

No. 13456

Supreme Court of Illinois

Rives.

vs.

Marrs.

Supreme Court, Second Grand Division.

JANUARY TERM, 1861.

GEORGE W. RIVES, Appellant, }
 ^{vs.} } Brief.
SAMUEL MARRS. }

In a suit by the endorser of a bill of exchange against an endorser, the payee who has transferred the bill is a competent witness. See Phillips on Evidence, vol. 2, p. 32. 33. Chitty on Bills, p. 668, 674.

It is not necessary to have an inland bill protested. Bateman on Commercial law, section 359, p. 229. Story on Bills, sec. 281, p. 319.

The bill was properly admitted; there is no variance; the name is abbreviated in the bill; the copy attached to the declaration was correct, and the fact that the name is written in full in the declaration, is no more a variance than when the given name to a note or bill is merely the initial letter, here it is the abbreviation for the full name. See—

There is evidence enough in the case to sustain the judgement, independent of the evidence of Whalin; he only proves the waiver by Rive's of protest and notice.

If the bill was not admissible under the special count it was under the common counts. See—

A. GREEN, for Appellee.

Lover's

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Appellee's brief

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