

## NALLY v. LAMBLL.

{1 Cranch, C. C. 365.}<sup>1</sup>

Circuit Court, District of Columbia. Dec. Term, 1806.

WITNESS—ATTACHMENT FOR FEES—DEMAND IN  
NAME OF WITNESS.

The court will not grant an attachment against a party for not paying his witness, unless payment shall have been demanded by a person having authority to receive payment, and unless that authority appear.

Motion for attachment by witness against the person at whose request he was summoned. Affidavit by Spaulding, that he was requested by Nally to demand, and that he did demand payment, which was refused.

THE COURT (FITZHUGH, Circuit Judge, absent,) refused the attachment, because Spaulding's authority did not appear.

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

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