

27FED.CAS.—43

Case No. 16,109.

UNITED STATES V. QUEEN.

{3 Cranch, C. C. 420.}<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1828.

ADMINISTRATORS—ACTION ON BOND.

The act of assembly of Maryland of 1720 (chapter 24), respecting suits upon administration bonds, before return non est or fi. fa. against the executor or administrator, is in force in the county of Washington, D. C.

{Suit by the United States, for the use of Robinson, against N. L. Queen.}

Debt on the administration bond of George Lindsay's administratrix. Plea, that there was no return of non est on a capias aci respondendum, nor of a fieri facias against the administratrix, as required by the Maryland act of 1720 (chapter 24). General demurrer.

THE COURT rendered judgment upon the? demurrer for the defendant, being of opinion that the act of 1720 is still in force, notwithstanding the act of 1798, c. 101, subc. 8, § 9, which authorizes an execution against the administrator, upon the report of the auditor, ascertaining the plaintiff's proportion of the assets. (THRUSTON, Circuit Judge, absent.)

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