

Case No. 239.

ALLEN v. THOMAS.

[1 Cranch, C. C. 294.]¹

Circuit Court, District of Columbia.

March Term. 1806.

EQUITY PRACTICE—ORDERS—DECREE NISI.

Cause may be shown against a decree nisi, at any time during the term, and before any other order is made.

In equity. Bill to foreclose a mortgage. Decree at March, 1805, to be final unless cause should be shown to the contrary by first day of June term, 1805. An answer was offered on the 13th day of the term. The plaintiff's counsel objected that the decree had become final, no cause having been shown by the first day of the term.

But THE COURT said that if a decree is to be final by a certain day in the next term, unless, &c., and cause be shown after the day during the term and before any other order is made, it is well. The answer, however, not being sufficient, the decree was made final.

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