

READ v. BERTRAND.

{4 Wash. C. C. 558.}¹

Circuit Court, D. Pennsylvania. Oct Term, 1825.

DEPOSITION—TAKEN UNDER RULE—INABILITY OF WITNESS TO ATTEND.

A deposition taken under a rule of court to be read in case of the inability of the witness to attend, cannot be read, unless such inability be shown, or that the witness lives beyond the reach of a subpoena.

Action of assumpsit The court decided that a deposition taken under a rule of court, on twenty-four hours notice, to be read in case of the inability of the witness to attend; could not be given in evidence without proof of such inability, or that the witness lived beyond the distance to which a subpoena could reach, to compel his appearance. The plaintiff suffered a nonsuit.

¹ [Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.]

This volume of American Law was transcribed for use
on the Internet

through a contribution from [Google](#). 