

Case No. 5,530a.
[Hempst. 16.]¹

GOOD v. DAVIS.

Superior Court, Territory of Arkansas.

April, 1822.

ACCORD AND SATISFACTION—AFTER ISSUE FORMED—PLEADING.

1. Accord and satisfaction occurring after issue formed in a suit, must be pleaded puis darrein continuance, if the party would avail himself of it.
2. Pleading puis darrein continuance waives all previous defences.

{This was a suit by Edward Good against Samuel Davis.}

PER CURIAM. After the commencement of a suit and issue formed, a party to avail himself of accord and satisfaction occurring afterwards, must specially plead puis darrein continuance, and establish it by evidence, if disputed, and pleading puis darrein continuance waives all previous defences. 1 Salk. 168; 2 Strange, 1103; 1 Chit. Pl. 697; 5 Taunt 333.

Reversed.

¹ [Reported by Samuel H. Hempstead, Esq.]