

**Mayhew Vs. Thatcher**

**Mayhew Vs. Thatcher**

**SooperKanoon Citation :** [sooperkanoon.com/78885](http://sooperkanoon.com/78885)

**Court :** US Supreme Court

**Decided On :** 1821

**Appeal No. :** 19 U.S. 129

**Appellant :** Mayhew

**Respondent :** Thatcher

**Judgement :**

Mayhew v. Thatcher - 19 U.S. 129 (1821)

U.S. Supreme Court Mayhew v. Thatcher, 19 U.S. 6 Wheat. 129 129 (1821)

**Mayhew v. Thatcher**

**19 U.S. (6 Wheat.) 129**

*ERROR TO THE DISTRICT*

*COURT OF LOUISIANA*

## **SYLLABUS**

As by the laws of Louisiana questions of fact in civil bases 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 maybe computed and make 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 defense.

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 defense. The cause was referred to arbitrators and judgment rendered upon their report against the defendant, Mayhew, for the sum of \$4,788.57 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 debet*, to which plea there was a general demurrer, and judgment being rendered thereon for the defendants in error for the

Page 19 U. S. 130

sum of \$5,072.90 debt, with interest thereon, &c.;, and the cause was brought before this Court.

MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court.

That as by the local laws and practice of Louisiana, questions of fact in civil cases were tried by the court unless either of the parties demanded a jury, the interest upon the original judgment in Massachusetts might be computed, and make a part of the judgment in Louisiana, without a writ of inquiry and the intervention of a jury.

And that although the original suit was commenced by an attachment, yet that the defendant, Mayhew, had personal notice of the suit, and afterwards appeared and took defense, so that even supposing there was any objection to the proceeding by attachment, it was cured by the appearance of the defendant and his litigating the suit.

*Judgment affirmed.*

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