

Case No. 6,009.

HANCE v. MCCORMICK.

{1 Cranch, C. C. 522.}¹

Circuit Court, District of Columbia.

Dec. Term, 1808.

TROVER—EVIDENCE OF POSSESSION—WITNESS FEES.

1. The possession of the tobacco notes, is evidence of the possession of the tobacco which they represent.
2. If a cause be postponed for two or three days, witnesses attending from Baltimore will be allowed pay for those days.

Trover for seven hogsheads of tobacco.

The plaintiff had put the tobacco notes into the hands of Mr. Heigh, for sale, who lost them; they came to the hands of the defendant [James McCormick, Jr.]. These tobacco notes were certificates given by the public inspector and keeper of the public warehouse; that A. B. has a hogshead of tobacco, of such a weight and quality, in the public warehouse, to be delivered to the bearer of the certificate.

Mr. Law, for defendant, contended that there was no evidence that the tobacco was in the defendant's possession, although he had the notes, and sold the tobacco to Mr. Levy, who received and sold the same.

But THE COURT overruled the objection. Witnesses living in Baltimore were allowed for attendance, although THE COURT postponed the civil cases for two or three days.

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