

Case No. 2,585.

CHAMPION v. BOSS.

[4 Wash. C. C. 325.]¹

Circuit Court, E. D. Pennsylvania.

Oct. Term, 1822.

PRACTICE—RULE TO SHOW CAUSE OF ACTION.

On a rule on plaintiff to show his cause of action, who thereupon files a positive affidavit of the debt, the court will not order the party making the affidavit to be examined on oath in court; no ground appearing to the court to justify a suspicion that the debt was not due.

Rule on the plaintiff to show cause of action, and why the defendant should not appear on common bail.

Mahany, for plaintiff, showed cause, by reading the positive affidavit of the plaintiff, that the action is founded on certain promissory notes due by the defendant to the plaintiff, as assignee.

Scott, for defendant, moved to examine the plaintiff in court, as he doubted the fairness of the assignment.

BY THE COURT. The affidavit of the plaintiff, being positive, and no ground appearing to the court to justify the suspicion entertained by the counsel, the rule must be discharged.

¹ [Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.]