

Case No. 11,148.

PIERCE v. TURNER.

{1 Cranch, C. C. 433.}¹

Circuit Court, District of Columbia. July Term, 1807.

JUDGMENTS—MISTAKE—AMENDMENT AT
SUBSEQUENT TERM.

A clerical mistake in entering a judgment may be amended at a subsequent term, and an execution issued thereon may be quashed.

This was a motion to set aside a judgment of last term, obtained by mistake of the clerk in entering an appearance of R. I. Taylor, and a confession of judgment in this suit, instead of another, and to quash the execution thereon, there being a good defence—the defendant being sued as executrix de son tort for holding negroes under a marriage settlement.

Mr. Swann, for plaintiff, admitted the facts.

Judgment set aside, and execution quashed.

But DUCKETT, Circuit Judge, doubted whether the court could, at this term, set aside a judgment of the last term, even upon a clerical mistake.

[NOTE. This action was subsequently heard on the question whether the slaves were a part of the personal property of Charles Turner at his death, and whether the widow can be charged, as executrix de son: tort, in respect thereof. Judgment was rendered for defendant. Case No 11,149. Affirmed by the supreme court in 5 Cranch (9 U. S.) 154.]

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