

Case No. 3,161.

COOK v. HUNTER ET AL.

{1 Brunner, Col. Cas. 125;¹ 2 Overt. 113.}

Circuit Court, D. Tennessee.

June, 1809.

EVIDENCE—DEED OF GENERAL WARRANTY—TITLE PAPERS—CERTIFICATION OF PAPERS, SUFFICIENCY OF.

1. It is presumed, where a party holds under a deed of general warranty, that the title papers are in the hands of the warrantor, and the warrantee is not required to produce the originals, but may give in evidence certified copies.
2. A register may certify by his deputy, and the authentication is sufficient. It is immaterial whether the certificate be signed A. B. by C. D., deputy, or C. D., deputy, for A. B.

PER CURIAM. Where it is shown to the court that the party claims under a deed with a general warranty, the law presumes the title papers to be in the hands of the warrantor; and the warrantee is not required to produce them in evidence. Certified copies are sufficient. See 1 Reporter, 2 [National

Bank of Commerce v. Merchants' Nat. Bank, 91 U. S. 92].

Mr. White, who argued for the person offering the copy in evidence, relied on the practice in the superior courts.

The copy of the deed produced was certified by A. B., deputy register, for C. D., register.

Mr. Haywood, for the defendants, objected that it ought to have been certified by the principal register by his deputy, and not by the deputy for the principal.

PER CURIAM. This is a mere verbal criticism. The meaning is the same, either way. The general rule is that a person can do that by another which he can do himself. The register might by his deputy certify; and whether it is signed thus: A. B., register, by C. D., deputy register, or thus: C. D., deputy register, for A. B., register, is immaterial, for it means the same thing, viz., the act of the principal by the deputy, and is good.

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