

Lloyd Vs. Alexander

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Court : US Supreme Court

Decided On : 1803

Appeal No. : 5 U.S. 365

Appellant : Lloyd

Respondent : Alexander

Judgement :

Lloyd v. Alexander - 5 U.S. 365 (1803)

U.S. Supreme Court Lloyd v. Alexander, 5 U.S. 1 Cranch 365 365 (1803)

Lloyd v. Alexander

5 U.S. (1 Cranch) 365

SYLLABUS

The citation had not been served on the defendant in error thirty days, and the Court would not take up the cause until the thirty days had expired, unless the defendant in error should appear.

MR. CHIEF JUSTICE MARSHALL.

The law respecting the thirty days' notice on a writ of error and the ten days allowed for filing it was predicated upon the existing state of things at the time of passing the act, at which time there was no circuit court whose term would not be finished more than forty days before the sitting of the Supreme Court.

The times of the session of the courts have been altered, but no alteration has been made in the law respecting the thirty days' notice, which makes it difficult to form a rule in the case.

At present, if the citation has not been served thirty days, the Court will not take up the cause until the thirty days have expired, unless the defendant in error shall appear.

A citation not served is as no citation.

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