

3 March, 1863, c. the same cases and in like manner as provided by law in reference to 91, s. 11, v. 12, p. 764. the final judgments, orders, and decrees of the circuit courts of the

United States.

Ross vs. Triplett, 3 Wheat., p. 600; Smith vs. Mason, 14 Wall., p. 419; United States vs. Hooe, 1 Cranch, 317; Young vs. Bank of Alexandria, 4 Cranch, 384; Custis vs. Georgetown and Alex. T. Co., 6 Cranch, 233; Columbian Insurance Company vs. Wheelright, 7 Wheat., 534; United States vs. More, 3 Cranch, 159; Carter vs. Cutting, 8 Cranch, 251; Nicholls vs. Hodges, 1 Peters, 562; Wise vs. Columbian Turnpike Co., 7 Cranch, 276; Scott vs. Lunt, 6 Peters, 349; Lee vs. Lee, 8 Peters, 44; Thompson et al. vs. Voss, 1 Cranch, C. C., 108; United States vs. Hooe & Co., 1 Cranch, C. C., 116; Moore et al. vs. Dunlop, 1 Cranch, C. C., 180; Grundy vs. Young, 1 Cranch, C. C., 443; Ex parte Negro Ben, 1 Cranch, C. C., 532; Marsteller vs. McClean, 2 Cranch, C. C., 8; Renner vs. Bank of Columbia, 2 Cranch, C. C., 310; United States vs. Columbian Ins. Co., 2 Cranch, C. C., 266.

Amount required for removal.

2 April, 1816, c. 39, s. 1, v. 3, p. 261.

Removals for a less amount in particular cases.

Ibid., s. 2.

Effect of writ in such cases.

Ibid., s. 3.

No supersedeas except, &c.

22 Feb., 1867, c. 64, s. 4, v. 14, p. 403.

SEC. 847. No cause shall be removed from the supreme court of the District to the Supreme Court of the United States, by appeal or writ of error, unless the matter in dispute in such cause shall be of the value of one thousand dollars or upward, exclusive of costs, except in the cases provided for in the following section. [See R. S. U. S., § 699.]

SEC. 848. When any person, or body politic or corporate, shall think him, or themselves, aggrieved by any final judgment, order, or decree, of the supreme court of the District, where the matter in dispute, exclusive of costs, shall be of the value of one hundred dollars, and of less value than one thousand dollars, and shall have prayed an appeal, or shall desire to sue out a writ of error to the Supreme Court of the United States, such person, or body politic or corporate, may exhibit a petition, in writing, accompanied by a copy of the proceedings complained of, and an assignment of the errors relied on, to any judge of the Supreme Court of the United States, who, if he should be of opinion that such errors, or any of them, involve questions of law of such extensive interest and operation as to render the final decision of them by the Supreme Court of the United States desirable, may thereupon, at his discretion, and upon the terms and conditions prescribed by law, by his order, to be directed to the clerk of the supreme court of the District, direct such appeal to be allowed, or writ of error to be issued; which shall be done accordingly.

[See R. S. U. S., §§ 705, 706.]

SEC. 849. When any appeal or writ of error shall have been directed in the manner prescribed by the preceding section, and the order thereon of the judge of the Supreme Court of the United States shall have been filed in the office of the clerk of the supreme court of the District, within thirty days after the end of the term at which the judgment, order, or decree, to be affected by such writ of error or appeal, shall have been rendered or made, such writ of error or appeal shall operate as a supersedeas of all proceedings under such judgment, order, or decree.

SEC. 850. There shall be no supersedeas or stay of execution of the judgments of the supreme court of the District, otherwise than by injunction, or upon proceedings in error to the Supreme Court of the United States.

CHAPTER TWENTY-FOUR.

JURORS.

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873. Fees.
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875. Who are exempt from jury-duty.

SEC. 851. Until otherwise provided by the legislative assembly, the supreme court of the District may, by orders in general term, from time to time, designate necessary officers or persons to make the lists of jurors for service in said court.

SEC. 852. The names on the lists shall be selected, as near as may be, from among the citizens of the several wards or districts of the cities of Washington and Georgetown, and the three divisions of the District outside the limits of said cities, formed by the Eastern Branch of the Potomac River and Rock Creek, in proportion to the number of inhabitants residing therein respectively.

SEC. 853. The names selected shall be written on separate and similar pieces of paper, which shall be so folded or rolled up that the names cannot be seen, and placed in a box to be provided for that purpose.

SEC. 854. The box shall be sealed, and, after being thoroughly shaken, shall be delivered to the clerk of the supreme court for safe-keeping.

SEC. 855. At least ten days before the commencement of each term held as the circuit court, or as the criminal court, respectively, the clerk shall publicly break the seal of the jury-box and proceed to draw therefrom the names of so many persons as are required.

SEC. 856. If the jury is intended for service in the special term sitting as a criminal court, the twenty-three persons whose names shall be first drawn shall constitute the grand jury, and the twenty-six persons whose names shall be next drawn shall constitute the petit jury, for that term.

United States *vs.* Caton, 1 Cranch, C. C., 150; United States *vs.* C. C., 11; United States *vs.* White, 5 Cranch, C. C., 457.

SEC. 857. In a capital case where the panel shall be exhausted by reason of challenge or otherwise, the court may, in its discretion, order additional names to be drawn; and if all of the names in the box shall be drawn out and no jury found, the court may order the marshal to summon talesmen until a jury shall be found.

