

Case No. 12,311.

SANFORD v. BOYD.

{2 Cranch, C. C. 78.}¹

Circuit Court, District of Columbia. June Term, 1813.

OFFICER—SAIL-MAKER—EXEMPTION FROM
MILITIA DUTY.

A sail-maker at the Washington navy-yard, appointed by a warrant under the hand of the secretary of the navy and seal of the department, is an officer of the United States and exempt from militia duty.

{Cited in *U. S. v. Hartwell*, 6 Wall. (73 U. S.) 393; *Platt v. Beach*, Case No. 11,215; *Frelinghuysen v. Baldwin*, 12 Fed. 397.]

Replevin [by William Sanford against Washington Boyd] for goods taken by distress for militia fines.

Mr. Jones, for plaintiff. Sanford was appointed sail-maker for the navy-yard at Washington, by a warrant under the hand of the secretary of the navy and the seal of the department, and is therefore an officer of the government of the United States, and exempted from militia duties, by the second section of the act of congress of the 8th of May, 1792 (1 Stat. 271). *Wise v. Withers*, 3 Cranch [7 U. S.] 331.

Mr. Caldwell, contra. The case of *Wise v. Withers* [supra] does not decide this. *Wise* was a judicial officer and expressly excepted. The act of the 27th of March, 1804 (2 Stat. 297), authorizes the president to attach, to the navy-yard, a sail-maker; but this does not authorize the secretary to make the appointment by a warrant under his hand and the seal of the department only. He is, therefore, not an officer, either judicial or executive, of the government of the United States.

Judgment for plaintiff.

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

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