

Case No. 4,736.

FENWICK v. VOSS.

[1 Cranch, C. C. 106.]¹

Circuit Court, District of Columbia.

Dec. Term, 1802.

COSTS ON CONTINUANCE—ATTACHMENT FOR CONTEMPT.

When a cause is continued at the costs of a party, no execution can issue for them. The proper remedy, if they are not paid, is an attachment of contempt.

Fieri facias for costs.

Mr. Hewitt obtained a rule to show cause why this execution should not be quashed and the money restored to Voss. The action had been continued at the costs of Voss at a former term, and before final judgment in the cause Mr. Peacock, for the plaintiff, had ordered this execution for those costs.

Rule absolute, THE COURT being of opinion that an execution could not be issued without a judgment, but that the remedy, in such cases, is by attachment of contempt, if the costs are not paid upon demand.

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