

AMERICAN BELL TELEPHONE CO. V. PAN
ELECTRIC TELEPHONE CO. AND OTHERS.

Circuit Court, E. D. Pennsylvania. February 10, 1885.

WRIT AND
PROCESS—CORPORATION—SUBPŒNA—AGENT.

The court will set aside the service of a subpoena upon an alleged agent when it appears, from depositions taken, that the person served was not the agent of the defendant.

In Equity. *Sur* motion to set aside the service of the subpœna.

The marshal returned, “served on the Pan Electric Telephone Co., by giving a true and attested copy thereof to Robert Klotz, treasurer of the Rogers Telegraph and Telephone Co., agents of said Pan Electric Telephone Co.” The Pan Electric Company denied that the Rogers Company were their agents, and moved that the service of the subpoena be set aside. Depositions were taken, and, after argument thereon, the motion was granted.

J. Warren Coulston, for the motion.

Charles Howson, *contra*.

THE COURT. And now, to-wit, this tenth day of February, A. D. 1885, after argument of respective solicitors, the court orders and decrees that the service of the subpoena in equity in above case, and the return of the marshal thereto as follows: “and on the Pan Electric Telephone Co., by giving a true and attested copy thereof to Robert Klotz, treasurer of the Rogers Telegraph and Telephone Co., agents of said Pan Electric Telephone Co.”—be set aside.

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