

STEVENS v. LLOYD.

{1 Cranch, C. C. 124.}¹

Circuit Court, District of Columbia. June Term, 1803.

ASSAULT AND BATTERY—PLEA—GENERAL
ISSUE—SON ASSAULT DEMESNE—BURDEN OF
PROOF.

1. In assault and battery, on the plea of not guilty, the plaintiff is not bound to prove that the defendant struck or assaulted him first.
2. But on the plea of son assault demesne, the defendant must prove that the plaintiff assaulted him first.

{This was an action of assault and battery by Stephen Stevens against Edward Lloyd.}

THE COURT instructed the jury that to support the issue on his part, on the plea of not guilty, the plaintiff was not bound to prove that the defendant struck him first or made the first assault; but that to support the plea of son assault demesne, the defendant must prove that the plaintiff made the first assault.

{See Case No. 13,403.}

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