

## RIGGS V. CHESTER.

[2 Cranch, C. C. 637.]<sup>3</sup>

Circuit Court, District of Columbia. Dec Term, 1825.

PRACTICE AT  
LAW—REINSTATEMENT—SUBSEQUENT TERM.

If a cause be non-prossed, and not reinstated at the same term, it cannot be reinstated at a subsequent term, but is discontinued.

This cause was non-prossed at the last term, on the 19th of May, 1825, on a rule for security for costs. On the 25th of May, the defendant filed a plea of the statute of limitations. On the 26th, Mr. Wallach, the plaintiff's attorney, directed the clerk to enter him (Mr. Wallach) as security for costs, which was done upon the docket. No application was made to the court at that term, to reinstate the cause. The clerk brought the case forward on the trial-docket of this term.

When the cause was called for trial, Mr. Key, for defendant, objected that the cause was non-prossed at the last term, and not ordered by the court to be reinstated; and that the court could not reinstate it now.

And THE COURT (MORSELL, Circuit Judge, absent), being of that opinion, directed the clerk to strike it from the trial-docket, the cause not being continued from the last term.

<sup>3</sup> [Reported by Hon. William Cranch, Chief Judge.]

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