

*August Term, 1791.*

1791.

WEST, *Plf.* in Err. *versus* BARNES. *et al.*

ON the first day of the term, *Bradford* presented to the court, a writ, purporting to be a writ of error, issued out of the office of the clerk of the circuit court for *Rhode Island* district, directed to that court, and commanding a return of the judgment and proceedings rendered by them in this cause: And thereupon he moved for a rule, that the defendant rejoin to the errors assigned in this cause.

*Barnes*, one of the defendants, (a counsellor of the court) objected to the validity of the writ, that it had issued out of the wrong office: and, after argument,

THE COURT were unanimously of opinion, That writs of error to remove causes to this court from inferior courts, can regularly issue only from the clerk's office of this court.

Motion refused.

VANSTOPHORST *et al.* *versus* the STATE of MARYLAND.

THE Attorney General (*Randolph*) moved, on behalf of the plaintiffs, that a commission should issue to examine witnesses in *Holland*; to which the opposite counsel assented, although the commissioners were not named.

But, BY THE COURT:—We will not award the commission, 'till commissioners are named.

This being done, the motion was granted.

*February Term, 1792.*

OSWALD, Administrator, *versus* the STATE of NEW-YORK.

SUMMONS. In this case the Marshall had returned the writ served; and now *Sergeant* moved for a *distringas*, to compel an appearance on the part of the State.

Eee