

Case No. 13,028.

SMITH ET UX. V. CLARKE.

[4 Cranch, C. C. 293.]¹

Circuit Court, District of Columbia.

March Term, 1833.

PLEADING AT LAW—PROOF—VARIANCE—DUE-BILL MADE TO WIFE—BEFORE MARRIAGE—DURING COVERTURE.

A due-bill made to the wife during the coverture, and for a consideration accruing during the coverture, is not admissible evidence to support a declaration which avers that the due-bill was made dum sola.

The declaration stated that the due-bill, which was made to the wife, was made to her dum sola. The due-bill offered in evidence was given to her after the marriage, and during the coverture, for a consideration accruing during the coverture.

The defendant objected to the evidence for the variance, and the objection was sustained by THE COURT. (THRUSTON, Circuit Judge, absent.)

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

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