

PATRIOTIC BANK OF WASHINGTON V.
FARMERS' BANK OF ALEXANDRIA.

{2 Cranch, C. C. 560.}¹

Circuit Court, District of Columbia. April Term, 1825.

NOTES—DUE ON SUNDAY—WHEN DEMAND TO BE
MADE—CUSTOM.

If a bank receives a note to be collected according to the known and established mode of transacting business at that bank, it is not liable for damages by omitting to demand payment on Saturday, when the third day of grace was Sunday; it being the known and established mode of transacting business in that bank, in such a case, not to demand payment until Monday.

Action on the case for negligence, in omitting to demand payment on Saturday, when the third day of grace was Sunday. The draft was dated on the 26th of June, 1818, at ninety days; and became payable on the 24th–27th of September. The declaration averred that “the defendants received the bill to be collected according to the known 1306 and established mode of transacting business in the said Farmers' Bank,” whereby they became bound to use due and reasonable diligence in collecting the money, and being so liable, undertook so to do; but did not, in this that they did not present the bill for payment on the 27th of September, 1818, but kept it up a long time after it became due, whereby the drawer and indorsers were exonerated, and the acceptor became insolvent, and the plaintiffs sustained damage, &c. There was a verdict for the plaintiffs, subject to the opinion of the court upon a case stated; the material facts of which are that the 27th of September, 1818, was Sunday; that payment was not demanded until Monday the 28th; that it was the known and established mode of transacting business in the said Farmers' Bank, not to demand payment in such cases, until Monday; and that

the plaintiffs only required the defendants to make the demand of payment according to the usage of their bank.

PER CURIAM. It appears to the court that upon the case stated the plaintiffs cannot charge the defendants with negligence, and that judgment must be rendered for the defendants.

Judgment for the defendants.

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

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