

Case No. 7,973.

LADD v. PATTEN.

{1 Cranch, C. C. 263.}¹

Circuit Court, District of Columbia.

Nov. Term, 1805.

TENDER—PRODUCTION OF MONEY—OFFER TO PAY.

Upon a plea of tender, it is not sufficient to prove that the defendant asked the plaintiff if he would take the money, and said he was ready to pay it, and would give his check for it.

THE COURT permitted the defendant to file the plea of tender as to the quantum valebant; general replication and issue. The evidence of the tender was, that the defendant asked the plaintiff if he would take the money, and said he was ready to pay it, and would give a check for it. The plaintiff refused.

THE COURT instructed the jury that the defendant must prove that he produced and offered the money to the plaintiff.

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