

*RANDOLPH *et al.* v. BARBOUR *et al.**Dismissal of appeal.*

An equity suit, where an appeal has been taken from the circuit court to this court, but not prosecuted, will be dismissed, upon producing a certificate from the court below, that the appeal has been taken and not prosecuted.

February 12th. *B. Hardin*, for the respondents, moved to docket and dismiss the appeal in this case, which was a suit in chancery, commenced in the Circuit Court of Kentucky, and a decree entered, from which an appeal was taken, but not prosecuted. He produced a certificate from the clerk of the court below to that effect.

THE COURT stated, that the case was within the spirit of the 20th rule of court, although that rule applied, in terms, only to writs of error.

Motion granted.

ORDER.—A certificate, from the clerk of the circuit court for the district of Kentucky, stating that an appeal had been taken in this case, in May term 1819, from the decree of the said circuit court, having been produced and filed, and it appearing, that the record in said cause, has not been filed: on motion of Mr. Hardin, of counsel for the respondents, it is ordered, that the said appeal be and the same is hereby dismissed. (a)

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*MAYHEW v. THATCHER *et al.**Interest.—State records.*

As, by the laws of Louisiana, questions of fact in civil cases are tried by the court, unless either of the parties demands a jury; in an action of debt on a judgment, the interest on the original judgment may be computed and made part of the judgment, in Louisiana, without a writ of inquiry and the intervention of a jury.

The record of a judgment in one state, is conclusive evidence in another, although it appears that the suit in which it was rendered, was commenced by an attachment of property, the defendant having afterwards appeared and taken defence.¹

ERROR to the District Court of Louisiana. This was an action of debt, commenced by the defendants in error, against the plaintiff in error, in the district court of Louisiana, upon a judgment obtained in the circuit court of Massachusetts. The original suit, in which the judgment was obtained, was commenced by a process of foreign attachment, according to the local laws of Massachusetts; but the defendant, Mayhew, subsequently appeared and took defence. The cause was referred to arbitrators, and judgment rendered upon their report against the defendant, Mayhew, for the sum of \$4788.57 debt, and \$284.33 costs.

The defendants in error having declared upon this judgment, against the plaintiff, in the district court of Louisiana, the plaintiff in error pleaded *nil* ^{*130]} *debet*, to which plea there was a general demurrer, and judgment being rendered thereon for the defendants in error, for the *sum of

(a) See new rule of court of the present term. Rule XXXII.

¹ Lincoln v. Tower, 2 McLean 473; Westervelt v. Lewis, Id. 511.