

HANNAH AS AD'R vs. CARRINGTON AS AD'RX.

SCIRE FACIAS to revive a judgment: plea of *nul tiel* record, issue, and judgment for defendant: no motion for new trial or bill of exceptions—judgment affirmed.

Writ of Error to the Hempstead Circuit Court.

SCIRE FACIAS to revive a judgment, sued out of the Hempstead Circuit Court, by Hannah as administrator of Harris, against Carrington as administratrix of Carrington.

The defendant pleaded *nul tiel* record, and plaintiff took issue. The court, on inspection of the record, gave judgment for defendant. Hannah brought error; and the clerk has copied into the transcript sent to this court, the record of the judgment sought to be revived, and produced on the trial below, but it was not made part of the record by bill of exceptions or otherwise.

PIKE & BALDWIN, for plaintiff.

WATKINS & CURRAN, contra.

OLDHAM, J. There is nothing appearing upon the record, by which to question the decision and judgment of the Circuit Court. There is no motion for a new trial; no bill of exceptions setting out the evidence. The record only shows, a finding for the defendant upon the plea of *nul tiel record*, and a judgment in accordance with the finding. The judgment is therefore affirmed.