

POWER v. SEMMES.

{1 Cranch, C. C. 247.}¹

Circuit Court, District of Columbia. July Term, 1805.

WITNESS FEES—SERVICE OF SUBPOENA.

Witnesses are entitled to their fees, although the summons be served by a private person. In a judgment upon an attachment, interest cannot be added.

A summons for witnesses in Virginia, on the part of the plaintiff, was issued and directed to the marshal of Virginia. It was served by a private person who made affidavit that he read it to the witnesses and required their attendance, and that he believed they attended in consequence of such summons.

THE COURT allowed them to prove their attendance, and directed their fees to be taxed in the bill of costs in the same manner as if served by the marshal of Virginia.

On foreign attachment, the interest was calculated up to the time of the affidavit made before the justice who issued the warrant. At the time of condemnation, the plaintiff's counsel, (Mr. Howitt,) moved for interest to be added to the time of the judgment.

THE COURT refused.

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