

MILLER v. EVANS.

{2 Cranch, C. C. 72.}¹

Circuit Court, District of Columbia. April Term, 1813.

PAYMENT—BONDS—LAPSE OF
TIME—PRESUMPTION.

In an action upon a bond, payable by instalments, the jury may, and ought to, presume payment of any instalment payable more than twenty years before the commencement of the suit, and may presume payment of an instalment payable nineteen years and ten months before suit brought.

Debt upon a bond payable by instalments. Nineteen years and ten months elapsed since the last instalment became payable, and another instalment had become payable more than twenty years before the suit was brought.

N. Herbert, for plaintiff.

Mr. Taylor, for defendant.

THE COURT (nem. con.) instructed the jury that as to the instalment due more than twenty years they ought to presume, and as to the other they might presume, payment.

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