

Case No. 8,367.

LINDSAY v. TWINING.

[1 Cranch, C. C. 206.]¹

Circuit Court, District of Columbia.

Dec. Term, 1804.

PRACTICE AT LAW—REINSTATEMENT OF CAUSE.

The court will not, at a subsequent term, reinstate a cause which has been non prossed for want of security for costs.

Non pros, at last term for want of security for costs.

Mr. Woodward moved to reinstate the cause, upon the affidavit of Colonel D. C. Brent, that he had directed the clerk to enter him security, but the clerk had failed so to do. The clerk stated that Colonel Brent had, in his office, told him he would get security.

Motion refused; the term being passed, and the clerk having no right to judge of the sufficiency of the security offered. It should have been offered to the court. The clerk was in no default.

¹ [Reported by Hon. William Cranch, Chief Judge.]