

Case No. 3,336.

CRAIG v. REINTZEL.

[2 Cranch, C. C. 128.]¹

Circuit Court, District of Columbia.

Dec. Term, 1816.

INTERESTED WITNESS.

A surety in the administration bond is a competent witness for the administrator, plaintiff.

[Cited in *Davies v. Davies*, Case No. 3,612.]

John Wilson, a surety in the plaintiffs' administration bond, was offered as a witness for plaintiff.

Mr. Jones and Mr. Wiley, for defendant, objected that the witness was interested, because if the plaintiff failed to support the action she would be liable for costs, and the witness, also, as her surety.

Mr. Key, for plaintiff.

THE COURT (nem. con.) overruled the objection. If the plaintiff should be liable to costs de bonis propriis, the surety is not liable at all; if de bonis decedentis, the surety will not be liable until a devastavit shall

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have been established; and that liability is too contingent and too remote to affect the competency of the witness. *Davies v. Davies's Ex'x* [Case No. 3,612].

¹ [Reported by Hon. William Cranch, Chief Judge.]