

Case No. 17,751.

WILLIAMSON v. BRYAN.

{2 Cranch, C. C. 407.}<sup>1</sup>

Circuit Court, District of Columbia.

April Term, 1823.

REINSTATEMENT OF CAUSE.

When an action of replevin has been discontinued by the non-appearance of either party, the court will not, at a subsequent term, reinstate the cause, unless it appears to be the fault of the clerk that the appearance was not entered.

[Cited in *French v. Venable*, Case No. 5,105; *Reiling v. Bolier*, Id. 11,671.]

Replevin. This cause had been discontinued at the last term, because the defendant had not appeared.

Mr. Dawson, defendant's counsel, made affidavit that he was desired by the defendant, before the last term, to enter his appearance for the defendant in all his causes, and thought he had done so, but now finds that his appearance was not entered in this case, and that the cause was discontinued for want of an appearance. Whereupon he moved the court to direct the cause to be reinstated, and brought forward upon the docket, and the continuance entered.

But THE COURT (THRUSTON, Circuit Judge, absent) said that the only cases in which they had granted such a request were those in which it appeared to be the default of the clerk that the appearance had not been entered.

Motion overruled.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]