

## THE STATE vs. SMITH.

The law knows of but one christian name; and it is no misnomer to improperly include or exclude the initial of a middle name.

*Appeal from Conway Circuit Court.*

The defendant was indicted by the name of John B. Smith; and pleaded in abatement that he was known and called by the name of *John Smith* and not *John B. Smith*. The State demurred to the plea; but the Court overruled the demurrer and the State appealed.

CLENDENIN, Attorney General. The law allows of but one christian name; middle names are disregarded, (2 *Cow.* 463,) and their omission or insertion incorrectly cannot be pleaded in abatement. 5 *John. R.* 84.

Mr. Justice SCOTT delivered the opinion of the Court.

The law knows of but one christian name. The entire omission of a middle letter is not a misnomer or variance. (*Litt.* 3 a. 1 *Lord Raym.* 563. 5 *John. R.* 84. 4 *John. R.* 119 note a.) "The middle letter is immaterial, and a wrong letter may be stricken out or disregarded." (*Keene v. Meade*, 3 *Peters R.* p. 9.) The demurrer ought to have been sustained and judgment rendered accordingly.

Let the judgment be reversed, and the cause be remanded.