

SMITH v. QUEEN.

[1 Cranch, C, C. 483.]¹

Circuit Court, District of Columbia. June, 1808.

COURTS—JURISDICTIONAL
AMOUNT—JUDGMENT—PAYMENTS.

In an action of debt on a sealed note, if the verdict be reduced below twenty dollars by payments proved at the trial, judgment of non pros. must be entered.

[Cited in *Hellrigle v. Dulany*, Case No. 6,343.]

Debt [by Smith, for the use of Higden, against Nicholas L. Queen], on a note under seal. There were payments proved which reduced the amount due to seventeen dollars and thirty cents.

The verdict is, “We find for the plaintiff and find the sum due on the note to be seventeen dollars and thirty cents.”

Mr. Van Home for defendant, moved for judgment of non pros., under Act Md. 1796, c. 68, § 9.

Mr. Caldwell. The courts in Maryland are expressly limited. The jurisdiction of this court is general. See Act Cong. Feb. 27, 1801, § 5 (2 Stat. 106), and May 3, 1802, § 4 (2 Stat. 194). If the defendant can defeat the plaintiff before a justice of the peace, by not pleading discount, &c., and can defeat the plaintiff in this court by pleading discount, the plaintiff would be totally defeated. The plaintiff cannot always ascertain what sum he ought to credit. The defendant may refuse to settle accounts, &c. ⁶³³ Curia advisari vult. December term, 1808, judgment of non pros was entered. See *Woolley v. Cloutman*, 1 Doug. 244; *Wase v. Wyburd*, Id. 246; *Ailway v. Burrows*, Id. 263; *Wiltshire v. Lloyd*, Id. 381, 382; *Pitts v. Carpenter*, 2 Strange, 1191.

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

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