

Case No. 6,563.

HODGSON v. BUTTS.

{1 Cranch, C. C. 447.}¹

Circuit Court, District of Columbia.

Nov. Term, 1807.

WITNESS—SUBPOENA—ATTACHMENT.

The court will grant a rule on a witness residing in Baltimore, to show cause why he should not be attached for not attending according to summons.

The deposition of James Hamilton had been taken *de bene esse*, by the defendant with notice, and the plaintiff's attorney appeared under protest, that is, reserving all objections, &c., and cross-examined the witness; the defendant had a subpoena served on Hamilton, who resides in Baltimore, and who by letter acknowledged service, but stated that he was a clerk in the collector's office and could not attend without detriment to the public.

The defendant's counsel, Mr. Jones, prayed for a continuance unless the plaintiff would permit the deposition to be read in evidence.

THE COURT (DUCKETT, Circuit Judge, absent) continued the cause and directed a rule on the witness to show cause on Saturday, the 12th instant, why an attachment of contempt should not issue against him for not obeying the summons.

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