

Case No. 6,496.

HILL v. MYERS.

[5 Cranch, C. C. 484.]¹

Circuit Court, District of Columbia.

Nov. Term, 1838.

CAPIAS—AFFIDAVIT.

The affidavit to hold to bail must show that the debt was due at the time of issuing the capias.

{This was a proceeding by Michael Hill against John Myers.}

The affidavit, made after the return of the writ, stated that the debt was “now” due, and did not state that any thing was due at the time of issuing the capias.

THE COURT, at the motion of W. L. Brent, permitted him to appear for the defendant without special bail.

MORSELL, Circuit Judge, absent.

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