

Case No. 8,361.

LINDENBERGER v. WILSON.

{1 Cranch, C. C. 340.}<sup>1</sup>

Circuit Court, District of Columbia.

July Term, 1806.

BILLS AND NOTES—NOTICE OF PROTEST—FOREIGN BILL.

It is necessary that the holder of a foreign bill, protested for non-acceptance, should give notice of the protest as soon as possible under all the circumstances, according to the usual course of communication.

Assumpsit by the indorsee against the indorser of a foreign bill of exchange, drawn by Foreman on Rutcher & Westphalia, at Hamburg, in favor of the defendant, and by him indorsed to the plaintiff.

The action was upon the non-acceptance only, and THE COURT instructed the jury, that the plaintiff was bound to give notice to the defendant of the non-acceptance of the bill, as soon as possible under all the circumstances, according to the usual course of communication, whether by land or water; and that it was the duty of the plaintiffs, who reside at Baltimore, to give notice to defendant as soon as possible, according to the course of the mail between Baltimore and Alexandria. See Chit. Bills, 93, 98, 139, 140; Kyd, Bills, 76.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]