

The SAMUEL : BEACH *et al.*, Claimants.

Examination of witnesses.

A witness offer to be examined *viva voce*, in open court, in an instance cause, ordered to be examined out of court.

THIS cause, being an instance or revenue cause, had been ordered to further proof at a former term. (1 Wheat. 9.)

February 30th, 1818. *Dagget*, for the claimants, now offered to produce a witness to be examined, *viva voce*, in open court, on further proof ; but the court, for the sake of convenience, ordered his deposition to be taken in writing, out of court.

February 11th. MARSHALL, Ch. J., delivered the opinion of the court, reversing the decree of condemnation in the court below, and ordering the property to be restored as claimed.

Decree reversed.

*78] *The SAN PEDRO : VALVERDE, Claimant. (a)

Probable cause.

Decree of restitution affirmed, with a certificate of probable cause, in an instance cause, on further proof.

THIS cause was ordered to further proof, at the last term. Further proof was produced at the present term, and the cause submitted thereon, without argument.

February 11th. MARSHALL, Ch. J., delivered the opinion of the court, affirming the decree of restitution in the court below, with a certificate of probable cause of seizure.

Decree affirmed.

(a) See 2 Wheat. 132, 143.