

Case No. 7,608.

KANE v. LOVE.

[2 Cranch, C. C. 429.]¹

Circuit Court, District of Columbia.

Oct. Term, 1823.

PRACTICE AT LAW—WRIT OF FI. FA.—WHEN QUASHED.

The court will not quash a fi. fa. issued after the death of the defendant if it bear teste before his death.

Motion to quash a fi. fa. because it was issued after the death of the defendant. The judgment was in the lifetime of the defendant, and the execution bore teste before his death.

Mr. Caldwell, for plaintiff, cited *Bragner v. Langmead*, 7 Term R. 20.

THE COURT took time to consider; and afterwards refused to quash the execution. MORSELL, Circuit Judge, contra.

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