

Case No. 5,238. GARDNER ET AL. V. TENNISON.
[2 Cranch, C. C. 338.]¹

Circuit Court, District of Columbia.

Oct. Term, 1822.

ASSIGNMENT OF DEBT—PAYMENT TO ORIGINAL CREDITOR.

Payments made to the original creditor, after notice of the assignment of the debt, cannot be given in evidence in a suit brought by the assignee in the name of the original creditor.

Indebitatus assumpsit [by Gardner & Johnson] for the balance of an account for coal sold and delivered. At the foot of the account there was an order on Tennison to pay the balance (\$76) to John O. Lay, of Richmond.

THE COURT (THRUSTON, Circuit Judge, absent), on motion of the plaintiff's counsel, instructed the jury, that if they should be satisfied by the evidence that the account was assigned by the plaintiffs to Lay, and that the defendant had notice of such assignment, his payments to the plaintiffs after such notice, could not be given in evidence in this action.

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