

Case No. 7,227.

JARVIS ET AL. V. KENDALL.

{1 Hayw. & H. 237.}<sup>1</sup>

Circuit Court, District of Columbia.

April 18, 1846.

TREASURY NOTES—ENDORSEMENT—FORGERY—BONA FIDE PURCHASER.

An innocent purchaser of a treasury note for a full and valuable consideration, even if the endorsee's name is forged and the name of the endorser is erased, is entitled to receive the amount of the note from the treasury.

Action of trover.

In the matter of Nathan Jarvis and John Winthrop Andrews, merchants, trading in New Orleans in the state of Louisiana under and in the name, style and firm of Jarvis & Andrews, v. John E. Kendall, a citizen and resident of the city and county of Washington, D. C, it is agreed to docket and try said case on the following statement of facts for the purpose of ascertaining which of the parties aforesaid be entitled to receive from the treasury department, United States, the amount of the treasury note hereto annexed of \$100. Case stated.

On or about the 9th of September, 1842, Jarvis & Andrews, then the lawful owners and holders of said note, enclosed said note in a letter directed to A. W. Ely, at Charlottesville, Va., put said letter with the note enclosed into the mail at New Orleans, La. In the course of transmission said note was stolen or lost from the mail. The endorsement of A. W. Ely on said note and the erasure of the endorsement of Jarvis & Andrews thereon are forgeries. That on or about the 28th of September, 1842, after the said forgeries and erasure were made, and while said note was in circulation, the said note was, in the city and state of New York, innocently purchased by said John E. Kendall for a full and valuable consideration.

P. R. Fendall, for plaintiff.

H. H. Dent, for defendant.

This cause coming on to be heard on the within statement of facts, and after argument of counsel and mature deliberation, it is this 18th day of April, 1846, ordered by THE COURT that the defendant is entitled

JARVIS et al. v. KENDALL.

to receive the amount of the note thereon referred to from the treasury of the United States.

<sup>1</sup> [Reported by John A. Hayward, Esq., and Geo. C. Hazleton, Esq.]