

Case No. 7,213. JANNEY v. MANDEVILLE.
[2 Cranch, C. C. 31.]¹

Circuit Court, District of Columbia.

Nov. Term, 1811.

WRIT OF INQUIRY—DEATH OF DEFENDANT AFTER—WHAT PLEAS
ALLOWABLE TO ADMINISTRATOR.

If the defendant die after office judgment and writ of inquiry awarded, his administrator cannot plead plene administravit; nor any other plea which the original defendant himself could not have pleaded.

A writ of inquiry had been awarded in the lifetime of the defendant's intestate. The defendant [Jonathan Mandeville's administrator] offered to plead plene administravit; but THE COURT refused to receive the plea, on the authority of McKnight v. Craig's Adm'r (decided at the last term of the supreme court of the United States, in February, 1811) 6 Cranch [10 U. S.] 183, where it was ruled that after an office judgment in the lifetime of the intestate, the defendant cannot plead any plea which the intestate could not have pleaded.

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