

Case No. 4,661. FARMERS' BANK OF ALEXANDRIA v. LLOXD.
[2 Cranch, C. C. 411.]¹

Circuit Court, District of Columbia.

May Term, 1823.

PLEADING AND PROOF—VARIANCE.

If a note varies substantially from that described in the declaration it cannot be given in evidence upon a writ of inquiry.

Assumpsit against [Edward Lloyd] the indorser of a promissory note. The note offered in evidence upon the writ of inquiry was made "payable at the Farmers' Bank of Alexandria." The declaration did not state it as a note so payable.

Mr. Fendall and Mr. Swann, for plaintiffs.

Mr. Hewitt, for defendant.

THE COURT (nem. con.) said that the note could not be given in evidence upon that declaration.

The jury found one cent damages.

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