

Case No. 2,384. CANNELL V. MILBURN ET AL.
[3 Cranch, C. C. 424.]¹

Circuit Court, District of Columbia.

April, 1829.

PLEADING AND PROOF—VARIANCE.

If the legal effect of the instrument be the same, whether the words constituting a variance be inserted or not, the variance is not material.

Debt on a sealed note. Plea, “owe nothing” without oyer, and issue.

Mr. Neale, for defendant, objected to the admission of the sealed note in evidence, because it contained the words “for value received,” which were not in the declaration.

Mr. Hodgson, for plaintiff.

THE COURT (MORSELL, Circuit Judge, absent,) overruled the objection, and CRANCH, Chief Judge, referred to the case of *Ferguson v. Harwood*, 7 Cranch [11 U. S.] 408 where the supreme court held, that if the legal effect of the instrument be the same, whether the words be inserted or not, the variance is immaterial.

CANNON, The. See Case No. 11,539.

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