

Case No. 5,142.

FRY v. YEATON.

[1 Cranch, C. C. 550.]¹

Circuit Court, District of Columbia.

July Term, 1809.

COSTS—MAGISTRATE'S FEES FOR TAKING DEPOSITION.

The fees of a magistrate in another state for taking a deposition under the act of congress of 1789 [1 Stat. 73] may be taxed in the bill of costs, in Virginia.

[Cited in *Jerman v. Stewart*, 12 Fed. 275.]

This was a motion by C. Lee, the plaintiff's counsel, to tax, in the bill of costs, the fee of W. Wetmore, C. J., of the common pleas in Boston, being seven dollars, for taking a deposition according to the act of congress (section 30 of the judiciary act; 1 Stat 73).

Mr. Youngs, for defendant contended that there was no law of Virginia, or of the United States, to authorize the charge.

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C. Lee, for plaintiff, cited the Virginia act of 29th November, 1792, § 13, p. 279.

THE COURT allowed the costs of taking the deposition to be taxed in the bill of costs.

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