

Case No. 7,378. JOHNSON V. CHAPMAN ET AL.  
[2 Cranch, C. C. 32.]<sup>1</sup>

Circuit Court, District of Columbia.

Nov. Term, 1811.

TRESPASS—JOINT ACTION—ONE DEFENDANT AS WITNESS FOR OTHER.

In trespass one defendant cannot be a witness for the other, in a joint action, although they plead severally.

Assault and battery. The defendants [Chapman and Alexander] severed in pleading, having been taken at different times.

Mr. Swann, for defendants, offered to examine the defendant, Alexander, as a witness for Chapman, on the authority of the case of *Piles v. Plum* [Case No. 11,165], decided yesterday.

But THE COURT (THRUSTON, Circuit Judge, absent) refused, saying that the case decided yesterday is not to be considered as authority; the court having since looked into the authorities cited in *Lofft's Gilbert*, 250.

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