

the case of Greff v. Fickey, 30 Md. 75, of the Court of Appeals, it was held that the power of the Court to amend the docket entries, in cases of clerical mistakes or omissions, and from them the record of the judgment, was not confined to the term within which the proceedings were alleged to have taken place, but that if the Court were satisfied that such mistakes took place, either from its own recollection or *from evidence offered*, it was not only within its power but its duty to order an amendment, even after error brought.<sup>6</sup> The same case is authority, that where from the original papers it appears, either expressly or by necessary legal intendment, that any proceeding took place, the omission of the clerk to enter it on the docket or in the record is of no importance. In *Newcomer v. Keedy*, 9 Gill, 263, however, the Court held that a declaration is not filed until it reaches its final place of deposit by the officer entrusted with it, though endorsed as filed, **237** and the proper evidence that it is filed is \*the clerk's entry on the docket, to which the Court and counsel resort as the true record of the *pleadings*, and where rules to plead are laid, and the declaration having in that case been mislaid by the plaintiff's counsel, the defendant was held not to have been in default. And in *Tabler v. Castle*, 22 Md. 94, it was decided that a final docket entry of "settled" meant "satisfaction," that it was a judicial act, as done under the eye of the Court, and therefore could never be questioned in a collateral proceeding, any more than any other record

**Amendments of writs and pleadings.**—As to writs: all after the original are judicial writs, and so in England, a *capias* is a judicial writ. If the clerk mistake a word, as if he put *divisit* for *dimisit* in an original in ejectment, or the singular number for the plural, or omits or adds anything, unless it alters the form of the writ, as in *Hatley's case* above cited, or if the record be defaced by moisture, or obliterated by negligence in keeping, or stolen, this may be amended or supplied by other parts of the record under the Act, *Blackamore's case supra*. And in this State, as in England, it has been held that a *scire facias*, being a writ, might be amended,<sup>7</sup> as where "*Commissary*" was put for "*Register of Wills*," *Reintzell v. Beatty*, 3 H. & McH. 6; and where the judgment on the docket, on which the writ issued, was by a clerical error entered in a wrong year, the *sci. fa.* was amended by a reference to the titling of the attorney directing it to be issued, *Hazeldine's Admr. v. Walker's Ex'rs*, 1 H. & J. 487; and so where the judgment was incorrectly recited in the *sci. fa.* by mistake of the clerk, *Prather v. Manro*, 11 G. & J. 261. In *Byrne v. McPherson*, 12 G. & J. 157, a judgment had been recovered by two. The attorney of the survivor ordered in writing a *sci. fa.* in the name of the survivor, which, however, issued in the name of both the original plaintiffs. This writ was lost, and on motion of the administrator of the survivor, the Court ordered a duplicate of it to be made out and filed, and then ordered an amendment of it so as to conform to the original instruction. And in *Bank of the U. S.*

<sup>6</sup> *State v. Logan*, 33 Md. 1. Unimportant clerical errors in docket entries afford no ground for striking out the judgment. *Acklen v. Fink*, 95 Md. 655. See end note to 11 Hen. 4 c. 3.

<sup>7</sup> *Bowie v. Neal*, 41 Md. 124; *Garey v. Sangston*, 64 Md. 31.