

FEDERAL CASES.

BOOK 5.

Case No. 2,375.

A COMPREHENSIVE COLLECTION OF DECISIONS OF THE CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES FROM THE EARLIEST TIMES TO THE BEGINNING OF THE FEDERAL REPORTER, (1880,) ARRANGED ALPHABETICALLY BY THE TITLES OF THE CASES.

N. B. Cases reported in this series are always cited herein by their numbers. The original citations can be found when desired through the table of cases.

5FED. CAS.—1

CANA v. FRIEND.

[2 Cranch, C. C. 370.]¹

Circuit Court, District of Columbia.

April Term, 1823.

PROMISSORY NOTE—PROTEST—NOTICE.

If the notary, not finding the indorser at home, leaves a written notice with some one of his family, it is sufficient.

[See *Greatrake v. Brown*, Case No. 5,743; *Bank of U. S. v. Hatch*, 6 Pet. (31 U. S.) 250, affirming Case No. 918; *McMurtrie v. Jones*. Id. 8,905; *Williams v. Bank of U.S.*, 2 Pet. (27 U. S.) 96; *Bank of U. S. v. Corcoran*, 2 Pet. (27 U. S.) 121, affirming Case No. 912.]

At law. Assumpsit [by Frederick Cana] against [James Friend] an indorser of a promissory note, for \$164.80, at four months. Whetcroft, the notary public, produced his notarial book in which he had stated that he notified the defendant by letter, all the parties being residents in the city of Washington; and testified that it was his general practice to call at the residence of the indorser, and, if he was not at home, to deliver a written notice to any person who came to the door when he knocked, and to request such person to deliver it to the indorser.

Mr. Wallach, for plaintiff.

Mr. Caldwell, for defendant, objected that this was not sufficient notice.

But THE COURT (nem. con.) said it was sufficient if the jury believed from the evidence that such notice in writing was so delivered at the dwelling-house of the defendant in this case. Verdict for plaintiff.

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