

**Case No. 15,838.** UNITED STATES v. MURPHY.  
[4 Cranch, C. C. 681.]<sup>1</sup>

Circuit Court, District of Columbia.

March Term, 1836.

HUSBAND AND WIFE—WIFE'S PERSONALTY—LARCENY—INDICTMENT.

The goods of the wife, are the goods of the husband, and must he so averred to be, in an indictment for larceny, although the wife kept a milliner's shop in Washington and the husband a tinman's shop in Alexandria, but the wife's shop was not for her separate use.

Indictment [against Patrick Murphy] for stealing the goods of Ann Hill. It appeared in evidence that Ann Hill was a feme covert; that her husband kept a tinman's shop in Alexandria, and his wife a milliner's shop in Washington, but not for her separate use. They lived together, that is, he came to Washington three or four times a week.

THE COURT (MORSELL, Circuit Judge, absent, and THRUSTON, Circuit Judge, doubting) told the jury that in law the goods stolen were the goods of the husband, and

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ought to have been so stated in the indictment.

Verdict not guilty. The prisoner was remanded.

<sup>1</sup> (Reported by Hon. William Cranch, Chief Judge.)