

Case No. 10,004.

NAILOR v. KEARNEY.

{1 Cranch, C. C. 112.}¹

Circuit Court, District of Columbia. Dec. Term, 1802.

BONDS—PAYABLE IN INSTALMENTS—ACTION
AFTER FAILURE TO PAY FIRST INSTALMENT.

Upon a bond conditioned to pay certain instalments, an action may be brought upon failure to pay the first instalment.

Debt on a bond, conditioned to pay at three instalments, viz., 5th January, 5th April, and 5th July, 1802. Action brought on 17th March, 1802.

Mr. Peacock, for defendant, demurred to the declaration, because there was no cause of action at the time the suit was brought. *Taylor v. Foster*, Cro. Eliz. 807; *Beckwith v. Nott*, Cro. Jac. 504; *Milles v. Milles*, Cro. Car. 241; *Rudder v. Price*, 1 H. Bl. 547; Esp. N. P. 205.

Judgment for the plaintiff on the demurrer.

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

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