

Case No. 16,331. UNITED STATES v. SMITH.
[5 Cranch, C. C. 484.]¹

Circuit Court, District of Columbia.

Nov. Term, 1838.

SPECIAL BAIL—EVIDENCE.

A certificate, in the usual form, by the officers of the treasury of the United States, that a certain balance is due by the defendant to the United States, is not sufficient cause for bail.

The United States had filed an account from the treasury, certified in the manner required by the statute, stating merely a balance of \$11,000 due by the defendant [W. S. Smith].

W. L. Brent, for defendant, moved for leave to appear without special bail; and stated that this court had decided that a mere statement from the treasury, of a balance due, was not even prima facie evidence on the trial, and, therefore, is not sufficient to hold the defendant to bail.

THE COURT (CRANCH, Chief Judge, not sitting in the case) permitted the defendant to appear without special bail.

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