

Case No. 6,553.
[4 Biss. 505.]¹

HOBSON v. JOHNSON.

Circuit Court, N. D. Illinois.

Oct., 1868.

JUSTIFICATION BY SURETY.

The affidavit of the surety on an appeal bond, as to his responsibility, where he does not personally appear, is not sufficient; there must independent evidence of his responsibility.

Defendant's attorney presented an appeal bond signed by himself and sureties, all resident in Lee county, Illinois.

DRUMMOND, District Judge. Where a bond is given by a person at a distance it should be accompanied by the certificate of an officer who has knowledge of the party. It is not sufficient to present the affidavit of the surety. If counsel will satisfy me of the responsibility of the parties by any one the court can examine as to their pecuniary condition, then I would accept the bond. I have never been in the habit of accepting a bond upon the affidavit of the surety, unless there is no objection. If there is objection made, there must be independent evidence—evidence

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of a reliable person who is acquainted with the pecuniary circumstances and condition of the parties.

¹ [Reported by Josiah H. Bissell, Esq., and here reprinted by permission.]