

Case No. 1,739.

BOWMAN v. FRENCH.

{1 Cranch, C. C. 74.} ¹ _

Circuit Court, District of Columbia.

March Term, 1802.

PRACTICE—FAILURE TO JOIN IN DEMURRER—JUDGMENT BY DEFAULT.

The defendant will not be ruled to argue a demurrer at the term in which the demurrer shall be joined by him, although the rule to join in demurrer shall have expired before the term.

Misnomer of the defendant was pleaded in abatement. The plaintiff demurred at last term, and laid a rule on the defendant to join in demurrer. The defendant failed to join in demurrer, on the rule day; and Mr. Dorsey, for the plaintiff, now moved for judgment by default on the rule, unless the defendant will argue the demurrer at this term.

THE COURT¹ refused to give judgment; permitted the defendant now to join in demurrer; and obliged the plaintiff to lay a rule on the defendant to argue it at the next term.

CRANCH, Circuit Judge, contra.

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