

SMALLWOOD V. VIOLET.

{1 Cranch, C. C. 516.}¹

Circuit Court, District of Columbia. Nov. Term, 1808.

RECORDS—UNDER SEAL OF STATE
COURT—JUDGMENT—PROOF OF.

1. Records certified under the seals of the respective state courts are admitted, under the agreement of the bar, without other authentication.
2. An execution is not the best evidence of a judgment.

This was an action upon a judgment of J. Franklin, a justice of the peace of Charles county, in Maryland.

Mr. W. D. Simms, for plaintiff, offered in evidence a paper purporting to be an execution issued by J. Franklin, against the defendant, and in favor of the plaintiff, upon which there was a certificate of the clerk of Charles county, that J. Franklin was a justice of the peace.

Mr. E. J. Lee, for defendant, objected that the commission of the justice should be produced.

But THE COURT (CRANCH, Chief Judge, absent,) reminded him of the agreement of the members of the bar of the 17th July, 1807, "that copies of records of any state court should be received in evidence if certified and authenticated in such manner as would make them evidence in the courts of the state from whence they are brought;" and overruled the objection.

Mr. Lee, then objected, that the execution is not the proper evidence of the judgment; and that a copy of the judgment ought to be produced.

And THE COURT, being of that opinion, the plaintiff became nonsuit.

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

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