

Case No. 7,387.

JOHNSON v. HARRIS.

{1 Cranch, C. C. 35.}<sup>1</sup>

Circuit Court, District of Columbia.

July Term, 1801.

BAIL—WHEN REQUIRED.

Bail will not be required to be given by the defendant in an action by his immediate indorsee, while another action is depending against him by a more remote indorsee; especially if the name of the plaintiff has been stricken from the note by the subsequent indorsee.

Motion for the defendant to appear without bail. Appearance bail had been ruled by one of the judges out of court upon an affidavit. The suit was brought upon a note given by Clingman and McGan to Towers, and indorsed by Towers to Harris, by Harris to Johnson, and by Johnson to Dunlop. Dunlop had sued Harris, as indorser of this note, in the court of hustings of Alexandria. Harris appealed to the district court at Dumfries, where the judgment was reversed, and Dunlop appealed to the court of appeals, where the suit is still pending. At the trial of the cause of Dunlop v. Harris [5 Call. (Va.) 16], the name of Johnson, the intermediate indorser, was struck out.

The defendant was allowed by KILTY, Chief Judge, and CRANCH, Circuit Judge, to appear without bail. MARSHALL, Circuit Judge, contra.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]