

Case No. 15,669. UNITED STATES v. McDONALD.
[1 Cranch, C. C. 78.]¹

Circuit Court, District of Columbia.

March Term, 1802.

MARSHAL'S FEES—IMPANELLING JURY.

The marshal is entitled to a fee of ninety pounds of tobacco for impanelling a jury in a criminal prosecution.

Ca. sa. for a fine.

Mr. Mason, attorney for the United States, moved the court to strike out of the execution, the charge of ninety pounds of tobacco for a fee to the marshal for impanelling a jury; contending that the charge was not

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authorized by law. But the court rejected the motion, after considering the act of congress of 27th Feb., 1801, concerning the District of Columbia (1 Stat. 103); and the act of 28th Feb., 1799, providing compensation for the marshals, &c. (1 Stat 624); and the act of assembly of Maryland, Nov. 1799, c. 25, regulating officer's fees.

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