

Case No. 5,146.

FUGATE v. BRONAUGH.

[3 Cranch, C. C. 65.]¹

Circuit Court, District of Columbia.

Dec. Term, 1826.

SUIT BY ADMINISTRATOR—BOND TO HIS INTESTATE.

In a declaration by an administrator upon a bond to his intestate he must aver himself to be administrator, and make profert of his letters of administration.

Debt, on bond to Gerrard Fugate, by his administrator. The declaration commences thus: "Washington County, to wit: Jeremiah W. Bronaugh was attached to answer unto Joseph Fugate, administrator, &c, of Gerrard Fugate, deceased, of a plea that he

FUGATE v. BRONAUGH.

render to the said Joseph \$1000, whereupon the said Joseph, by O. C. Lee, his attorney, complains," &c. The declaration contains no averment that the plaintiff was administrator, nor a profert of the letters of administration. The defendant demurred specially for several assigned causes, but not for want of such an averment and profert.

But THE COURT, considering it a good cause of general demurrer, rendered judgment for the defendant, for want of an averment that the plaintiff was administrator, and for want of a profert of the letters of administration.

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