

CASES

IN THE

HIGH COURT OF CHANCERY.

JOHN NICK. WATKINS
vs.
ABRAHAM V. ZANE.

} DECEMBER TERM, 1847.

[SET-OFF.]

To authorize a set-off, either at law or in equity, the debt must be mutual, and due to and from the same persons in the same capacity. The complainant cannot set off a claim for professional services rendered the defendant and another *jointly*, or upon their joint employment, against a judgment at law in favor of defendant alone, against complainant and another.

[The bill was filed, to be relieved from the payment of a judgment in favor of A. V. Zane against the complainant, and one Nicholas E. Watkins, upon the allegation that after the same was rendered, the complainant had performed professional services for the defendant, and one William McNeir, the latter's father-in-law, and who, in consideration thereof, had promised complainant that it should be entered satisfied. An injunction was granted, but upon the filing of the answer of Zane, denying the allegations of the bill, it was dissolved, and complainant paid the judgment under a *ca. sa.* Proof was then taken, the nature of which appears from the opinion of the Chancellor.]