

Kunckel Vs. Baker

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Court : US Supreme Court

Decided On : 1786

Appeal No. : 1 U.S. 169

Appellant : Kunckel

Respondent : Baker

Judgement :

KUNCKEL v. BAKER - 1 U.S. 169 (1786)

U.S. Supreme Court KUNCKEL v. BAKER, 1 U.S. 169 (1786)

1 U.S. 169 (Dall.)

Kunckel et al.

v.

Baker

Supreme Court of Pennsylvania

April Term, 1786

This was an application for a special Court, founded on the act passed the 10th of April, 1782. Kunckel, the petitioner, set forth in his affidavit, that one of the plaintiffs, Boom, with whom he had been in partnership, had dissolved their connection, since the commencement of the action, and that the outstanding debts

had been assigned to Kunckel, so as to vest in him the whole interest in the event of the action. It was also stated that Kunckel was about to depart from the United States; but that Boom had no such intention.

The Attorney General, for the defendant, objected, that, by thus assigning the interest in an action to a going foreigner, a special Court, and an early judgment, might always be within reach, to the prejudice not only of the defendants but of other creditors. And upon this ground THE COURT unanimously refused the prayer of the petition.

The plaintiff's counsel then moved, that he ought not to be deprived of his bail by this application; which, requiring a declaration to be previously filed, amounted to an acceptance of a common appearance.

In the justice of this motion, THE COURT concurred, and accordingly directed a rule to be entered, that the defendant give bail in two months, or a Procedendo.

Rawle for the plaintiff. Bradford for the defendant.[Kunckel v. Baker [1 U.S. 169](#) (1786)]

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