

**RULES OF THE SUPREME
COURT OF THE
UNITED STATES AND
RULES OF PRACTICE**

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Rules of the Supreme Court of the United States and Rules of Practice by Various

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VARIOUS

**RULES OF THE SUPREME
COURT OF THE
UNITED STATES AND
RULES OF PRACTICE**

U.S. Supreme court

RULES OF

OF THE

SUPREME COURT OF THE UNITED STATES,

AND

RULES OF PRACTICE

FOR THE

CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES
IN EQUITY AND ADMIRALTY CASES,

Orders in Reference to Appeals from Court of Claims,
and General Orders in Bankruptcy.

REVISED AND CORRECTED.

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R U L E S
OF THE
SUPREME COURT OF THE UNITED STATES.

No. 1.

CLERK.

The clerk of this court shall reside and keep the office at the seat of the National Government, and he shall not practice, either as an attorney or counselor, in this court, or any other court, while he shall continue to be clerk of this court.

The clerk shall not permit any original record or paper to be taken from the court-room, or from the office, without an order from the court.

No. 2.

ATTORNEYS.

It shall be requisite to the admission of attorneys or counselors, to practice in this court, that they shall have been such for three years past in the supreme courts of the States to which they respectively belong, and that their private and professional character shall appear to be fair.

They shall respectively take and subscribe the following oath or affirmation, viz:

I, ———, do solemnly swear, (or affirm, as the case may be,) that I will demean myself, as an attorney and counselor of this court, uprightly, and according to law; and that I will support the Constitution of the United States.

No. 3.

PRACTICE.

This court consider the practice of the courts of king's bench and of chancery, in England, as affording outlines for the practice of this court; and they will, from time to time, make such alterations therein as circumstances may render necessary.

No. 4.

BILL OF EXCEPTIONS.

Hereafter the judges of the circuit and district courts shall not allow any bill of exceptions which shall contain the charge of the court at large to the jury in trials at common law, upon any general exception to the whole of such charge. But the party excepting shall be required to state distinctly the several matters of law in such charge to which he excepts; and such matters of law, and those only, shall be inserted in the bill of exceptions, and allowed by the court.

No. 5.

PROCESS.

All process of this court shall be in the name of the President of the United States.

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.

Process of subpoena, issuing out of this court, in any suit in equity, shall be served on the defendant sixty days before the return-day of the said process; and if the defendant, on such service of the subpoena, shall not appear at the return-day contained therein, the complainant shall be at liberty to proceed *ex parte*.

No. 6.

MOTIONS.

All motions hereafter made to the court shall be reduced to writing, and shall contain a brief statement of the facts and objects of the motion.

No motion to dismiss, except on special assignment by the court, shall be heard, unless previous notice has been given to the adverse party, or the counsel or attorney of such party.

All motions to dismiss appeals and writs of error, except motions to docket and dismiss under the ninth rule, must be submitted in the first instance on printed briefs or arguments. If the court desires further argument on that subject it will be ordered in connection with the hearing on the merits. The party moving to dismiss shall serve notice of the motion,

with a copy of his brief or argument, on the counsel for plaintiff in error or appellant of record in this court, at least three weeks before the time fixed for submitting the motion, in all cases except where the counsel to be notified resides west of the Rocky Mountains, in which case the notice shall be at least thirty days. Affidavit of the deposit in the mail of the notice and brief to the proper address of the counsel to be served, duly post-paid, at such time as to reach him by due course of mail, the three weeks or thirty days before the time fixed by the notice, will be regarded as *prima-facie* evidence of service on counsel who reside without the District of Columbia. On proof of such service, the motion will be considered, unless, for satisfactory reasons, further time be given by the court to either party.

There may be united, with a motion to dismiss a writ of error to a State court, a motion to affirm on the ground that although the record may show that this court has jurisdiction, it is manifest the writ was taken for delay only, or that the question on which the jurisdiction depends is so frivolous as not to need further argument.

MOTION-DAY.

The court will not hear arguments on Saturday, (unless for special cause it shall order to the contrary,) but will devote that day to the other business of the court. The motion-day shall be Monday of each week, in lieu of Friday; and motions not required by the rules of the court to be put on the docket shall be entitled to preference immediately after the reading of opinions, if such motions shall be made before the court shall have entered upon the hearing of a cause upon the docket.

No. 7.

LAW-LIBRARY.

1. During the session of the court, any gentleman of the bar having a cause on the docket, and wishing to use any book or books in the law-library, shall be at liberty, upon application to the clerk of the court, to receive an order to take the same (not exceeding at any one time three) from the library, he being thereby responsible for the due return of the same within a reasonable time, or when required by the clerk. And it shall be the duty of the clerk to keep, in a