

STIEBER v. HOYE.

{1 Cranch, C. C. 40.}¹

Circuit Court, District of Columbia. Oct. Term, 1801.

EXECUTION—ATTACHMENT—PRIORITY.

A fieri facias, received by the marshal before an attachment for rent not due, is entitled to priority, and must be first satisfied.

On an attachment to secure rent not due, under the act of assembly of Virginia (Rev. Code, p. 162, § 8), the marshal returned that he had attached the goods and chattels of the lessee, and also at the same time levied a fi. fa. on the same at the suit of Shuck against the said lessee, which fi. fa. was received by the marshal before the attachment was issued. No rent was due at the time of the receipt of the execution.

THE COURT decided that the execution should have priority, and hold the goods against the attachment.

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

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