

THOMPSON V. WELLS ET AL.

[3 Cranch, C. C. 5.]¹

Circuit Court, District of Columbia. Dec., 1826.

REPLEVIN—REINSTATEMENT—APPEARANCE.

If the defendant in replevin does not appear at the return term of the writ, the action is discontinued, and the court will not, at a subsequent term, reinstate it, upon affidavit that the defendant requested an attorney to enter an appearance for him, and supposed it had been done.

Replevin. The action was discontinued by the non-appearance of the defendants at the last term.

Mr. Key, for the defendants [Wells and Nicholls], now moved to reinstate it on the docket, upon affidavit of the defendant Wells that on the first day of the last term he requested Mr. Key to enter an appearance for him, and supposed it had been done.

Mr. Key afterwards withdrew his motion, being satisfied that the practice of this court was against him.

THOMPSON, The ISABELLA. See Case No. 7,102.

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