

Case No. 17,983.

WOODROW v. COLEMAN.

{1 Cranch, C. C. 192.}¹

Circuit Court, District of Columbia.

Nov. Term, 1804.

OVERRULING OF DEMURRER—PLEADING DE NOVO.

After judgment for the plaintiff on the defendant's demurrer, and writ of inquiry awarded, the court will not permit the defendant to plead de novo, unless he will withdraw his demurrer.

THE COURT, at last term, overruled the defendant's demurrer {Case No. 17,982}, but the judgment was not entered until this term; and the jury being now called to be sworn to inquire of damages,—

Mr. Taylor, for the defendant, offered to plead a breach of covenant on the part of the plaintiff in bar of the action, and contended that the covenants were dependent.

THE COURT refused to suffer the defendant to file the plea offered.

Mr. Taylor then offered the general issue to the breach assigned.

THE COURT intimated that they would not permit the plea, unless the judgment on the demurrer should be struck out, and the demurrer withdrawn.

Mr. Taylor refused to withdraw the demurrer, and the writ of inquiry was executed.

{See Case No. 17,984.}

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