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**Case No. 2,318.**

CALLADAY v. McKINSEY et al.

[5 McLean, 166.]<sup>1</sup>

Circuit Court, D. Ohio.

July Term, 1850.

**PRACTICE—CONTINUANCE.**

Since the commencement of this suit, the defendant, who claims under a tax title, filed his bill in the state court against the lessor of the plaintiff, a non-resident, and by publication, procured a decree of the title, no notice being given to the party nor his counsel in the case, of which the defendant had full notice. With the view of reversing this decree in the state court, the counsel for plaintiff moved a continuance.

On the facts stated, the court continued the cause.

Swan & Andrews, for plaintiff.

Sir. Thurman, for defendant.

<sup>1</sup> [Reported by Hon. John McLean, Circuit Justice.]

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