

BOLTON v. WHITE.

Case No. 1,616.  
[2 Cranch, C. C. 426.]

Circuit Court, District of Columbia.

Oct. Term, 1823.

ATTACHMENT—AFFIDAVIT—AUTHENTICATION.

An affidavit made before a judge of one of the state courts, in order to obtain an attachment under the Maryland act of 1795, c. 56, is not good evidence for that purpose, “unless there be there-  
to annexed a certificate of the clerk of the court of which he is a judge, or a certificate of the  
governor, chief magistrate, or notary-public of such state, that the said judge hath authority to  
administer such oath.”

This was an attachment under the act of Maryland of 1795, e. 56.

Mr. Marbury moved the court to quash the attachment, because the affidavit made to  
obtain the attachment was made before a judge of the state of New York, and the notary-  
public who had certified the judge had not certified that he had authority to administer  
the oath according to the second section of the act of 1795.

THE COURT, at first, doubted whether Mr. Marbury could be heard, as he did not  
appear for any party in the cause; and requested him to ascertain what had been the prac-  
tice in the courts of Maryland.

He afterwards produced the case of *Campbell v. Morris*, 3 Har. & McH. 535; and the  
court permitted him to make the suggestion, and quashed the attachment.