

Case No. 17,719.

WILLIAMS v. CRAVEN.

[2 Cranch, C. C. 60.]¹

Circuit Court, District of Columbia.

Dec. Term, 1812.

AMERCEMENT OF MARSHAL.

If a defendant arrested upon a *capias ad respondendum* be discharged under the insolvent act, before the return of the writ, and fail to appear, the marshal cannot be amerced.

The marshal, having returned *cepi*, discharged under the insolvent law, upon a *capias ad respondendum*, and no appearance having been entered for the defendant, the plaintiff moved to amerce the marshal for not bringing him in.

THE COURT (*nem. con.*) said the marshal could not be amerced. The law had not provided the means of compelling an appearance.

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