

Case No. 17,909.

WISE V. GETTY.

{3 Cranch, C. C. 292.}¹

Circuit Court, District of Columbia.

May Term, 1828.

SUIT BY ADMINISTRATOR—PLEADING AND PROOF.

In an action by an administrator, upon the trial of the issue of non assumpsit, the plaintiff need not produce his letters of administration.

Assumpsit on a promissory note to the intestate. Plea, non assumpsit and issue.

On the trial the defendant's counsel (Mr. Marbury) called for the plaintiff's letters of administration.

Mr. R. S. Coxe, for plaintiff, cited Starkie, pt. 4, pp. 547, 548.

THE COURT said, that the representative character of the plaintiff is not in issue, and the plaintiff need not prove it.

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