

Case No. 5,863. GUION V. M'CULLOUGH ET AL.
[Brunner, Col. Cas. 1;¹ 2 Mart. N. C. 78.]

Circuit Court, D. North Carolina.

June, 1791.

WRIT IN ACTION OF DEBT—FORM.

A writ in debt “that they answer unto him of a plea of debt of one thousand dollars,” *held* good on a demurrer to a plea in abatement that the writ did not run in the debet and detinet.

Action on a bond. The writ was filled up, “that they answer unto him of a plea of debt of one thousand dollars” (the penalty of the bond): plea in abatement because the writ did not run in the usual form, “in the debet and detinet”: general demurrer.

Mr. Graham, for plaintiff.

Mr. Slade, for defendants.

IREDELL, Circuit Justice, and SIT-GREAVES, District Judge, notwithstanding the pointed authority produced by Slade, overruled the plea. They held the writ was deemed sufficient because it agreed with the *ac etiam* clauses inserted in actions of debt in the bill of Middlesex, according to the English practice. *Page v. Farmer*, 2 Murph. 288, 1 N. C. Repos. 278.

¹ [Reported by Albert Brunner, Esq., and here reprinted by permission.]