

**Gracie Vs. Palmer**

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**SooperKanoon Citation :** [sooperkanoon.com/78986](http://sooperkanoon.com/78986)

**Court :** US Supreme Court

**Decided On :** 1823

**Appeal No. :** 21 U.S. 699

**Appellant :** Gracie

**Respondent :** Palmer

**Judgement :**

Gracie v. Palmer - 21 U.S. 699 (1823)

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**21 U.S. (8 Wheat.) 699**

## **SYLLABUS**

It is not necessary to aver on the record that the defendant in the circuit court was an inhabitant of the district or was found therein at the time of serving the writ. Where the defendant appears without taking the exception, it is an admission of the regularity of the service.

MR. CHIEF JUSTICE MARSHALL stated that the uniform construction under the clause of the act referred to had been that it was not necessary to aver, on the

record, that the defendant was an inhabitant of the district or found therein.

That

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it was sufficient if the court appeared to have jurisdiction by the citizenship or alienage of the parties. The exemption from arrest in a district in which the defendant was not an inhabitant or in which he was not found at the time of serving the process was the privilege of the defendant which he might waive by a voluntary appearance. That if process was returned by the marshal as served upon him within the district, it was sufficient, and that where the defendant voluntarily appeared in the court below, without taking the exception, it was an admission of the service, and a waiver of any further inquiry into the matter.

*Motion denied.*

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