

PATTERSON V. BALL ET AL.

{1 Cranch, C. C. 571.}¹

Circuit Court, District of Columbia. Nov. Term, 1809.

COSTS—TAXATION OF LAWYER'S FEE—BILL
DISMISSED.

If the plaintiffs dismiss their bill because they are not competent to sue as executors in the District of Columbia, a lawyer's fee may be taxed against them.

{Cited in *Goodyear v. Sawyer*, 17 Fed. 13.}

Attachment in chancery. The defendants had by answer denied that the plaintiffs were executors in the District of Columbia. The plaintiffs thereupon dismissed their bill.

{See Case No. 10825.}

Mr. Swann, for plaintiffs.

Mr. Youngs, for defendants.

THE COURT was of opinion that a lawyer's fee should be taxed against the complainants, although they styled themselves executors. The defendants having denied that they were executors, have thrown the burden of proof on the plaintiffs. And by dismissing their bill they have tacitly admitted that they were not competent to sue here as executors. See *Law Va.* November 19, 1792, p. 98, § 14.

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