

Chisholm v. Georgia.

The following order was made :—

BY THE COURT—It is ordered, that the plaintiff in this cause do file his declaration on or before the first day of March next.

Ordered, that certified copies of the said declaration be served on the governor and attorney-general of the state of Georgia, on or before the first day of June next.

Ordered, that unless the said state shall either in due form appear, or show cause to the contrary in this court, by the first day of next term, judgment by default shall be entered against the said state.(a)

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AUGUST TERM, 1793.

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THE Court being met, a commission appointing WILLIAM PATERSON, one of the justices, bearing date the 4th of March 1793, was read ; and he was qualified according to law.(b)

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(a) In February term 1794, judgment was rendered for the plaintiff, and a writ of inquiry awarded. The writ, however, was not sued out and executed ; so that this cause, and all the other suits against states, were swept at once from the records of the court, by the amendment of the federal constitution, agreeable to the unanimous determination of the judges, in *Hollingsworth v. Virginia*, argued at February term 1798. (3 Dall. 378.)

(b) Judge PATERSON's appointment was in the room of Mr. Justice JOHNSON, who had resigned.

The malignant fever, which during this year, raged in the city of Philadelphia, dispersed the great body of its inhabitants, and proved fatal to thousands, interrupted, likewise, the business of the courts ; and I cannot trace, that any important cause was agitated in the present term.