

Case No. 8,872.

McLAUGHLIN v. RIGGS.

{1 Cranch, C. C. 410.}¹

Circuit Court, District of Columbia.

June Term, 1807.

DISTRESS FOR RENT—REPLEVIN—PLEA “NO RENT
ARREAR”—AUTHORITY—DEATH OF LESSEE.

1. Upon the issue “no rent arrear,” the defendant is not bound to prove that the distress was laid by his order or authority.
2. The landlord may distrain after the death of the lessee.

Replevin. Avowry for rent arrear—plea, no rent arrear and issue.

F. S. Key, for plaintiff, moved the court to instruct the jury that the defendant, to maintain the issue on his part, must prove that the distress was laid by himself or by some person by him duly authorized; and that the defendant had no right to distrain after the death of Charles McLaughlin, the lessee.

But THE COURT (nem. con.) refused.

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