

Case No. 259.

ALRICKS v. SLATER ET AL.

[1 Cranch, C. C. 72.]¹

Circuit Court, District of Columbia.

March Term, 1802.

PLEADINGS—DEMURRER—WITHDRAWAL OF PLEA.

The court will not permit a plea to the merits to be withdrawn to enable the defendant to demur specially.

[See *Deakins v. Lee*, Case No. 3,679.,]

Debt; plea, payment; replication and issue. The defendant Slater only was taken. The penal bill upon which the action was brought, was signed "David Slater & Co." and a seal.

Gantt, for defendant, moved for leave to withdraw his plea of payment, and demur to the declaration; because a seal affixed for David Slater & Co., by one only of the partners, is the seal of him only who affixed it.

THE COURT refused.

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