

TIBBS ET AL. V. PARROTT.

{1 Cranch, C. C. 177.}¹

Circuit Court, District of Columbia. July Term, 1804.

PLEADING AT LAW—AMENDMENT—INSERTING
INDIVIDUAL NAMES.

When an action is brought in the name of a mercantile firm, the court will suffer the declaration to be amended by inserting the names of the several persons who compose the firm.

{Cited in Addison v. Duckett. Case No. 77; Georgetown v. Beatty, Id. 5,344.}

Mr. Swann, for plaintiffs, moved to amend the declaration by specifying the names of the company.

Mr. Mason asked if there was any thing to amend by, and cited the cases of Nicholls v. Harrison, decided at December term, 1802 (not reported), which was a refusal by the court (Marshall, Chief Judge, and Cranch, Circuit Judge, against the opinion of Kilty, ¹¹⁹⁷ Chief Judge), to allow covenant to be changed to case, or case to covenant.

THE COURT (nem. con.) allowed Mr. Swann to amend, it being a different amendment from the one mentioned by Mr. Mason, and not changing the cause of action; but THE COURT expressed an unwillingness to extend the rule further than it had been.

{For subsequent proceedings, see Case No. 14,023.}

¹ {Reported by Hon. William Cranch, Chief Judge.}