

Case No. 16,664.

UNITED STATES v. WELLS.

{3 Wash. C. C. 245.}<sup>1</sup>

Circuit Court, D. Pennsylvania.

April Term, 1814.

STAT OF EXECUTION—RULE TO SHOW CAUSE.

1. Motion for a rule to show cause why execution shall not be stayed—the defendant claiming that he is entitled to further credits from, the United States, which will reduce the amount of the judgment confessed in their favour.
2. The court will not even grant a rule to show cause why the motion shall not be granted, unless upon affidavit stating precisely what credits are claimed, and the nature of them.

Judgment having been confessed in this case at a former term, the district attorney agreeing to stay execution, in order to give the defendant an opportunity to obtain such credits as the comptroller and auditor of the treasury (to whom the subject was by this agreement referred) might think the defendant entitled. Those officers did not act in the business; and the defendant now moved for a rule to show cause why execution should not be stayed, and the defendant permitted by some means to show credits against the judgment.

BY THE COURT. The reference, in this case, was agreed to merely as an indulgence to the defendant, who had no credits to offer, which could avail him at the trial. Unless he comes forward with a special affidavit stating precisely what are the credits he claims, and the nature of them, the court will not even grant the rule.

<sup>1</sup> [Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.]