

**Case No. 848.** BANK OF ALEXANDRIA v. HENDERSON.  
[1 Cranch, C. C. 167.]<sup>1</sup>

Circuit Court, District of Columbia.

June Term, 1804.

CHARTER OF THE BANK OF ALEXANDRIA.

The Bank of Alexandria, under its charter, had a right to have its causes tried at the first term to which the writ was returnable, if the note were made negotiable at the bank, and the writ was served ten days before its return day.

[See *Bank of Alexandria v. Davis*, Case No. 845.]

Motion by Mr. Simms, for the plaintiff, to try the cause at the first term, and that the marshal return the writ.

Mr. Jones, for the defendant. The return day of writs by the rule of this court, is the day after the last day of the term. The cause cannot be tried before the writ is returned.

(The writs are not made returnable to any particular day; but generally to the term.)

Mr. Simms. The intention of the act (the charter of the bank) is to give a speedy remedy.

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It requires (section 20) that an issue shall be made up and a trial peremptorily had at the first term, to which the writ shall be returnable, provided that the note be made negotiable at the bank; and the writ be served ten days before its return day.

Both motions were granted. THE COURT being of opinion that they have a right to call upon the marshal now to return the writ; It being a necessary means of trying the cause.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]