

Case No. 3,694a. DEACON v. SEWING MACH. CO.
[14 Reporter, 43.]¹

Circuit Court, E. D. Pennsylvania.

June 20, 1882.

PRACTICE—SERVICE OF SUBPOENA IN EQUITY—EQUITY RULES 13 AND 15.

A service of a subpoena in equity by a person other than the marshal, unless specially appointed by the court, is bad, and will be set aside on motion.

In equity. Motion to set aside service. The affidavit of service of the subpoena showed that the subpoena had been served by a clerk.

John H. Sparhawk, Jr., and Edwin F. Pugh, for the motion, cited rules 13 and 15 of the supreme court in equity.

F. Swayne and, Geo. E. Buckley, for complainant, acquiesced.

BUTLER, District Judge, in delivering the opinion of the court, said: There is no doubt that all process must be served by the marshal. Service by another person is not sufficient unless he is specially appointed under the rule of court Motion granted.

¹ [Reprinted by permission.]