

Case No. 2,850.

CLARKE ET AL. V. DRUET.

[4 Cranch, C. C. 142.]¹

Circuit Court, District of Columbia.

May Term, 1831.

ACCOUNT—PRACTICE.

An affidavit, annexed to an account, that it “is just and true as stated, and no part thereof has been paid, except what is credited,” is sufficient to hold the defendant to bail.

Motion to rule the defendant [James Druet] to special bail, on the affidavit of Briscoe, one of the firm of Clarke & Briscoe, at the bottom of an account, “that the above account is just and true as stated, and that no part thereof has been paid, except what is credited.”

THE COURT (THRUSTON, Circuit Judge, absent) was of opinion that the affidavit was sufficient, within the rule laid down by this court in the case of [Smith v. Watson](#) [Case No. 13,124].

Mr. Morfit for plaintiffs.

Mr. Wallach and Mr. Coxe, for defendant.

The following cases were referred to: [Smith v. Watson](#) [supra]; [Jolly v. Bankin](#) [Case No. 7,440]; [Bartleman v. Smarr](#) [Id. 1,074]; [Traverse v. Hight](#) [Id. 14,151]; [Way v. Selby](#) [Id. 17,302]; [Dawson v. Boyd](#) [Id. 3,667]; 1 Sell. Pr. 103, 108.

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