

Case No. 6,350.

HENDERSON v. CASTEEL.

{3 Cranch, C. C. 365.}¹

Circuit Court, District of Columbia.

Dec. Term, 1828.

REPLEVIN—PLEA OF PROPERTY, TRIAL—RIGHT TO OPEN AND CLOSE.

1. Where the plaintiff holds the affirmative of any of the issues in a cause, he has a right to open and close the whole case.
2. Upon the plea of property, the plaintiff in replevin has the burden of proof, and the right to open and close.

Replevin. Plea,—property in the defendant; general replication, and issue.

THE COURT (THRUSTON, Circuit Judge, absent) said, that whenever the issue was joined upon the right of property, the burden of proof, on that issue, is upon the plaintiff, and he has a right to open and close the case; and that when the plaintiff holds the affirmative of any issue, he has a right to open and close, although there may be other issues in which the affirmative is holden by the defendant.

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