

## Case No. 10,233.

## NICHOLLS v. WARFIELD.

{2 Cranch, C. C. 290.}<sup>1</sup>

Circuit Court, District of Columbia. April Term, 1822.

## EVIDENCE—RECEIPT OF GOODS—NOTICE TO PRODUCE ACCOUNT.

It is not competent for the plaintiff to give evidence of the defendant's acknowledgment of the receipt of the goods mentioned in a certain account which had been delivered to the defendant, without having first given notice to the defendant to produce the account.

THE COURT (THRUSTON, Circuit Judge, absent) refused to permit the plaintiff to give evidence of the defendant's acknowledgment of the receipt of goods charged in an account which had been delivered by the witness to the defendant, without having first given the defendant notice to produce it, although the witness held in his hand a copy of that account.

{See Case No. 10,234.}

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]

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