

NORTH vs. DAVIS.

JOHNSON, C. J. The rule of court, under which the plea offered by the defendant below was excluded, is the same as the one relied upon in Hixon vs. Weaver as *ad. of* Rose use of Knox, decided at the present term. The defendant offered to plead after the case was called, but before the interlocutory judgment was rendered. He therefore was within the time prescribed by the statute, and the court consequently erred in refusing him permission to file his plea. The judgment is therefore reversed.