

PENNINGTON v. THORNTON.
PENNINGTON v. STICKNEY.

{1 Cranch, C. C. 101.}¹

Circuit Court, District of Columbia. Dec. Term, 1802.

SCIRE FACIAS—COSTS.

Where two become bail jointly and severally, and two writs of scire facias are issued, and one of the bail surrenders the principal, he must pay the costs upon both writs of scire facias.

Scire facias. The bail offered to surrender the principal.

Thornton and Stickney jointly and severally recognized as bail for Blodget. The writ against Thornton was returned “scire feci.” That against Stickney, “nihil.”

THE COURT refused to receive the surrender without payment of the costs on both writs of scire facias, it being stated by Mr. Mason and Mr. Gantt that such was the practice in Maryland.

THE COURT, however, doubted the propriety of the practice, where several writs of scire facias were issued.

KILTY, Chief Judge, absent.

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

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