

Case No. 5,004.

FOWLER v. WARFIELD.

[4 Cranch, C. C. 71.]¹

Circuit Court, District of Columbia.

May Term, 1830.

BILLS AND NOTES—MAILING NOTICE TO INDORSER—POSTOFFICE ADDRESS.

Notice to an indorser, if sent by mail, must be directed to the post-office of his place of residence.

FOWLER v. WARFIELD.

Assumpsit by the indorsee against his immediate indorser of a draft by T. B. Pottinger on John E. Dorsey, at Baltimore, to the order of Thomas Mustin, indorsed by him to the defendant [Peregrine Warfield], and by the defendant to the plaintiff [Charles S. Fowler] for \$300, at sixty days from September 13th, 1828. The defendant's residence was notoriously at Georgetown, D. C., where there was a post-office, distant three miles from the post-office in Washington, D. C. The notary who protested the draft at Baltimore, put into the post-office there, a notice directed to the defendant at Washington. The plaintiff proved by George Sweeny, who was then a cleric in the post-office at Washington, that it was customary, when a letter was directed to that office for a known resident in Georgetown, to forward it to the post-office there; but it was uncertain whether it would be so forwarded by the mail on the same day on which it arrived, as it might not be noticed by any one who knew that the residence of the person to whom it was directed was in Georgetown. That he knew that the defendant resided in Georgetown, but had no recollection of sending such a letter.

THE COURT (nem. con.), at the prayer of the defendant, instructed the jury, that this evidence of notice was not sufficient to charge the defendant in this action; upon the authority of the case of the [Bank of U. S. v. Corcoran, 2 Pet \[27 U. S.\] 121](#). Nonpros.

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