

Case No. 16,117. UNITED STATES v. RANDALL.
[2 Cranch, C. C. 412.]¹

Circuit Court, District of Columbia.

May Term, 1823.

CRIMINAL LAW—DISCHARGE OF JUROR.

After the jury is sworn, in a capital case, and the cause has been opened, the court cannot, without the prisoner's consent, discharge a juror, at his own request.

Indictment [against the negro Randall] for a rape on Maria Schoals.

After the jury was sworn, and the attorney for the United States had advanced considerably in opening the case, John Morgan, a quaker, one of the jurors, asked the court to excuse him from serving on the jury in this case, as he could not, consistently with his feelings, serve in a case of life and death.

THE COURT (THRUSTON, Circuit Judge, absent,) said they could not now excuse the juror, without the consent of the prisoner; which was not given; and the juror was not excused.

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