fined to proceedings before judgment, or during the term at which judgment is entered.

Statutes of amendment are of two sorts—of *Amendment*, properly so called, and of *Jeofails;* the difference between them being, that the one are more properly mistakes of the pleader or clerk, and their benefit is attained by the Court overlooking the exception, the amendment not being made in point of fact in most cases, while the other extend to what the justices shall consider the misprisions of their clerks or other officers. The Statutes of amendment included in this collection are 14 E. 3, Stat. 1, c. 6 *supra;* 9 H. 5, c. 4; 4 H. 6, c. 3; 8 H. 6, c. 12 and c. 15; see R. v. Tutchin, 1 Salk. 51. The Statutes of *Jeofails* are 32 H. 8, c. 30; 18 Eliz. c. 14; 21 Jac. 1, c. 13; 16 & 17 Car. 2, c. 8; 4 & 5 Ann. c. 16; 9 Ann. c. 20, s. 7; 5 Geo. 1, c. 13 and 4 Geo. 2, c. 26. Statutes of amendment extend to penal actions but not to criminal cases, Tidd Prac. 721. And the Statutes of Jeofails are extended to all actions, but not to criminal cases, by 4 Geo. 2, c. 26.

At common law a misawarding of process on the roll was amendable during the same term, it being the act of the Court. But erroneous process, issued by a clerk on a right of award of the Court, was never amendable at common law, R. v. Tutchin *supra*. Hence it was, that obvious clerical mistakes or misprisions, as the slip of a letter or a syllable, was fatal to the pleader, and the rule comprehended all other proceedings after they were enrolled, for then the roll was the record.

"Process" is the only word used in this Act, and it was early construed to mean only that part of the proceedings out of the plea-roll till judgment, or as it is expressed by Powell J. in R. v. Tutchin, writs that issue out of the record, and not to proceedings in the roll itself, i. e. the *mesne process* and *jury process*, see Blackamore's case, 8 Rep. 157 b. In another respect it was favourably construed for suitors, so as to comprehend a whole word, *ibid.* But the judges were not agreed whether amendments under it might be made after, as well as before judgment. So by Stat. 9 H. 5, c. 4, (*q. v.*) confirmed by Stat. 4 H. 6, c. 3, (*q. v.*), with an exception of process on outlawry and process in Wales, it was declared that the judges should have the same power of amendment after as before judgment, so long as the record and process is before them. Still, under these Acts, the judges could only amend *process* according to the original Act, and hence, to enlarge their powers to amend what they might in their discretion think to be misprisions of their clerks, the Statutes 8 H. 6, c. 12 and c. 15 (*q. v.*) were passed.

Clerical misprisions, however, are construed to be not only mistakes of the clerk in Court, but such slips in writing as a clerk of the party might make, and which are set right as of course.[2]

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[2] For examples of clerical misprisions which are amendable as of course or merely disregarded, see Anderson v. Stewart, 108 Md. 340; Acklen v. Fink, 95 Md. 655; Charles Co. v. Mandanyohl, 93 Md. 150; Farrell v. Baltimore, 75 Md. 493; Bond v. Citizens Bank, 65 Md. 498; DeBebian v. Gola, 64 Md. 262; Ecker v. First Bank, 62 Md. 519; Newcomer v. Kean, 57 Md. 121; Waters v. Engle, 53 Md. 179; First Bank v. Weckler, 52 Md. 30; Jean v. Spurrier, 35 Md. 110; State v. Logan, 33 Md. 1. Cf. Davis v. State, 39 Md. 355. See note to 8 Hen. 6 c. 12.