

LLOYD *v.* ALEXANDER *et al.*

A citation must accompany the writ of error.

THE writ of error in this case was quashed, because it was not accompanied by a citation.

*366] *MARSHALL, Ch. J.—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.

