

¹²⁶⁵
Case No. 11,378.

PRATT ET AL. V. WILLARD ET AL.

{6 McLean, 27.}¹

Circuit Court, D. Michigan. June Term, 1853.

TRIAL—PROOF OF PARTNERSHIP—ACTION UPON
NOTE.

This action was brought on a promissory note, no affidavit by defendants [Willard & Sweet], denying their signatures, having been filed. A question to the court was made, whether the partnership of the plaintiffs must be proved. The court held that such proof was not necessary. The note was given to the plaintiffs as partners, and the defendants, by not filing an affidavit have admitted their signatures, under the rule of court, and such admission extends to the facts which appear on the face of the note. ¹²⁶⁶ Therefore proof of the partnership of plaintiffs is unnecessary.

{Cited in *Ames v. Quimby*, 106 U. S. 346, 1 Sup. Ct. 120.}

{Cited in brief in *Locke v. Leonard Silk Co.*, 37 Mich 480.}

Mr. Walker, for plaintiffs.

Backus & Harbaugh, for defendants.

{Nowhere more fully reported; opinion not now accessible.}

PRATT, The ANN C. See Case No. 409.

PRATT, The DAVID. See Case No. 3,597.

¹ {Reported by Hon. John McLean, Circuit Justice.}

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