

Case No. 17,484.

WHEATON v. LOVE.

{1 Cranch, C. C. 429.}¹

Circuit Court, District of Columbia.

July Term, 1807.

DEPOSITIONS—NOTICE.

Under the law of Virginia respecting the taking of depositions, notice to the attorney at law of the opposite party is not sufficient.

Notice of taking a deposition under the Virginia laws, was given to E. J. Lee, attorney at law for the defendant.

E. J. Lee acknowledged service, but stated that he could not attend.

E. J. Lee now objected to the deposition, because notice to an attorney at law is not good under the laws of Virginia. *Buddicum v. Kirk*, 3 Cranch [7 U. S.] 297.

Mr. Swann, for plaintiff, became nonsuit; and THE COURT reinstated the cause on payment of the costs of the term. The deposition having been taken under the former decisions of this court that such notice was good. DUCKETT, Circuit Judge, contra. [Case No. 17,485.]

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