

Case No. 8,697.

MCCLEOD v. GLOYD.

{2 Cranch, C. C. 264.}¹

Circuit Court, District of Columbia.

Oct. Term, 1821.

CLERK OF COURT—MISTAKE—FAILURE TO ENTER APPEARANCE—CASE
DISMISSED—AFFIDAVIT—REINSTATEMENT.

The court will permit an action of replevin which has been discontinued at a former term, by reason of the non-appearance of the defendant, to be re-instated, and the continuances entered up, upon affidavit, that the defendant's counsel, or attorney, on a day during the term, directed the clerk to enter his appearance, and that the clerk neglected to make the entry on the docket.

{Cited in *Reiling v. Bolier*, Case No. 11,671.}

{This was an action at law by John McCleod against George H. Gloyd.}

Replevin, returnable to June term, 1820. Discontinued by the non-appearance of the defendant.

Mr. Ashton, for defendant, upon affidavits of himself and Gloyd, stating, that at June term, 1820, he had directed the clerk, or his deputy, then having charge of the docket, in court, to enter his appearance for the defendant, and that he promised to do so, but neglected it, moved THE COURT to reinstate the cause, and to direct the continuances to be granted up. Granted.

¹ Reported by Hon. William Cranch, Chief Judge.}