

MOORE *vs.* STONE.

HELD: That where the record states that the defendant "filed the following plea"—and a plea of the general issue is then copied in the transcript, but the clerk has not marked the plea as filed, nor stated the time when it came in; and neither the court nor plaintiff took any notice of it, this court will, in favor of the judgment below, consider it as forming no part of the record, but as having been placed among the papers by mistake or interpolation.

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