

Case No. 7,251.

JEFFERS v. FORREST.

[5 Cranch, C. C. 674.]¹

Circuit Court, District of Columbia.

March Term, 1840.

APPEAL BOND—DEATH OF APPELLANT—LIABILITY OF SURETIES.

If the appellant from the judgment of a justice of the peace, die pending the appeal, and no further proceedings are had in the cause for two terms thereafter, the sureties in the appeal-bond are not liable for the appellant's not having prosecuted his appeal with effect.

Debt upon an appeal-bond in the penalty of \$100. The breach assigned was in not prosecuting the appeal with effect. The defendant [Joseph Forrest] pleaded that the appellant [Madison Jeffers] died pending the appeal, and that at the third term after the death the appeal was abated and discontinued.

Upon demurrer, judgment was rendered for the defendant.

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