

Case No. 7,641.

KEENE v. COOPER.

{2 Cranch, C. C. 215.}¹

Circuit Court, District of Columbia.

Nov. Term, 1820.

WRIT OF INQUIRY—PLAINTIFF'S AFFIDAVIT—AMOUNT OF DAMAGES.

In executing a writ of inquiry in Alexandria, the plaintiff's own affidavit may be read in evidence of the amount of the damages.

On executing the writ of inquiry in this cause, Mr. Taylor, for plaintiff, offered in evidence, to ascertain the amount of damages, the plaintiff's own affidavit.

Mr. Swann opposed it; and said that the practice of the court was to allow it only in cases where the defendant does not contest the amount of damages.

Mr. Taylor, in reply. If the rule be not uniform and general, the plaintiff cannot know when he may safely execute his writ of inquiry. There is no appearance of defendant upon the record.

THE COURT (MORSELL, Circuit Judge, contra,) said that the practice had been uniform in Virginia, and here, and permitted the plaintiff's affidavit to be read.

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