

Case No. 17,943.

WOOD v. DIXON.

[1 Cranch, C. C. 401.]¹

Circuit Court, District of Columbia.

June Term, 1807.

STRIKING OUT APPEARANCE.

The court will not order the defendant's appearance to be struck out, so as to charge the marshal.

The plaintiff had ordered the writ in proper person, and his appearance was so entered on the docket. On calling over, the appearance docket,—

Mr. Law, for defendant, had entered an

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appearance for the defendant, without bail, although a note had been filed as to the cause of action.

F. S. Key now moved to appear for the plaintiff, and to have defendant's appearance struck out, and defendant ruled to bail, or the marshal amerced.

But THE COURT refused, because the marshal, by the appearance, was discharged from the duty of keeping the defendant in custody, and it is to be presumed has discharged him, and cannot retake him.

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