

Case No. 3,786.

DENEALE v. YOUNG.

[2 Cranch, C. C. 418.]¹

Circuit Court, District of Columbia.

Oct., 1823.

ASSUMPSIT—SET-OFF—NOTICE.

Unless notice of set-off be given before the suit is called for trial, it will not be permitted to be given in evidence, upon non assumpsit.

Mr. Fendall and Mr. Lear, for plaintiff.

Key & Dunlop, for defendant.

Mr. Key, for defendant, offered to prove a set-off without notice given before the suit was called for trial.

The plaintiff's counsel objected that it was too late.

THE COURT (nem. con.) so decided.

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