

Case No. 17,849.

WILSON v. YOUNG.

[2 Cranch, C. C. 33.]<sup>1</sup>

Circuit Court, District of Columbia.

Nov. Term, 1811.

TRANSFER IN WRITING—PAROL EVIDENCE.

Parol evidence cannot be given of a transfer in writing, without proof of the loss of the writing, or otherwise accounting for its non-production.

Assumpsit, on a policy on the ship Governor Strong, from Norfolk to Liverpool. To prove interest in Wilson, parol proof was offered that a transfer was made by Henderson to Wilson, to secure Wilson against his indorsement for Henderson. This transfer was by an instrument in writing.

The defendant's counsel objected that this testimony is not competent evidence without proof of the loss of the instrument, or otherwise accounting for its non-production. And of that opinion was the court. THRUSTON, Circuit Judge, absent  
WILSON, The FREDERICK M. See Case No. 5,078.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]