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Case No. 10,853.

PAYEN v. HODGSON.

{1 Cranch, C. C. 508.}¹

Circuit Court, District of Columbia. July Term, 1808.

PLEA OF MISNOMER—AMENDMENT OF RECORD.

After a plea of misnomer in abatement, the court will not suffer the record to be amended, but upon payment of costs, and a discharge of the bail.

The written order for issuing the writ, was to issue it in the name of Thomas Payson, but by mistake of the clerk, it issued in the name of Thomas Payen. The written order was filed in the clerk's office. The defendant had given bail, and pleaded a misnomer in abatement.

Mr. Taylor, for plaintiff, moved for leave to amend; which THE COURT refused, unless upon payment of costs and discharging the bail.

DUCKETT, Circuit Judge, absent.

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

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