

MILLS v. WILSON

{2 Cranch, C. C. 216.}¹

Circuit Court, District of Columbia. Nov. Term, 1820.

ATTACHMENT—AFFIDAVIT—NOTE
INDORSED—PRODUCTION OF NOTE.

Upon an attachment, issued by a justice of the peace, under the Virginia act of 26th December, 1792 (section 6), if the plaintiff's claim arise, in part, upon a note of the defendant, taken up by the plaintiff, who was the indorser, the plaintiff's own affidavit is not sufficient evidence of the debt, without producing the note.

This was an attachment issued by a justice of the peace, under the act of Virginia of the 26th of December, 1792 (section 6). The plaintiff [W. N. Mills] offered his own oath as to the debt, stating that it arose, in part, upon the defendant's note, which had been indorsed by the plaintiff, and by him taken up; but did not produce the note. His affidavit stated that the defendant [William Wilson] was indebted to him in, at least, the sum of \$1,000.

THE COURT (nem. con.) required the plaintiff to produce further evidence of his claim, not being satisfied with the affidavit.

MILLS, The AROMA. See Case No. 2,041.

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