

Case No. 5,427.

GILL v. PATTEN.

{1 Cranch, C. C. 114.}¹

Circuit Court, District of Columbia.

March Term, 1803.

PLEADING—WITHDRAWAL OF PLEA OF COVENANTS PERFORMED—SPECIAL PLEA.

The court will give the defendant leave to withdraw the plea of covenants performed, and to file a special plea, if it appear to be a plea to the merits, and not decidedly bad, leaving the plaintiff to his demurrer.

Covenant for rent. Plea, covenants performed.

Mr. Youngs, for defendant, moved for leave to withdraw the plea, and file a special plea, stating a covenant on the part of Gill that he would pay the ground-rent due to W. T. Alexander, but had not done it, whereby Patten was prevented from occupying fully, for fear of having his goods seized for that rent due to Alexander.

The first plea was put in at the rules in time. THE COURT not being certain that the plea offered is bad, and not being willing to decide upon the validity of the plea, permitted to be filed.

{See Cases Nos. 5,428–5,430.}

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