

RULES AND ORDERS

OF THE

SUPREME COURT OF THE UNITED STATES.

11 February, 1830. There having been two associate justices of the supreme court appointed since its last session : it is ordered, that the following allotment be made of the chief justice and the associate justices of the said supreme court among the circuits, agreeably to the act of congress in such case made and provided, and that such allotment be entered on record, viz.:

For the first Circuit, the Hon. Joseph Story.

“ second Circuit, the Hon. Smith Thompson.

“ third Circuit, the Hon. Henry Baldwin.

“ fourth Circuit, the Hon. Gabriel Duvall.

“ fifth Circuit, the Hon. John Marshall, Ch. Justice.

“ sixth Circuit, the Hon. William Johnson.

“ seventh Circuit, the Hon. John McLean.

March, 1830. The court on the second day in each term, hereafter, will commence calling the cases for argument, in the order in which they stand on the docket, and proceed, from day to day, during the term, in the same order ; and if the parties, or either of them, shall be ready when the case is called, the same will be heard ; and if neither party shall be ready to proceed in the argument, the cause shall go down to the foot of the docket, unless some good and satisfactory reason to the contrary shall be shown to the court. That ten causes only shall be considered as liable to be called on each day during the term, including the one under argument, if the same shall not be concluded on the preceding day. No cause shall be taken up out of its order on the docket, or be set down for any particular day ; except under special and peculiar circumstances, to be shown to the court. Every cause which shall have been twice called, in its order, and passed, and put at the foot of the docket, shall, if not again reached during the term it was last called, be dismissed, and no longer continued on the docket.

12 August, 1796. Ordered, that when process at common law, or in

equity, shall issue against a state, the same shall be served on the governor, or chief executive magistrate, and attorney general of such state. (a)

Montalet v. Murray, February Term 1806. MARSHALL, Ch. J., stated the practice of the court to be, that when there is no appearance for the plaintiff in error, the defendant may have the plaintiff called, and dismiss the writ of error; or may open the record and pray for an affirmance. In such a case, costs go of course.

(a) These rules of court have been omitted in 1 Wheaton and 1 Peters. This omission arose from the fact that they were not regularly entered, with the other rules of court, by the then clerk of the court, at the time of their adoption.