

Case No. 176.

ALEXANDER v. TURNER.

[1 Cranch, C. C. 86.]¹

Circuit Court, District of Columbia.

April Term, 1802.

LANDLORD AND TENANT—DISTRESS FOR RENT—PAYMENT BY ACCEPTED BILL.

An acceptance by the tenant of a bill drawn by the landlord for the rent is no bar to a distress, if the bill be not paid.

At law. Replevin [by Alexander against Turner, as bailiff of Patten.] Cognizance, as bailiff, for rent arrear. Plea, "No rent arrear," and issue.

Mr. Taylor, for plaintiff, moved for leave to withdraw the plea of "No rent arrear," and file a new plea setting forth that Patten had drawn an order on the plaintiff, for three quarters' rent, which the plaintiff had accepted to pay; and that, as to the fourth quarters' rent, he tendered it before the distress was made.

THE COURT refused the motion. The cause was then tried on the issue joined, and the court instructed the jury that the acceptance did not destroy the debt due for the rent, and that it was no bar unless it had been paid.

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