

Case No. 7,204.

JAMIESON v. WILLIS.

{1 Cranch, C. C. 566.}¹

Circuit Court, District of Columbia.

July Term, 1809.

DEPOSITIONS—NOTICE OF TAKING—REASONABLE TIME.

Notice of taking a deposition in Alexandria between 9 A. M. and 2 P. M., served by leaving a copy with the wife, at half past 8 A. M., and delivering another copy to the party at market, is not reasonable, although the parties all reside in Alexandria.

Assumpsit for goods sold and delivered.

The plaintiff offered a deposition of John Gird, who was about to go to sea, taken in Alexandria under the act of 1789, § 30 [1 Stat. 88.]

E. J. Lee, for defendant, objected that the notice was not reasonable.

The writ issued 26th of May, 1808. The notice was dated the 27th of May, to appear on the same day, in Alexandria, between 9 and 2 o'clock. It was served by leaving a copy with Mrs. Willis at half past eight o'clock, A. M., on the 27th, and a copy was offered to the defendant at the market, on the morning of the 27th.

Herbert & Swann, for plaintiff, offered evidence that the deposition was not in fact taken till half past ten o'clock, A. M.

THE COURT was of opinion that such notice was not reasonable, although the parties resided in Alexandria. Nonsuit.

Reinstated on payment of all costs and leave to both parties to amend.

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