

Case No. 3,605.

DAVIDSON v. HENOP.

[1 Cranch, C. C. 280.]<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1805.

TRIAL—ORDER OF ARGUMENTS.

If there be only one issue, and the defendant holds the affirmative of that issue, he has a right to open and close the argument.

Assumpsit by James Davidson, for the use of the Bank of the United States, against Daniel Henop, on a promissory note. The defendant pleaded infancy only, upon which the issue was joined.

THE COURT was of opinion that the plaintiff was not obliged to produce the promissory note mentioned in the declaration, but that the defendant held the affirmative of the issue, and had a right to begin and close the argument

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]