

Case No. 1,097.

BASTABLE v. WILSON.

{1 Cranch, C. C. 124.}¹

Circuit Court, District of Columbia.

June Term, 1803.

PLEADING—ACTION ON JUDGMENT.

1. After not guilty and issue, to an action of debt upon a judgment in Virginia, suggesting a devastavit, the court will not suffer the defendant to plead nul tiel record, without showing sufficient cause why it was not pleaded before.
2. Nil debet is no plea to an action of debt on a judgment of another state.

At law. Debt [by Bastable against Wilson's administrator] upon a judgment of the Dumfries district court suggesting a devastavit; plea, not guilty and issue. Defendant moves now, when the cause is called for trial, to put in the plea of nul tiel record, without showing why he had not pleaded it before, or that it was now necessary for the justice of the cause.

Motion overruled by THE COURT.

The defendant then offered the plea of nil debet—refused without argument Judgment confessed saving equity.

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