

Case No. 15,979. UNITED STATES v. OVERTON.
[2 Cranch, C. C. 42.]¹

Circuit Court, District of Columbia.

June Term, 1812.

INTOXICATING LIQUORS—LICENSE.

The widow and administratrix of a deceased tavern-keeper cannot sell spirituous liquors under her husband's license; nor can she transfer it to another.

[Cited in *State v. Lydick*, 11 Neb. 373, 9 N. W. 560.]

Indictment for selling liquor as an ordinary-keeper, without license.

The defendant justified under a written authority from Mrs. Smallwood, the widow and administratrix of Walter B. Smallwood, indorsed on the original license which had been granted to him in his lifetime.

THE COURT (THRUSTON, Circuit Judge, contra,) said that Mrs. Smallwood had no authority to sell under her husband's license after his death. It is a personal trust. The recognizance given by the husband cannot be forfeited after his death by any misconduct of his widow.

UNITED STATES v. OVERTON.

The jury found the defendant guilty, and the court rendered judgment for the fine of 600 lbs. of tobacco, under the act of assembly of Maryland.

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