

Lyle Vs. Foreman

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Court : US Supreme Court

Decided On : 1789

Appeal No. : 1 U.S. 480

Appellant : Lyle

Respondent : Foreman

Judgement :

LYLE v. FOREMAN - 1 U.S. 480 (1789)

U.S. Supreme Court LYLE v. FOREMAN, 1 U.S. 480 (1789)

1 U.S. 480 (Dall.)

Lyle, Admor.

v.

Foreman

Court of Common Pleas, of Philadelphia County

December Term, 1789

This was a Foreign Attachment, which issued returnable to the present term; and, on arguing a rule to show cause, why the writ should not be quashed, it was proved, that, on the 5th of December, the Defendant was at Lancaster, in his way to Fort Pitt, where he intended to proceed to the Spanish settlement below the

Natches, on the Mississippi, but was actually at Fort Pitt on the 2nd of January, 1790.

Shippen, President, observed, that while a man remained in the State, though avowing an intention to withdraw from it, he must be considered as an inhabitant, and; therefore, not an object of the Foreign Attachment. If an inhabitant clandestinely withdraws, or secretes himself, to avoid his creditors, he becomes liable to the Domestic Attachment. The having once been an inhabitant will not, however, protect a man forever from a Foreign Attachment, where he has notoriously emigrated from the State, and settled elsewhere. But the case before the Court, is that of a Foreign Attachment issued at the very time that the Defendant was an inhabitant of the State, which cannot be maintained.

Let the rule be made absolute.

Willcocks and Sergeant, for the Plaintiff; Ingersol, for the Defendant.

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