

Case No. 2,553.

CENTRE v. KEENE.

[2 Cranch, C. C. 198.]¹

Circuit Court, District of Columbia.

April Term, 1820.

DEPOSITION—CAPTION—CERTIFICATE OF MAGISTRATE.

The magistrate who takes a deposition under the act of congress, need not certify that the deponent subscribed it in his presence, but the title of the cause in which it is to be used must

CENTRE v. KEENE.

be truly stated in the certificate of the caption.

[Cited in Re Thomas, 35 Fed. 823.]

Mr. Taylor, for defendant, objected to a deposition taken under the act of congress (1 Stat 73), that the magistrate did not certify that the deponent subscribed it in his presence, but that he subscribed it after it was reduced to writing by the magistrate.

But THE COURT (THRUSTON, Circuit Judge, absent) overruled the objection.

Mr. Taylor then objected, that it is stated in the caption that the deposition was taken to be used in an action in which Robert Centre & Co. were plaintiffs.

Mr. Swann, contra. This is evidently the same suit.

THE COURT supported the objection, and rejected the deposition; and said they could not judicially know it to be the same cause.

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