

Case No. 14,339.

UNDERWOOD v. HUDDLESTONE.

[2 Cranch. C. C. 76.]¹

Circuit Court, District of Columbia. June Term, 1813.

EVIDENCE—WRITTEN NOTICE—NOTICE TO PRODUCE.

The contents of a written notice cannot be given in evidence, unless notice has been given to the party to produce it.

[Cited in *Bank of Washington v. Kurtz*, Case No. 950.]

Assumpsit against the indorser of Roddy's note. The notary testified that he gave notice by letter.

Mr. Law, for defendant, objected to evidence of its contents, because the defendant had not been called upon to produce the letter, and cited *Chitty*, 210; 1 *Peake*, Ev. 112; 2 *Peake*, Ev. 221; 7 *East*, 385; *Shaw v. Markham*, *Peake*, 165.

Mr. Jones, contra. The practice has always been otherwise. *Saunderson v. Judge*, 2 H. Bl. 509.

THE COURT (nem. con.) refused to permit evidence to be given of the contents of the letter, because the plaintiff had not given notice to the defendant to produce it before the trial, and refused to allow the plaintiff now to give the notice.

Verdict for the defendant.

New trial granted on payment of costs. *Bank of Washington v. Kurtz* [Case No. 950].

[See Case No. 14,340.]

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

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