

liable as a joint maker, and the note itself, with the indorsement thereon, is a prima facie evidence of such liability, according to the decision of the United States Circuit Court for the Northern District of Illinois, in the cases of the First National Bank vs. Lock Stitch Fence Company and the Central Bank of Massachusetts vs. the same, reported in the Albany Law Journal. The court said that there had long been a great diversity of opinion upon the question whether in such a case as that before it the liability was that of original promisor, indorser or guarantor. The growing current of authority, however, seemed to tend toward the view that the liability assumed by a third party who thus indorsed a note in blank was that of original promisor, though a different rule was and is yet adhered to in some of the states. The court said that the case of Good vs. Nartin (95 U. S. 90), whose rulings it adopted, settled the law on the question in the federal courts. Those rulings were: (1) That if a third person put his name in blank on the back of a note at the time it was made, and before it was indorsed by the payee, to give the maker credit with the payee, or if he participated in the consideration of the note, he must be considered as a joint maker; (2) but if his indorsement was subsequent to the making of the note, and to the delivery of the same to take effect, and he put his name there at the request of the maker pursuant to a contract of the maker with the payee for further indulgence or forbearance, he can only be held as guarantor; (3) if the note was intended for discount, and he put his name on the back of it, with the understanding of all the parties that his indorsement would be operative until the instrument was indorsed by the payee, he would then be reliable only as a second indorser, in the commercial sense.—Bradstreet's.

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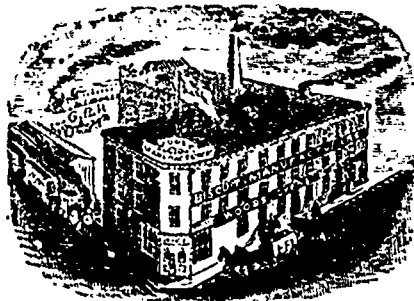
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