

Foxcraft Vs. Nagle

Foxcraft Vs. Nagle

SooperKanoon Citation : sooperkanoon.com/78038

Court : US Supreme Court

Decided On : 1792

Appeal No. : 2 U.S. 150

Appellant : Foxcraft

Respondent : Nagle

Judgement :

FOXCRAFT v. NAGLE - 2 U.S. 150 (1792)

U.S. Supreme Court FOXCRAFT v. NAGLE, 2 U.S. 150 (1792)

2 U.S. 150 (Dall.)

Foxcraft

v.

Nagle

Supreme Court of Pennsylvania

January Term, 1792

Within the four first days of the term, Ingersoll and Tilghman moved for a new trial on the point of a misdirection of the judge.* Serjeant objected to the rule, no notice in writing of the intended motion having been given, as is required by the rules of the Court. The counsel for the plaintiff then urged, that the point they wished to

agitate was left open by the Court, and reserved for argument in Bank; at least, that they understood it so, and that they did not consider notice as necessary, where a liberty of moving the point was reserved in the presence of the parties at Nisi Prius. But, at any rate, the mistake was a sufficient ground to dispense with the strictness of the rule. In 4 Burr. 2271. the mistake of the attorney induced the Court to dispense with the four day rule. Serjeant. In the rule of the K. B. there is a provision that such a motion may be made after the four days, 'on special leave being asked and obtained.'

By the Court: There was no point reserved on the trial of this cause. The Court had no doubt in their minds; but, as it was a great national question, we should have had no objection to a more solemn argument. We, therefore, told the Jury, that if the plaintiff's counsel desired to have the question re-considered, they would have an opportunity of moving it at the return of the Postea. This motion is directly in the face of the rule, and cannot be sustained.

Rule refused. Footnotes

[[Footnote *](#)] See. ant. p. 132.[Foxcraft v. Nagle

[Footnote 2](#) U.S. 150 (1792)]

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com