

Case No. 6,566. HODGSON v. MARINE INS. CO.
[1 Cranch, C. C. 569.]¹

Circuit Court, District of Columbia.

July Term, 1809.

TENDER OF ISSUE—PREVIOUS DEMURRER.

The court will not permit a defendant to tender an issue which he had refused to join, and to which he had demurred when tendered by the plaintiff; there having been judgment rendered against him by the supreme court on the demurrer.

THE COURT refused the ninth plea now offered by the defendants, because the substance of it was tendered as an issue, by the plaintiff in a former stage of the suit, and rejected by the defendants, who chose to demur; and having had judgment against them in the supreme court on the demurrer, ought not now to be permitted to amend.

{See Case No. 6,567.}

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