

Case No. 849. BANK OF ALEXANDRIA v. MCCREA.
[3 Cranch, C. C. 649.]¹

Circuit Court, District of Columbia.

Nov. Term, 1829.

BANKS AND BANKING—OVERDRAWAL OF ACCOUNT—EVIDENCE—CASHIER A
COMPETENT WITNESS.

1. The cashier of a bank is a competent witness to prove that the defendant has overdrawn his account.
2. Payment of a check is prima facie evidence, of funds.

[See *Bank of United States v. Washington*, Case No. 940.]

Assumpsit [by the Bank of Alexandria against John McCrea] for money overdrawn.

Mr. Swann, for the defendant, objected to the testimony of Mr. McKenna, the cashier of the bank, because he would be liable if he received the money and did not credit it.

THE COURT, however, (nem. con.) overruled the objection; because it was not attempted to be shown that the money was paid to him; and because, if it was paid to him, and he had not credited it, he would be liable to the defendant, or to the bank. THE COURT also said, that they had decided at Washington, in *Bank of United States v. Wilson*, [Case No. 943,] that the payment of a check by the bank was prima facie evidence of funds in bank to the amount of the check.

¹ [Reported by Hon. William Cranch, Chief Judge.]