

Case No. 17,020.

VOWELL v. LYLES.

{1 Cranch, C. C. 329.}¹

Circuit Court, District of Columbia.

July Term, 1806.

OFFICE JUDGMENTS—VACATING.

To set aside an office judgment, the court will, not permit the defendant to plead specially, matter which may be given in evidence upon the general issue.

{Cited in Patton v. Violet, Case No. 10,839.}

Assumpsit against indorser of a promissory note.

Mr. Youngs, to set aside the office judgment, offered to plead, 1. Non assumpsit 2. That the maker had, at the time of the institution of the suit, more property in his hands than would have discharged the debt 3. That no consideration passed from plaintiff to defendant.

THE COURT refused to receive the two last pleas, because the facts, if they amounted to a defence, may be given in evidence under the general issue.

{See Case No. 17,021.}

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