

Case No. 1,554.

BLODGET v. THORNTON.

{3 Cranch, C. C. 176.}<sup>1</sup>

Circuit Court, District of Columbia.

May Term, 1827.

DOWER—MARRIAGE—EVIDENCE—COHABITATION.

Upon a writ of dower, the marriage may be proved by parol evidence of cohabitation as man and wife.

Writ of dower. Verdict for the plaintiff {Rebecca Blodget}, subject to the opinion of the court, whether parol evidence of cohabitation as man and wife, is sufficient to prove the marriage.

C. C. Lee, for the defendant {William Thornton}, contended that the marriage can only be proved by the certificate of the bishop, or of the clergyman who married them. The following authorities were cited by Mr. Lee: *Jackson v. Claw*, 18 Johns. 346; *William v. Gwyn*, 2 Saund. 45; 1 Phil. Ev. 262; *Starkie*, Ev. 939; *Birt v. Barlow*, 1 Doug. 172; *Morris v. Miller*, 1 W. Bl. 632.

R. S. Coxe, contra, cited *Birt v. Barlow*, 1 Doug. 172; *Morris v. Miller*, 4 Burrows, 2058; *Bayard's Peake*, Ev. 88. See also, *Woodf. Landl. & Ten.* 402; *Henry St. George Tucker's notes to 1 Bl. Comm.* 440, note 3.

THE COURT (MORSELL, Circuit Judge, absent), ordered the judgment to be entered for the plaintiff.

{NOTE. For subsequent proceedings by the plaintiff, see *Blodget v. Brent*, Case No. 1,553.}

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