

Case No. 3,348.

CRAMPTON v. VAN NESS.

[4 Cranch, C. C. 350.]¹

Circuit Court, District of Columbia.

Nov. Term, 1833.

ACTION FOR RENT.

The want of title in fee in the plaintiff is no bar to an action for rent, upon a lease for seven years, with leave to purchase the fee-simple within that term.

Appeal from the judgment of a justice of the peace who gave judgment for a half year's rent, upon a lease for seven years, with leave to the tenant, within that term to purchase the fee-simple upon payment of \$480. Mr. Bradley, for appellant, contended that the defendant [John P. Van Ness] is not bound, in equity, to pay the rent, because the plaintiff [James Crampton] has not a good title in fee. *Kirtland v. Pounsett*, 2 Taunt. 145; *Smith v. Stewart*, 6 Johns. 46.

But THE COURT (nem. con.) decided that it is no defence, the defendant not having been evicted.

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