

Case No. 2,790.

CLARA v. EWELL.

[2 Cranch, C. C. 208.]¹

Circuit Court, District of Columbia.

June Term, 1820.

EVIDENCE—PROOF OF AGE—MEMORANDUM BY DECEASED PERSON.

An old entry in a memorandum-book of a deceased person, stating the ages of the several members of the writer's family, may be given in evidence to prove the age of a witness.

To prove the age of Mrs. Storer, a witness in this cause, the defendant [Thomas Ewell] offered a memorandum-book in the handwriting of the Rev. Lee Massy, deceased, dated April 19th, 1777, in which he stated the names and ages of his family, who were then inoculated for the small-pox, and the different modes of treatment and different doses of medicine for their respective ages. Mrs. Storer was then one of his family, and her name was placed in the class of those between six and ten years old.

Mr. Jones, for plaintiff, objected to the competency of the evidence.

But THE COURT (nem. con.) overruled the objection, and permitted the memorandum to be read to the jury.

CLARA CLARITA, The. See Cases Nos. 2,787-2,789.

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