

Case No. 3,551.

DALY v. MAGUIRE.

{6 Blatchf. 137.}¹

Circuit Court, S. D. New York.

May Term, 1868.

PRACTICE—WITHDRAWING EXHIBITS—PHOTOGRAPHIC SUBSTITUTES.

In this case, the court ordered the originals of printed exhibits, on file as parts of a deposition, to be taken from the files for the purpose of being annexed to a commission, on condition that photographic fac-similes thereof should first be made and placed on file, in lieu of the originals, under the direction of the clerk.

This was an action [by Augustin Daly against Thomas Maguire] for the infringement of the copyright of a play. The deposition of the defendant had been taken and filed. Annexed to it, as exhibits, were the printed programme of a performance at a theatre in San Francisco, and certain slips cut from newspapers published at that place. The plaintiff now applied for leave to take these exhibits from the files, and annex them to a commission which was about to be issued in the cause, for the examination of witnesses at San Francisco.

BLATCHFORD, District Judge. The application is granted on condition that the plaintiff shall, under the direction of the clerk, first cause to be made and placed on file, in lieu of the original exhibits, photographic fac-similes thereof.

¹ [Reported by Hon. Samuel Blatchford, District Judge, and here reprinted by permission.]