

Case No. 870. BANK OF COLUMBIA v. JONES.
[2 Cranch, C. C. 516.]¹

Circuit Court, District of Columbia.

Dec. Term, 1824.

LIMITATION OF ACTIONS—PLEADING—MISONOMER OF PLAINTIFFS IN MARGIN.

If the plaintiffs are misnamed, in the title of the cause, in the margin of a plea of limitations, the plea is bad on special demurrer.

[Overruled in *Bank of Columbia v. Ott's Admrs*, Case No. 878.]

At law. The plea of limitations, in this cause, was entitled, in the margin of the paper, "The President and Directors of the Bank of Columbia v. Richard Jones."

The plaintiffs demurred, and assigned for cause, that the plaintiffs, stated in the said plea, and whose declaration the said plea purports to answer, are stated to be "The President and Directors of the Bank of Columbia," whereas the plaintiffs in this suit, and whose declaration the said plea ought to have answered, are, "The President, Directors, and Company of the Bank of Columbia;" so that the said plea does not reply to, and is no answer to, the declaration of the plaintiffs in this cause.

Mr. Key and Mr. Dunlop, for plaintiffs.

Mr. Marbury, for defendant.

THE COURT (CRANCH, Chief Judge, contra) was of opinion that the names of the parties stated in the margin were to be considered as part of the plea, and made important by the special demurrer, and that the titling of the cause in the margin would make a part of the record, and adjudged the plea to be bad.

This decision was, afterwards, at this term, overruled, in the case of *Bank of Columbia v. Ott's Adm'rs*, [Case No. 878.]

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