

Case No. 2,257.

BUTTS v. CHAPMAN.

[1 Cranch, C. C. 570.]¹

Circuit Court, District of Columbia.

June Term, 1809.

**AMENDMENT ON PAYMENT OF COSTS—PAYMENT AS CONDITION
PRECEDENT.**

When costs are given, on leave to amend, the payment of the costs is not a condition precedent.

THE COURT (having since July, 1807, decided in suits at law that when an amendment is allowed on payment of costs, the payment of costs is not a condition precedent, but may be enforced, or await the event of the suit) decided, in this case, that the amended answer should be received although the costs were not paid, and thereby overruled the decision made in this suit at July term, 1807.

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

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