

SADLER v. MORE.

{1 Cranch, C. C. 212.}¹

Circuit Court, District of Columbia. Dec. Term, 1804.

WITNESS—ATTACHMENT FOR FEES—WHEN ALLOWED.

A witness cannot have an attachment for his fees until he has proved his attendance, obtained an order of court that the party should pay him, and produced evidence of the service of the order, and of the party's refusal to obey it.

Matthew Dulaney, a witness summoned by the defendant, applied for an attachment against him for not paying his fees for attending.

THE COURT were of opinion, that he must first prove his attendance, and get an order of court and serve it upon the defendant, and produce affidavit to that effect, and of the defendant's refusal to pay.

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

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