

7FED.CAS.—40

Case No. 3,868.

DEXTER v. SULLIVAN.

{Brunner, Col. Cas. 585;¹14 Law Rep. 455.}

Circuit Court, D. Rhode Island.

1851.

PRACTICE—PRODUCTION OF PAPERS IN CAUSE IN STATE COURT.

The federal courts will not grant a subpoena duces tecum for the purpose of bringing up the original papers in a cause in a state court.

During the progress of the cause, Burgess, for defendant, applied for a writ of subpoena duces tecum, to have the original papers in a case in the supreme court of Rhode Island brought into the circuit court.

THE COURT refused the application, on the ground that it would not make a demand on another court, which would not be granted if made to this court, it being a rule of the circuit court not to allow original papers to go out of the clerk's office.

¹ [Reported by Albert Brunner, Esq., and here reprinted by permission.]