

Case No. 6,343.

HELLRIGLE v. DULANY.

[4 Cranch, C. C. 473.]¹

Circuit Court, District of Columbia.

Oct Term, 1834.

JURISDICTION—AMOUNT OF VERDICT—OFFSETS.

If, in a suit in Alexandria, D. C, the debt be reduced below \$50, by offsets, the plaintiff may, have judgment for the sum found by the verdict.

Assumpsit for \$466.25, for work and labor as overseer, gardener, carpenter, &c. Plea, non assumpsit and set-off, and account in bar, consisting of cash payments, and cash received for vegetables sold, &c Verdict for plaintiff, for \$23.12.

Mr. Neale, for defendant, moved for a nonsuit, because the damages found are below the jurisdiction of this court, and cited *Maitland v. McDearman*, 1 Va. Cas. 131; *Minor v. Goodall*, 3 Call, 393; *Pitts v. Carpenter*, 1 Wils. 19; *Gross v. Fisher*, 3 Wils. 48; *Ferguson v. Highley*, 2 Va. Cas. 255; *Parker v. Elding*, 1 East, 353; *Neff v. Talbot*, 1 Va. Cas. 140; *Hepburn v. Lewis*, 2 Call, 497; *Newell v. Wood*, 1 Munf. 555; *U. S. v. McDowell*, 4 Cranch [8 U. S.] 316; and the act of 1823 (enlarging the jurisdiction of justices of the peace), § 6 (3 Stat 743).

Mr. Mason and Mr. Taylor, for plaintiff.

THE COURT rendered judgment for the plaintiff, after considering the following cases and authorities, viz.: *Goddard v. Davis* [Case No. 5,491], in this court, at Alexandria, July term, 1801; *Rutter v. Merchant* [Id. 12,179], at the same term; *McKnight v. Ramsay* [Id. 8,868], at Alexandria, Oct, 1801; *Ridgway v. Pancost* [Id. 11,818], at Alexandria, April, 1802; *Curry v. Fletcher* [Id. 3,490],

HELLRIGLE v. DULANY.

at “Washington, Dec, 1802; *Beale v. Voss* [Id. 1,160], at Washington, July term, 1804; Acts Md. 1729, c. 20, § 5; the British statute of 2 Geo. II., c. 22, § 13; Acts Md. 1785, c. 4, § 7; Id. c. 87, § 2; Acts Md. 1791, c. 68, § 9; *Hays v. Bell* [Case No. 6,270], at Alexandria, July, 1807; *McLaughlin v. Stelle* [Id. S. 873], at Washington, June, 1808; *Smith v. Queen* [Id. 13,096], at Washington, June, 1810; *Bryan v. Davis* [Id. 2,065], at Washington, June, 1810; *Skinner v. Caffrey* [Id. 12,924], at Washington, Dec, 1819; *Cazenove v. Darrell* [Id. 2,539], at Alexandria, Nov., 1823; *Hooe v. Rees* [Id. 6,668], at Alexandria, May, 1824; *Burton v. Varnum* [Id. 2,220], at Washington, Dec, 1824; *Davidson v. Burr* [Id. 3,602], at Washington, Dec, 1824; *Pitts v. Carpenter*, 2 Strange, 1191.

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