

Case No. 17,553.

WHITE v. MACON.

{3 Cranch, C. C. 250.}¹

Circuit Court, District of Columbia.

Dec. Term, 1827.

ACCOUNT—EVIDENCE.

If an account be received and not objected to for several years, the jury may infer that it is correct.

{See Baker v. Biddle, Case No. 764; Bainbridge v. Wilcocks, Id. 755.}

Indebitatus assumpsit for goods sold and delivered.

The defendant, by letter, acknowledged himself to be indebted to the plaintiff, but did not state the amount. A witness testified, that afterwards, and about three years before the commencement of this suit, he forwarded to the defendant an account, a copy of which he annexed to his deposition.

Mr. Coxe, for plaintiff.

Mr. Barrell, for defendant.

THE COURT (THRUSTON, Circuit Judge, absent), instructed the jury, at the prayer of the plaintiff's counsel, that if they believed from the evidence, that the defendant received that account, and there be no evidence that he objected to its amount, they may infer that it was correct.

Verdict for plaintiff, \$103, and interest from 2d October, 1821.

Motion for new trial overruled. See 5 Har. & J. 63.

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