

Case No. 4,935.

FOREMAN v. HOLMEAD.

[5 Cranch, C. C. 162.]¹

Circuit Court, District of Columbia.

March Term, 1837.

DEPOSITIONS.

A deposition cannot, under the act of congress, be taken before a judge of the city court of the city of Lexington, in Kentucky.

Mr. Redin, for plaintiff, offered to read a deposition taken before the judge of the city court of the city of Lexington, in, Kentucky.

Mr. Brent, for defendant, objected that the judge was not such a judge or chief magistrate as is described in the 30th section of the judiciary act of 1789 (1 Stat. 73); and—

THE COURT (MORSELL, Circuit Judge, absent) refused to suffer it to be read.

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