

Case No. 16,324.

UNITED STATES v. SMITH.
SAME v. FAXON.

[1 Cranch, C. C. 127.]¹

Circuit Court, District of Columbia.

June, 1803.

JURORS—FINES FOR DELINQUENCY—EXCUSES.

If a juror be fined, and at the same term come in and offer a sufficient excuse, and the court thereupon order the fine to be struck out, but the clerk neglect to enter such order, the court will at the next term, on proper affidavits of the fact, order the fine to be struck out.

[Cited in *Blagden v. Broadrup*, Append. Fed. Cas.; *U. S. v. Walsh*, 22 Fed. 648.]

Smith had been summoned as a petit juror, at June term, 1802, and failing to attend, was fined eight dollars. At the same term he came in, and offering a sufficient excuse, his fine was ordered to be struck out; but the clerk omitted to enter it, by mistake.

These facts appearing now by affidavit, THE COURT at this term, June, 1803, ordered the fine to be struck out.

Same order in the case of Josiah Faxon.

MARSHALL, Circuit Judge, absent.

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