

SHERBURNE V. KING ET AL.

{2 Cranch, C. C. 205.}¹

Circuit Court, District of Columbia. June Term, 1820.

CLERK OF COURT—ERROR OF
OMISSION—CORRECTION.

A replevin discontinued by the non-appearance of the defendant at the first term, may be reinstated at the next, if the omission to enter the appearance was the error of the clerk.

{Cited in *Reiling v. Bolier*, Case No. 11,671; *Blagden v. Broadrup*, Append. Fed. Cas.}

This action of replevin was discontinued at the last term (the return term), by the non-appearance of the defendants {King and Langley}, no steps having been taken by the plaintiff to continue the process.

Mr. Ashton, for defendants, now moved to reinstate it upon affidavit of himself, and one of the defendants, stating that the clerk was at the last term ordered to enter Mr. Ashton's appearance for the defendant.

And THE COURT made the following order: It appearing to the satisfaction of the court that the appearance of the defendant by his attorney was omitted to be entered, by the mistake of the clerk, at the last term, It is ordered that his appearance be entered as of the last term, and the cause brought forward upon the docket of this term.

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