

Case No. 17,904.  
[Hempst. 460.]<sup>1</sup>

WISDOM V. WILLIAMS ET AL.

Circuit Court, D. Arkansas.

April, 1846.

PLEA PUIS DARREIN CONTINUANCE.

A plea puis darrein continuance, admits the plaintiff's cause of action, displaces all previous pleas and defenses, and the defendant must stand on that alone.

[This was an action of debt by William S. Wisdom against John W. Williams and Hugh A. Blevins.]

A. Fowler, for plaintiff.

Daniel Ringo and F. W. Trapnall, for defendants.

PER CURIAM (JOHNSON, District Judge). A plea puis darrein continuance admits the plaintiff's cause of action, and even if the plea is established still the plaintiff is entitled to costs. It has the effect of displacing all other pleas and previous defences, and the party is obliged to stand on that alone. 10 Wend. 679; 1 Chit. Pl. 441; [Bank of U. S. v. Carneal] 2 Pet, [27 U. S.] 548; Stephen, Pl. 81, 83; [Wallace v. M'Connell] 13 Pet [38 U. S.] 152; Story, Pl. 53, 54. By operation of law the previous pleas are considered as stricken from the record, and every thing is confessed except the matter contested by the plea puis darrein continuance.

<sup>1</sup> [Reported by Samuel H. Hempstead, Esq.]