

Williams and Hodgson Vs. Lyles

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Court : US Supreme Court

Decided On : 1804

Appeal No. : 6 U.S. 9

Appellant : Williams and Hodgson

Respondent : Lyles

Judgement :

Williams & Hodgson v. Lyles - 6 U.S. 9 (1804)

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Williams & Hodgson v. Lyles

6 U.S. (2 Cranch) 9

ERROR TO THE CIRCUIT COURT OF THE COUNTY

OF ALEXANDRIA IN THE DISTRICT OF COLUMBIA

SYLLABUS

Where there was an error in the recital of the particular sums in a forthcoming bond given for a stay of execution under the law of Virginia, but the whole sum for which the bond was given was the amount of the debt and costs on the execution,

it was held that the bond was valid.

In the circuit court, a judgment was entered for the plaintiff under a forthcoming bond, taken according to the act of the Assembly of Virginia, which authorizes a stay of execution upon the delivery of such a bond, to pay the costs in money, and the debt in tobacco, at a stated price. The execution upon which the bond was given for "\$163.67, also \$12.33 and three hundred and fifty-four pounds of tobacco at thirteen shillings and four pence per pound, together \$171.99." The recital of the execution in the bond stated it to be for

"\$143.67, also \$20.33 and three hundred and fifty-five pounds of tobacco, at the rate of thirteen shillings and four pence per hundred weight, and marshal's fees and commissions, and all costs attending the execution of the said writ, \$8.11, making the whole the sum of \$171.99."

This aggregate sum was correct according to the execution, and not according to the recital, there having been a mistake in writing the word "twenty" for "twelve". The court below, considering the recital as correct in substance, rendered judgment for the plaintiff. The defendants took a bill of exceptions, and brought their writ of error.

Judgment affirmed, with ten per centum damages and costs.

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