

Case No. 6,666. HOOE ET AL. V. ALEXANDRIA.
[1 Cranch, C. C. 90.]¹

Circuit Court, District of Columbia.

April Term, 1802.

CORPORATIONS—AGENT—AUTHORITY OF—LIABILITY FOR INJURY.

In an action upon the case against a corporation aggregate for injury done by their agent, it is not necessary to prove that the agent had authority under the corporate seal—nor under an order entered on the books of the corporation.

Action on the case for filling up and raising the street, so as to obstruct the doors and windows of the plaintiffs' warehouse. The plaintiffs [Hooe and Harrison] produced Mr. Faw, a witness to prove that he was appointed street commissioner by the corporation [of Alexandria], and that he had orders from them to raise and pave the street.

C. Lee, for defendants, objected to parol evidence of those facts, and contended that the plaintiffs ought to produce an authority to Mr. Faw, under the corporate seal, or by an order entered on the books of the corporation.

But THE COURT overruled the objection.

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CRANCH, Circuit Judge, said that it could not be presumed that evidence of that kind was in the power of the plaintiffs; and that the jury might presume a power under seal from the facts proved.

{In Case No. 6,667, upon a verdict of one cent as damages, the court allowed full costs.}

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