

Case No. 6,921. HURLIKI'S ADMINISTRATOR, V. BACON ET AL.  
[1 Cranch, C. C. 340.]<sup>1</sup>

Circuit Court, District of Columbia.

July Term, 1806.

PLEADING—PLEA OF BANKRUPTCY—DEMURRER.

1. If there be judgment for one of several defendants, upon a demurrer to his separate plea of bankruptcy, he may be examined as a witness for the other defendants, upon executing a release of his interest in his estate.
2. Parol evidence cannot be given of the understanding of the parties as to the obligation of a written contract.

Assumpsit on an agreement in writing. James Bacon, one of the defendants, having pleaded bankruptcy, the plaintiff [Hurliki's administrator] demurred generally.

THE COURT overruled the demurrer.

Mr. Youngs, for defendants, offered Bacon as a witness.

THE COURT admitted him to be sworn, upon executing a release of all right to a surplus and commission, &c.

THE COURT (FITZHUGH, Circuit Judge, absent) refused to permit parol evidence to be given as to the intention and understanding of the parties as to the obligation of the contract, and that the defendants were not to be personally liable, and were only to pay as they collected money from the subscribers. Three bills of exceptions were taken.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]