

Case No. 2,007.

BROWN v. GILLES.

[3 Cranch, C. C. 363.]¹

Circuit Court, District of Columbia.

Dec. Term, 1828.

JUDGMENT—SCIRE FACIAS—AMENDMENT.

A scire facias to revive a judgment, on confession for damages only, in an action of debt, cannot be amended, if it is conformable to the judgment; nor can the judgment be amended upon nul tiel record, in scire facias.

[At law. Brown, administrator of Smith, v. George Gilles. Motion to amend judgment and scire facias denied.]

Mr. Wallach, for the defendant, moved the court to amend the original judgment and the scire facias, upon the plea of nul tiel record, and cited the following authorities: *Braswell v. Jeco*, 9 East 316; *Patrick v. Woods*, 3 Bibb 232; *Perkins v. Petit*, 2 Bos. & P. 275; *Bucksome v. Hoskin*, 2 L. Raym. 1057.

Mr. Key, contra. The scire facias cannot be amended unless there be something to amend by. The scire facias is conformable to the judgment, which was confessed for damages only, in an action of debt. The issue is nul tiel record, but there is such a record of such a judgment. The scire facias is correct.

THE COURT awarded the execution.

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