

Case No. 2,817a.
[Hempst. 213.]¹

CLARK ET AL. V. CROPPER.

Superior Court, D. Arkansas.

July, 1833.

ACTION BY ASSIGNEE OF NOTE—PBOOF OF ASSIGNMENT.

1. The assignment of a note must be proved on the trial to entitle the assignee to judgment.
2. The case of *Stroud v. Harrington* [Case No. 13,546a] cited and approved.

In error to Hempstead circuit court.

[At law. Action by Levi Cropper against John Clark and Allen M. Oakley on a promissory note. There was a judgment for plaintiff, and defendants bring error.]

Before ESKRIDGE and CLAYTON, Judges.

OPINION OF THE COURT. There is an error in the judgment of the circuit court In rendering judgment against the defendant without the production of any evidence to prove the assignment of the note on which the action was brought. The case of *Stroud v. Harrington*, decided at the January term, 1831 [Case No. 13,546a], is in point, and contains the reasons upon which this opinion is based. The time at which the assignment was filed up at the trial, we do not regard as erroneous. Judgment reversed.

¹ [Reported by Samuel H. Hempstead, Esq.]