

## MILLER ET AL. V. HOOE ET AL.

{2 Crunch, C. C. 622.}<sup>1</sup>

Circuit Court, District of Columbia. Nov. Term, 1825.

GARNISHMENT—ABSENT DEBTOR—NO EFFECTS  
WITHIN JURISDICTION—ATTACHMENT.

1. Upon a chancery attachment in Alexandria county, District of Columbia, against the effects of an absent debtor, the garnishee, residing in Alexandria county, is not liable to the plaintiff for goods of the defendant which are in the garnishee's custody in Virginia, where the debtor himself resides.
2. If the resident garnishee is not indebted to the defendant, and has no effects of the defendant in his possession in this district, and the defendant himself is not found in the county of Alexandria, no decree can be rendered against either the garnishee or the debtor, and the bill must be dismissed, as this court has no jurisdiction in the case.

This was a chancery attachment in the county of Alexandria, District of Columbia, to attach the effects of John Hooe, a resident of Virginia, in the hands of Jonathan Janney, a resident of the county of Alexandria, for a debt due by Hooe to Mordecai Miller & Son, of Alexandria. The subpoena was served upon Janney on the 3d of April, 1824. The garnishee, Janney, answered that he was not indebted to Hooe at the time of service of the attachment, or at any time afterwards, but that Hooe was indebted to him at the time of the service of the attachment in the sum of \$587; that Hooe has his crop of wheat ground at Janney's mill in Virginia, which was under the immediate direction and management of one John P. Smoot, who was authorized to give receipts for flour brought to the mill, and to deliver the flour to the respective owners; that Hooe agreed that Janney should retain as much of his flour as would satisfy and discharge the debt to Janney; that after he had

retained enough flour for that purpose, there remained more than enough to pay the debt due to Mordecai Miller & Son, the complainants, but Hooe sold it to one George Johnson, to whom it was delivered after the service of the subpoena upon Janney, who, as the property was out of the jurisdiction of this court, did not think himself justified in withholding it from Mr. Johnson, who had purchased it He denied all fraud and collusion, &c.

THE COURT (THRUSTON, Circuit Judge, absent) was of opinion, that as the garnishee 321 was not indebted to the defendant Hooe, and had not any effects of that defendant in his hands within the jurisdiction of this court, no decree could be made against either of the defendants, and ordered the bill to be dismissed.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]

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