

## MECHANICS' BANK V. LYNN.

[2 Cranch, C. C. 217.]<sup>1</sup>

Circuit Court, District of Columbia. Nov. Term, 1820.

NOTES—INDORSER—PLACE WHERE  
 PAYABLE—DEMAND OF MAKER—PROTEST.

If a promissory note be made payable at the house of R. Y., the first indorser, and the notary public, on the day after the last day of grace, demand payment of R. Y., at his house, without asking for the maker, or inquiring whether he had left funds to pay the note, such demand is not sufficient to entitle the plaintiff to recover against the second indorser.

Assumpsit against the second indorser of John Weightman's note to Robert Young, payable at the house of Robert Young, four months from the 25th of December, 1816. James Millan, a notary public, testified, that on the 29th of April, 1817, (the day after the last day of grace,) he demanded payment from Robert Young, and the defendant, Adam Lynn; and believed it was at the house of Robert Young; but did not ask for John Weightman, the maker of the note, nor inquire whether he had left funds to pay it. That Weightman did not reside in the county of Alexandria, and therefore he could not demand payment from him. The other parties all resided in Alexandria. Christopher Neale testified that the defendant requested the bank not to sue him, as, in the event of his being obliged to pay it, it would save the expense of one suit.

Mr. Swann, for plaintiff.

Mr. Taylor, for defendant.

THE COURT (nem. con.) instructed the jury that the evidence, so stated, was not sufficient to entitle the plaintiff to recover.

Nonsuit

{See Case No. 9,384.}

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

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