

Case No. 1,684.

BOSWELL v. WASHINGTON.

[2 Cranch, C. C. 18.]<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1810.

WAIVER OF PENALTY.

The receipt of a dog-tax, after suit brought, is a waiver of the penalty.

Appeal from the judgment of a justice of the peace, rendered for the penalty of ten dollars for non-payment of a dog-tax, on the

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1st of January, according to the by-law of November 4, 1807, § 2. It appeared in evidence, that the tax had been received by the proper officer after the suit brought.

THE COURT (nem. com.) decided that the receipt of the tax by the treasurer was a waiver of the penalty; and said, that upon payment of the costs before the justice, the judgment should be reversed; the parties to pay their own own costs on the appeal.

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