

Case No. 6,170. HARTSHORNE ET AL. V. INGLE.
[1 Cranch, C. C. 91.]¹

Circuit Court, District of Columbia.

April Term, 1802.

VARIANCE—PLEA IN ABATEMENT—OFFICE JUDGMENT.

Variance between the capias and declaration cannot be pleaded to set aside an office judgment.

{This was a suit by Hartshorne and Sons against Ingle.} The declaration was in debt upon an award. The capias was in case. There had been an office judgment and writ of inquiry; to set aside which E. J. Lee for defendant, offered to plead a variance between the writ and declaration, in abatement But THE COURT refused.

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