

Case No. 17,602. WHITTEMORE v. HERBERT.
[2 Cranch, C. C. 245.]¹

Circuit Court, District of Columbia.

May Term, 1821.

ACTION AGAINST INDORSER.

In an action against the last indorser of a promissory note, it is not necessary to prove the prior indorsements.

Assumpsit against the last indorser of Francis Adams's promissory note for \$1,668. A prior indorsement of J. D. Herbert was made "by F. Adams, attorney in fact of J. D. Herbert."

Mr. Swann, for defendant, contended that the plaintiff must prove F. Adams's authority to indorse for J. D. Herbert.

But THE COURT (THRUSTON, Circuit Judge, absent) decided it not to be necessary, as every indorser is to be considered as the drawer of a new bill.

A bill of exceptions was taken, but no writ of error was prosecuted.

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