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Case No. 9,759.

MOORE v. DUNLOP.

{1 Cranch, C. C. 180.}¹

Circuit Court, District of Columbia. July Term, 1804.

JUDGMENT—WRIT OF ERROR—WHEN ACTS AS
SUPERSEDEAS.

A writ of error is not a supersedeas unless a copy of the writ be filed in the clerk's office for the adverse party, according to the 23d section of the judiciary act of 1789 [1 Stat. 85].

{This was a suit by Thomas Moore, use of W. Oxley, against Henry Dunlop.}. Motion to quash the execution, it having issued before mandate, and after writ of error filed and citation issued. The judgment was rendered on the 6th of January, 1804. The writ of error was filed on the 13th of January. 679 The bond and citation were filed in supreme court office on the 14th of January. The execution issued on the 2d of July, 1804, and the mandate was filed on the 7th of August, 1804. See Acts Sept. 24, 1789 (1 Stat. 73), § 22, and Feb. 27, 1801, § 8 (2 Stat. 108). No copy of the writ of error was filed in the clerk's office for the adverse party, according to the 23d section of the judiciary act of 1789 (1 Stat. 85), and on that ground THE COURT refused to quash the execution.

KELTY, Chief Judge, absent.

¹ [Reported by Hon. William Cranch, Chief Judge.]

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