

DIGGS & KEITH *v.* WOLCOTT.*Injunction.*

A court of the United States cannot enjoin proceedings in a state court.<sup>1</sup>

THIS was an appeal from a decree of the Circuit Court for the district of Connecticut, in a suit in chancery.

The appellants, Diggs & Keith, had commenced a suit at law against Alexander Wolcott, the appellee, in the county court for the county of Middlesex, in the state of Connecticut, upon two promissory notes given by Wolcott to one Richard Matthews, for the purchase of lands in Virginia, and by him indorsed to the appellants; whereupon, Wolcott filed a bill in chancery in the superior court of the state, against the appellants, Diggs & Keith, and also against Robert Young and Richard Matthews, praying that Diggs & Keith might be compelled to give up the two notes to be cancelled, or be perpetually enjoined from proceeding at law for the recovery thereof, &c.

This suit in chancery was removed by the appellants from the state court into the circuit court of the United States for the district of Connecticut, where it was decreed that Diggs & Keith should, on or before a certain day, deliver the notes to the clerk of the court, and in default thereof should forfeit and pay to Wolcott \$1500; and that they should be perpetually enjoined, &c.; and that Robert Young should repay to the appellee the amount of principal and interest which the latter had paid on account of the purchase of the lands; and that the appellee should deliver up to the clerk the surveys of the lands, and the bond of conveyance; and in default thereof should pay to R. Young the sum of \$20,000.

\*180] \*The case was argued upon its merits by *C. Lee* and *Swann*, for the appellants, and by *P. C. Key*, for the appellee; but THE COURT being of opinion, that a circuit court of the United States had not jurisdiction to enjoin proceedings in a state court,

Reversed the decree.

WOOD *v.* LIDE.*Practice in error.*

If a writ of error be served before the return-day, it may be returned after, even at a subsequent term; and the appearance of the defendant in error waives all objection to the irregularity of the return.

The service of a writ of error is the lodging a copy thereof for the adverse party, in the office of the court where the judgment was rendered.

ERROR to the Circuit Court for the district of Georgia. The writ of error was dated the 23d of December 1805, and returnable to February term 1806; the citation also bore the same date, and commanded the defendant in error to appear at the same term. The writ of error was filed in the

<sup>1</sup> *Rogers v. Cincinnati*, 5 McLean 337; *City Bank v. Skelton*, 2 Bl. C. C. 14, 26; *Ex parte Campbell*, 1 Abb. U. S. 185; *Butchers' Association v. Slaughter-house Co.*, Id. 388; *Ex parte*

*Dudley*, 1 Clarke (Pa.) 96; *United States v. Collins*, 21 Law Rep. 37. And see *Watson v. Jones*, 13 Wall. 679.