

Case No. 6,873. HUMPHRIES v. TENCH.
[2 Cranch, C. C. 337.]¹

Circuit Court, District of Columbia.

Oct. Term, 1822.

PETITION FOR FREEDOM—DEPOSITIONS AS EVIDENCE.

Depositions taken in another suit for freedom, by one of the same family, cannot be read in evidence as hearsay respecting the condition of their common ancestor.

Petition for freedom. The defendant offered to read the depositions in a record of Charles county court in Maryland, in a suit for freedom, by one of the same family of negroes, as hearsay, in relation to the common ancestor of that family.

Mr. Key and Mr. Caldwell, for petitioner, objected, and cited 1 Phil. Ev. 190.

Mr. Smith and Mr. Swann, control, cited 1 Phil. Ev. 174; Wheat. Dig. p. 153, § 16.

THE COURT (nem. con.) said that the depositions could not be read in evidence, to prove the condition of the ancestor, (Airy.)

Verdict for the petitioner.

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