

SMITH V. WOODWARD ET AL.

{2 Cranch, C. C. 226.}¹

Circuit Court, District of Columbia. April Term, 1821.

PRACTICE AT LAW—CONSOLIDATION OF CASES.

1. If the writ be issued against two defendants, and one only be taken on the first writ, and the other be afterwards taken on an alias or pluries, the cause against the defendant first taken will be consolidated with that against the other defendant, although there may have been the intermission of a term between the issue of the first and second or other writ.

The first writ issued against Woodward & Yerby in 1818. Woodward only was taken. The writ was not renewed against Yerby until several terms after, when a writ was issued against him, upon which he was taken.

Mr. Law, for plaintiff, moved the court to consolidate the suit against Woodward with that against Yerby.

Mr. Taney, for defendant, objected that the writ against Yerby had not been regularly continued. The object of the plaintiff is to avoid the plea of limitation. The docket, however, showed the connection, and the proceedings were ordered to be consolidated into one cause.

{See Case No. 5,253.}

¹ {Reported by hon. William Cranch, Chief Judge.}

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