

Case No. 932. BANK OF THE UNITED STATES V. O'NEALE.
[2 Cranch, C. C. 466.]¹

Circuit Court, District of Columbia.

April Term, 1824.

NEGOTIABLE INSTRUMENTS—PLACE OF PAYMENT—DEMAND—DISHONOR.

If a note is payable at a bank, it is a sufficient demand of payment of the maker, if the holder,

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on the last day of grace, demands payment at the hank; and the note is dishonored if the maker has no funds there to pay it.

[See Bank of Metropolis v. Brent, Case No. 900; Brent v. Bank of Metropolis, 1 Pet. (26 U. S.) 89.]

At law. Assumpsit [by the Bank of the United States] against [William O'Neale] the indorser of Benjamin G. Orr's promissory note for \$7,660, due 26-29 May, 1821.

A verdict was taken for the plaintiffs, subject to the opinion of the court, upon a case which stated that the note and signature of the parties was admitted; that Michael Nourse, a notary public, on the 29th of May, 1821, (the last day of grace,) at the request of the plaintiffs, presented at their office of discount and deposit in Washington, where the note was made payable, the original promissory note, and there demanded payment of the sum of money therein specified, whereunto the teller replied, that he had no funds, and that on the 30th of May, 1821, he gave notice personally to the defendant, that the said note had been protested for non-payment, and that he was held liable by the plaintiffs for the payment of the same; that, on the 29th of May, 1821, Samuel J. Potts, the plaintiffs' bookkeeper at their said office of discount and deposit examined the account of the said Benjamin G. Orr, on the books of the said office on that day, and found no funds at his credit, but his account overdrawn. And it was agreed that the note was discounted for the maker, at the plaintiffs' said office, on the day of its date, and was then delivered to them by the maker, indorsed by the defendant.

Upon the case thus stated, THE COURT rendered judgment for the plaintiffs.

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