

**Turner Vs. Enrille**

**Turner Vs. Enrille**

**SooperKanoon Citation :** [sooperkanoon.com/78207](http://sooperkanoon.com/78207)

**Court :** US Supreme Court

**Decided On :** 1799

**Appeal No. :** 4 U.S. 7

**Appellant :** Turner

**Respondent :** Enrille

**Judgement :**

Turner v. Enrille - 4 U.S. 7 (1799)

U.S. Supreme Court Turner v. Enrille, 4 U.S. 4 Dall. 7 7 (1799)

**Turner v. Enrille**

**4 U.S. (4 Dall.) 7**

*ERROR TO THE CIRCUIT*

*COURT OF SOUTH CAROLINA*

## **SYLLABUS**

After a trial and verdict in the circuit court upon which judgment was entered, the judgment was reversed, it not appearing in the record that either plaintiff or defendant was an alien or that they were citizens of different states.

The record, as abridged for the judges, presented the following case:

"The Marquis de Caso Enrille instituted an action on the case against Thomas Turner, the administrator of Wright Stanley, in the Circuit Court of North Carolina of June term, 1795."

"A declaration in case was filed 'by the Marquis de Caso Enrille, of \_\_\_ in the Island of \_\_\_ ' of June term, 1796, in which it is set forth that Wright Stanley (the intestate) and John Wright Stanley and James Greene were 'merchants and partners at Newbern in the said district;' that Wright Stanley survived the other partners; that on 4 June 1791, in the lifetime of all the partners, they were indebted 'unto the said Marquis in \_\_\_ dollars;' and in consideration thereof, assumed to pay, &c.; The 2d count *insimul computassent*, when the said partners 'were found in arrear to the said Marquis in other dollars,' &c.; The plaintiff concludes with the usual averments of nonpayment, 'to the damage of the said Marquis \_\_\_ dollars,' &c.;"

"On 30 November 1796, the defendant appeared, and pleaded, 1st, *nonassumpsit intest.* replication and issue; 2d, the statute of limitations as to the intestate; replication, an account current between merchant and factor; rejoinder and issue; 3d, setoff, that the plaintiff was indebted to the intestate, on 1 January 1792, in more than the damages by the plaintiff sustained, &c.;, to-wit, in \$4,000 for money had and received by the plaintiff to the intestate's use, which sum is still due to the defendant as administrator; replication that plaintiff owed nothing, &c.; rejoinder and issue; 4th, the statute of limitations as to the administrator; replication that the demand was made within three years, &c.; rejoinder and issue; 5th, *plene administravit*; replication assets; rejoinder and issue."

"On 1 June 1799, the issues were tried, a verdict was given on all the issues for the plaintiff, and the jury assessed damages at \$3,289.65. Judgment for damages, costs, and charges."

"Writ of error. Errors assigned: 1st, that it does not appear on the pleadings, &c.;, that either plaintiff or defendant was an alien or that they were citizens of different

states; 2d, that there are blanks in the declaration for places, dates, and sums; 3d, the general errors; plea, *in nullo est erratum*; replication and issue. "

Page 4 U. S. 8

By the COURT.

The decision in the case of *Bingham v. Cabot* must govern the present case.

*Let the judgment be reversed with costs.*

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**