

RULES AND ORDERS  
OF THE  
SUPREME COURT OF THE UNITED STATES.

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RULE, No. 43.

1. In all cases where a writ of error or an appeal shall be brought to this court from any judgment or decree rendered thirty days before the commencement of the term, it shall be the duty of the plaintiff in error or appellant, as the case may be, to docket the cause and file the record thereof with the clerk of this court, within the first six days of the term. If he shall fail so to do, the defendant in error or appellee, as the case may be, may docket the cause and file a copy of the record with the clerk, in which case it shall stand for argument at the term, or, at his option, he may have the cause docketed and dismissed, upon producing a certificate from the clerk of the court wherein the judgment or decree was rendered, stating the cause, and certifying that such writ of error or appeal had been duly sued out and allowed.

2. No writ of error or appeal shall be docketed, on the record of the cause filed by the plaintiff in error or appellant, after the first six days of the term, except upon the terms that the cause shall stand for argument during the term, or be continued, at the option of the defendant in error or appellee. But in no case shall the plaintiff in error or appellant be entitled to docket the cause and file the record, after the same shall have been docketed and dismissed in the manner provided for in the preceding rule, unless by order of the court, or with the consent of the opposite party.

3. In all cases where the cause shall not be docketed, and the record filed with the clerk, by either party, until after thirty days from the commencement of the term, the cause shall stand continued until the next term.

There having been an appointment made of an associate justice of the the Supreme Court during the present term, it is ordered by the court, that the following allotment be made of the chief justice and the associate justices of the supreme court among the circuits, agreeable to the act of congress in such case made and provided; and that such allotment be entered of record, to wit:

- For the first circuit, Hon. Joseph Story.
- “ second circuit, Hon. Smith Thompson.
- “ third circuit, Hon. Henry Baldwin.
- “ fourth circuit, none (there being a vacancy).
- “ fifth circuit, Hon. John Marshall, Chief Justice.
- “ sixth circuit, Hon. James M. Wayne.
- “ seventh circuit, Hon. John McLean.