

MECHANICS' BANK v. TAYLOR.

{2 Cranch, C. C. 217.}¹

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

NOTES—INDORSER—PROTEST—DEMAND—EVIDENCE.

If a notary-public, after demanding payment from the maker of a promissory note, go to the shop of the indorser, (a coachmaker who had journeymen,) and there demand payment, but of whom he does not remember, and thinks he did not see the indorser, this is not sufficient evidence of notice, to the indorser, of non-payment by the maker.

Assumpsit against [Evan P. Taylor] the indorser of Peyton's promissory note. The notary-public demanded payment from the maker on the last day of grace, after banking hours, and afterwards, on the same day, called at the shop of the defendant, and demanded payment, but did not remember whether he saw the defendant and thought that if he had, he should have stated it in his protest, which he did not. The defendant was a coach-maker, and employed journeymen. The witness did not remember of whom he made the demand.

THE COURT, at the prayer of Mr. Taylor, for the defendant, instructed the jury that the plaintiff could not recover that evidence, because, as they thought, the notice was not proved.

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