

Case No. 1,123.

BAXTER v. BIAYS.

{Brunner, Col. Cas. 254;¹ 4 Law J. 276.}

Circuit Court, D. Maryland.

May Term, 1812.

BAIL—SURRENDER OF PRINCIPAL.

Bail cannot surrender their principal before a judge at his chambers.

Biays was bail for one Merrihu. After the scire facias issued, and within the time allowed by the rule for a surrender of principal, Biays surrendered Merrihu before HOUSTON, District Judge, during vacation, who ordered an exoneretur to be entered.

But by DUVAL, Circuit Justice: There is no law authorizing a surrender before a judge at his chambers, nor is there any rule of court to that effect. It was once attempted before Judge Hanson, and refused.

¹ [Reported by Albert Brunner, Esq., and here reprinted by permission.]