

Carson vs. Hood'S Ex'Rs

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Court : US Supreme Court

Decided On : 1790

Appeal No. : 4 U.S. 108

Appellant : Carson

Respondent : Hood'S Ex'Rs

Judgement :

CARSON v. HOOD'S EX'RS - 4 U.S. 108 (1790)

U.S. Supreme Court CARSON v. HOOD'S EX'RS, 4 U.S. 108 (1790)

4 U.S. 108 (Dall.)

Carson

v.

Hood's Executors.

Supreme Court of Pennsylvania.

April Term, 1790

DEBT. Plea, nil debet. The principal point in this case was, whether debt would lie against executors, on a simple contract of the testator?

Bradford, for the plaintiff, stated the rule to be, that if the executors demur to the action, they are entitled to judgment; but, if they plead to issue, they cannot, afterwards, make the objection: and the following authorities were cited to maintain the distinction. Cro. E. 600. 557. Cro. C. 187. Cro. E. 121. 1 And. 182. Golds. 106. Leon. 165. Vaugh. 99. 1 Sid. 333. Plowd. Rep. 182. Palm. 32. Cro. E. 435. 459. Yelv. 56. 1 Lev. 200. 1 Vent. 139. Vaugh. 97.

THE COURT.

The COURT, being unanimously of this opinion, gave judgment, for the plaintiff: having, on a preliminary point, decided, that after a verdict, they will presume, every thing was done, at the trial, which was necessary to support the action, unless the contrary appeared upon the record. 3 Burr. 1725. 1729. 1 Wils. 225. 2 Stra. 1180.

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