

Case No. 4,995.

FOWLE v. BOWIE.

[3 Cranch, C. C. 362.]<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1828.

CONTINUANCE—NEW TESTIMONY.

At any time before the fifth term, after the appearance term, the plaintiff may obtain a continuance of the cause upon affidavit that he has recently learned from his counsel that the documents upon which he relied are not good evidence for him, and that he wants the testimony of persons beyond sea, although a day, by consent of the parties, had been assigned for the trial.

Mr. Jones, for plaintiff, moved for a continuance of the cause upon affidavit by the plaintiff, that he has but recently learned by consultation with his counsel, that certain documents upon which he had relied, were not good evidence for him; and that he wants the testimony of certain persons in Holland.

The cause was at issue at the last term, and this day had been assigned by the court, with the consent of the parties, for the trial. This was the second term after the appearance court.

Mr. Key, for defendant objected.

But THE COURT (nem. con.) continued the cause, it not being after the fourth term after the appearance court. See Laws Md.

FOWLE v. BOWIE.

1721, c. 14, § 1; Id. 1730, c. 16; Id. 1787, c. 9, § 2; Id. 1794, c. 6, § 2.

{NOTE. See Fowle v. Bowie, Case No. 4,994.}

<sup>1</sup> {Reported by Hon. William Cranch, Chief Judge.}