

Case No. 1,316.

BENNETT v. ADAMS.

[2 Cranch, C. C. 551.]<sup>1</sup>

Circuit Court, District of Columbia.

April Term, 1825.

EVIDENCE—FORMER TRIAL—DECEASED WITNESS—PROOF BY GENERAL REPUTATION.

1. When evidence is offered of what a deceased witness testified at a former trial of the same cause, that evidence must be of the very words of the deceased witness.
2. A power to release a debt cannot be proved by general reputation.

THE COURT (THRUSTON, Circuit Judge, absent) decided, that when evidence is offered of what a deceased witness testified, at a former trial of the same cause, that evidence must be of the very words of the deceased witness. It is not sufficient for the witness to state what he understood to be a substance or effect of the language of the deceased witness. *Phil. Ev.* (Ed. N. Y. 1820.) 199.

THE COURT also decided that a power to release a debt could not be proved by general reputation.

Verdict for plaintiff, \$63.68.

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