

Case No. 14,177.

TRIPLET v. WARFIELD.

{2 Cranch, C. C. 237.}¹

Circuit Court, District of Columbia. April Term, 1821.

PLEADING AT LAW—VARIANCE.

The defendant cannot take advantage of a variance between the writ and declaration, by demurrer, without praying oyer of the writ.

The *capias* issued in trespass on the case. The declaration was in trespass *vi et armis* for breaking the plaintiff's lamp. The defendant demurred generally to the declaration, without praying oyer of the writ.

THE COURT, after taking time to consider, rendered judgment upon the demurrer, for the plaintiff. See 1 Chit. Pl. 438, 439; *Hole v. Finch*, 2 Wils. 394; *Oakley v. Giles*, 3 East, 167; *Gray v. Sidneff*, 3 Bos. & P. 399; *Murray v. Hubbart*, 1 Bos. & P. 645; 1 Chit. Pl. 209, 249, 254; *Spalding v. Mure*, 6 Term R. 363.

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

This volume of American Law was transcribed for use
on the Internet

through a contribution from [Google](#). 