prevented this number from being publiſhed at the uſual time.*