

Case No. 4,794.

FINLEY v. MCCARTHY.

[1 Cranch, C. C. 266.]¹

Circuit Court, District of Columbia.

Nov. Term, 1805.

ADMINISTRATOR OF APPEARANCE-BAIL.

The administrator of appearance-bail cannot be allowed to appear as appearance-bail and plead for the principal.

The appearance-bail died before the appearance-day. Motion by Mr. Youngs, for the administrator of the appearance-bail to appear as appearance-bail, and not as special

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bail, and plead for the principal, according to the 26th section of the act of 12th December, 1792.

Refused by THE COURT. There cannot be the same judgment against the administrator of the appearance-bail as against the principal.

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