

TILLEY v. THARP.

[3 Cranch, C. C. 290.]³

Circuit Court, District of Columbia. May, 1828.

PLEADING AT
LAW—MISNOMER—PRACTICE—SPECIAL BAIL.

Upon a motion to appear without bail because the affidavit to the plaintiff's account by mistake of the attorney who wrote it, named the defendant James instead of William; the court took time to consider till the next day, when the mistake was corrected.

The declaration and the account filed were against William Tharp, but the affidavit at the foot of the account was against James Tharp.

Mr. Beale, for defendant, offered to appear without bail.

R. P. Dunlop, for plaintiff, said it was his mistake in writing the affidavit, and he would have it amended to-morrow.

THE COURT (nem. eon.) said they would consider until to-morrow, to give the plaintiff's counsel an opportunity to correct the mistake, when it was corrected and the defendant ruled to give special bail.

³ [Reported by Hon. William Cranch, Chief Judge.]

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