

Case No. 2,220.

BURTON v. VARNUM.

[2 Cranch, C. C. 524.]¹

Circuit Court, District of Columbia.

Dec. Term, 1824.

JUSTICE OF THE PEACE—JURISDICTION.

A creditor cannot, without the consent of the debtor, relinquish part of his claim so as to bring it within the jurisdiction of a justice of the peace.

[Cited in Hellrigle v. Dulany, Case No. 6,343.]

[See Porter v. Rapine, Case No. 11,288; Cazenove v. Darrel, Id. 2,539; Maddox v. Stewart, Id. 8,934.]

Appeal from a justice of the peace.

The balance of the account upon which the justice issued his warrant was \$68, which, figures had been erased and altered to \$50; but the account still showed that the real balance was \$68. The defendant, before the justice, objected to his jurisdiction; but, the plaintiff having afterwards given up the difference, (\$18,) the justice gave judgment for \$50, with interest from the date of the judgment till paid.

THE COURT (nem. com.) decided, that the justice had not jurisdiction, and that the plaintiff could not give it in that way without the consent of the defendant to the credit.

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