

THOMAS v. SUMMERS.

[5 Cranch, C. C. 434.]¹

Circuit Court, District of Columbia.

March Term, 1838.

JUDGMENT—SUPERSEDEAS—INDORSEMENT.

A justice of the peace cannot issue an execution, as on a supersedeas, upon the mere indorsement on the back of the original judgment, that it was superseded.

Appeal from the award of execution by a justice of the peace, upon a supposed supersedeas. The only evidence of a confession of judgment by way of supersedeas, according to the act of assembly of Maryland, was an indorsement on the back of the original warrant, upon which the original judgment ⁹⁷⁴ was entered, that it was superseded by Amelia Thomas, the appellant, and a similar entry on the justice's docket. Reversed (nem. eon.).

Mr. Hoban, for plaintiff.

Mr. Redin, for defendant [Owen Summers.]

THRUSTON, Circuit Judge, said that if there had been evidence that diligent search had been made among the deceased justice's papers for the regular certificate of the confession of judgment, he should think the indorsement of the justice sufficient.

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