

## THORPE ET AL. V. SIMMONS.

{2 Cranch, C. C. 195.}<sup>1</sup>

Circuit Court, District of Columbia. Dec. Term, 1819.

DEPOSITION—REQUISITES—MAGISTRATE'S  
CERTIFICATE.

In taking ex parte depositions under the act of congress, the requisites of the act must be strictly pursued.

{Suit by Thorpe & Burton against William Simmons.}

THE COURT (nem. con.) rejected a deposition taken under the act of congress of 1789 (1 Stat. 73), because the magistrate certified that the form (not "the same" which are words of the act), was reduced to writing by him, and signed by the witness.

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

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