

Case No. 14,151.

TRAVERS v. HIGHT.

{2 Cranch, C. C. 41.}¹

Circuit Court, District of Columbia. June Term, 1812.

AFFIDAVIT—TO HOLD TO BAIL—SUFFICIENCY.

The account was headed “George W. Hight to Esias Travers, Dr., for articles furnished by his direction, and he to be answerable for the payment thereof.” Among other items was a charge for rations for the officers, &c, (George W. Hight being a recruiting officer.) An affidavit of the plaintiff was indorsed on the paper, “that the within account is just and true as stated.”

Mr. Jones, for plaintiff.

Mr. Caldwell, for defendant.

THE COURT (FITZHUGH Circuit Judge, absent) said it was not sufficient. It was neither a positive affidavit that the defendant was indebted to the plaintiff in a certain sum; nor was it such an affidavit as made the account evidence per se, under the act of assembly of Maryland, 1729 (chapter 20, § 9), according to the rule in the ease of *Smith v. Watson* [Case No. 13,124], at June term, 1806, in Washington.

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