YesWeScan: The FEDERAL CASES

MCDANIEL V. WAILES.

Case No. 8,746.

[4 Cranch, C. C. 201.]¹

Circuit Court, District of Columbia.

May Term, 1832.

EJECTMENT-AMENDMENT OF THE FICTITIOUS LEASE.

In ejectment, the fictitious lease may be amended, after the jury is sworn, upon payment of the costs of the term.

The fictitious lease to the plaintiff [Mc-Daniel's lessee] was, by mistake, dated before the expiration of the lease to the defendant [Wailes, tenant of Dyer].

After the jury was sworn, the plaintiff prayed leave to correct the declaration in that respect, which

THE COURT (nem. con.) permitted to be done on payment of the costs of the term. A juror was withdrawn, the amendment was made, and the jury sworn again.

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