

Case No. 1,751.

BOYD v. WILSON.

[2 Cranch, C. C. 525.]¹

Circuit Court, District of Columbia.

Dec. Term, 1824.

PATMEST—EVIDENCE—BANK BOOKS.

The books of a bank, which do not show whether the checks drawn upon it were payable to bearer or to order, nor the names of the persons in whose favor they were drawn, are not evidence of money paid to any particular person.

[See *Burch v. Spaulding*, Case No. 2,140; *Lowe v. McClery*, Id. 8,566.]

The books of the Bank of Washington were offered in evidence by the defendant [the administrator of H. M. Wilson], to show that a check for 8255, drawn by Wilson, was payable and paid to W. Boyd. J. H. Reiley, the book keeper of the bank, stated that the bank books did not show whether the check was payable to order or bearer, nor whether it was payable to the person whose name appears on the books as payee.

THE COURT (nem. con.) in conformity to their decision in the case of *Burch v. Spaulding*, at Oct. term, 3813 [Case No. 2,140], decided that the books of the bank were not competent evidence of the payment of the amount of the check to Boyd.

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