

Case No. 3,278.

COUMBE v. NAIRN.

[2 Cranch, C. C. 676.]¹

Circuit Court, District of Columbia.

May Term, 1826.

APPEAL FROM SUPERSEDED JUDGMENT.

The defendant, against whom a judgment has been rendered by a justice of the peace, cannot maintain an appeal from that judgment after having superseded it by confessing a new judgment,

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with sureties, and six months' stay, according to the provisions of the act of assembly.

This was an appeal from the judgment of a justice of the peace. The defendant had superseded the judgment by confessing a new judgment for the same amount, with sureties, and thereby obtained a stay of six months, as provided by Act Md. 1791, c. 67.

THE COURT (MORSELL, Circuit Judge, absent) was of opinion that the original judgment was merged in the new judgment, and could not now be the subject of appeal. Appeal dismissed with costs.

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