

Case No. 7,951.

KURTZ V. BECKER ET AL.

[5 Cranch, C. C. 671.]¹

Circuit Court, District of Columbia.

March Term, 1840.

PLEADING AT LAW—ACTION OF COVENANT—ACTION AGAINST TWO—NOL.
PROS. AS TO ONE—JUDGMENT AGAINST OTHER.

In covenant against two, if one plead infancy, and it be found for him, the plaintiff may enter a nolle
prosequi against him, and have judgment against the other.

[Cited in *Mundy v. Stevens*, 61 Fed. 86.]

Covenant, against John H. Becker and John Dove. Becker pleaded infancy, and the
jury found a verdict for him upon that issue. The plaintiff [Peter Kurtz] entered a nolle
prosequi as to him, and obtained a verdict against Dove.

Mr. Brent, for Dove, moved in arrest of judgment; and cited *Green v. Charnock*, Cro.
Eliz. 762.

Mr. Bradley, for plaintiff, cited *Minor v. Mechanics' Bank*, 1 Pet. [26 U. S.] 73.

THE COURT (nem. con.) overruled the motion, and ordered the judgment to be en-
tered up against Dove.

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