

Case No. 17,016.

VOSS v. VARDEN.

[1 Cranch, C. C. 410.]<sup>1</sup>

Circuit Court, District of Columbia.

June Term, 1807.

BREACH OF CONTRACT.

Upon an agreement to do certain brick work at twelve dollars a thousand, in a workmanlike manner, the plaintiff may recover, although part was not done in a workmanlike manner.

Declaration for work and labor. The plaintiff proved an agreement to do certain brick-work, in a workmanlike manner, at twelve dollars a thousand. The defendant proved that part of the work was not done in a workmanlike manner.

Mr. Caldwell, for defendant, prayed the court to instruct the jury that if they should be of opinion that the work was not done in a workmanlike manner, the plaintiff could not recover any thing.

But THE COURT refused. DUCKETT, Circuit Judge, absent.

<sup>1</sup> [Reported by Hon William Cranch, Chief Judge.]