

RENNER v. HOWLAND.

{2 Cranch, C. C. 441}¹

Circuit Court, District of Columbia. Nov. Term, 1823.

DEPOSITION—NOTICE TO TAKE—LENGTH OF TIME.

1. The court will reject a deposition, if the notice has not been reasonable.
2. Notice given at noon to take a deposition between four and six o'clock of the same evening, is not reasonable, if there be no special circumstances to prevent an earlier notice.

Mr. Jones and Mr. Swann, for plaintiff.

Mr. Taylor, for defendant

THE COURT (THRUSTON, Circuit Judge, absent) rejected the deposition of Bennett, taken on the part of the defendant, because the notice was unreasonable; it being given at noon to attend in Alexandria, between four and six o'clock the same evening, there being no special circumstances stated to show the necessity of so short a notice, and the intention of the witness to go to sea being known to the defendant many days before he gave the notice.

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

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