SEC. 858. If a jury be required for the term sitting as a circuit court, the twenty-six persons whose names shall first be drawn shall constitute the jury for that term.

SEC. 859. If any person whose name is drawn shall have died or removed from the district, or become otherwise disabled from serving as a juror, the clerk shall draw from the box another name, to serve instead.

SEC. 860. After the requisite number of jurors shall have been drawn, the jury-box shall be again sealed, and remain in the custody of the clerk.

SEC. 861. The names of persons drawn shall not again be placed in the jury-box for the period of two years.

SEC. 862. If the persons selected as jurors do not attend, the court may order the marshal to summon others, possessing the legal qualifications, to supply the deficiency.

SEC. 863. If at any time there should not be, by reason of challenge or otherwise, a sufficient number of jurors to make up the panel, the court shall order the marshal to summon as many talesmen as are necessary for that purpose.

SEC. 864. If at any time it shall occur that all of the names in the box are drawn out at any term of the court before the first day of February, the court may order the marshal to summon from the body of the District twenty-three citizens, having the qualifications of jurors, to serve

Lists of jurors.

20 April, 1871, c. 26, s. 1, v. 17, p. 16.

Names; how selected.

16 June, 1862, c. 102, s. 11, v. 12, p. 430.

18 March, 1869, c. 3, v. 16, p. 3.

How placed in jury-box.

16 June, 1862, c. 102, s. 4, v. 12, p. 428.

Custody of jury-box.

Ibid.
Drawing jurors.

Ibid., s. 5.

Juries for criminal term.

Ibid., pp. 428, 429.

Palmer 2, Cranch,

Jurors in capital cases.

Ibid., p. 429.

Jurors for circuit court.

Ibid.
Additional names, when drawn.

Ibid.

Resealing jury-box.

Ibid.
Names not to be again put in jury-box, when.

Ibid.

If jurors do not attend.

Ibid., s. 7, p. 429.

When panel is incomplete.

Ibid.

United States *vs.* Watkins, 3 Cranch, C. C., 441.

How summoned when all names have been drawn.

18 Dec., 1865, c. 1, v. 14, p. 1.

- as grand jurors, and twenty-six citizens, having such qualifications, to act as petit jurors, or either, as may be needed at any subsequent term of the court to be held between the time of the happening of the contingency mentioned and the first day of February then next ensuing.
- Vacancies, how filled.**
Ibid.
Notifications.
 16 June, 1862, c. 102, s. 6, v. 12, p. 429.
- How served.**
Ibid.
Marshal's return.
Ibid.
- Juror failing to attend; penalty.**
Ibid., s. 10, p. 430.
- Penalty of officer for collusion.**
Ibid., s. 9, p. 429.
- Penalty of clerk for collusion.**
Ibid., pp. 429, 430.
- Qualifications of jurors.**
Ibid., s. 8, p. 429.
 18 March, 1869, c. 3, v. 16, p. 3.
Fees.
 7 July, 1838, c. 192, s. 3, v. 5, p. 307.
Who may be excused.
 18 June, 1862, c. 102, s. 8, v. 12, p. 429.
 Wilson Bryan's case, 1 Cranch, C. C., 151; Offutt vs. Parrott, 1 Cranch, C. C., 154; McIntire's case, 1 Cranch, C. C., 157; Minia Queen vs. Hepburn, 2 Cranch, C. C., 3; same case, 7 Cranch, C. C., 290.
- Who are exempt from jury duty.**
 16 June, 1862, c. 102, s. 3, v. 12, p. 425.
 Lingan vs. Marbury, 1 Cranch, C. C., 365.
- SEC. 865.** Vacancies in either grand or petit juries ordered to be summoned, as provided in the preceding section, may be filled by other persons summoned by the marshal upon the order of the court.
- SEC. 866.** It shall be the duty of the marshal of the District, at least five days before the meeting of the court for which a jury is required, to notify each person drawn, by serving on him a notice in writing of his selection as a juror of the court he is to attend, and of the day and hour he is to appear.
- SEC. 867.** Such notice shall be given to each juror in person, or be left at his usual place of residence.
- SEC. 868.** A copy of the notice, with his certificate stating when and in what manner the original was served, shall be returned by the marshal to the court before the commencement of the term for which the jurors were drawn.
- SEC. 869.** If any person selected as a juror and duly notified to attend, shall, without sufficient cause, neglect to attend agreeably to notice, he shall be fined by the court in a sum not exceeding twenty dollars for every day he shall be absent during the sitting of the court.
- SEC. 870.** If any officer shall put on the list the name of any person at his own request, or on the request of any other person, or shall be guilty of any fraud or collusion with respect to the drawing of jurors, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, and imprisoned in the county jail not less than sixty days, for each offense.
- SEC. 871.** If the clerk of the court shall draw from the box a greater number of names than is required by the court, in accordance with law, or shall put in the box any name after the same has been delivered to him, or shall be guilty of any fraud or collusion in respect to the drawing of jurors, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, and be imprisoned in the District jail not less than sixty days, for each offense.
- SEC. 872.** No person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District, over twenty-one and under sixty-five years of age, and a good and lawful man, who has never been convicted of a felony or misdemeanor involving moral turpitude. [See R. S. U. S., §§ 820-822.]
- SEC. 873.** Jurors are entitled to the same compensation as received for their attendance in the circuit courts of the District prior to July seventh, eighteen hundred and thirty-eight.
- SEC. 874.** A person may be excused by the court from serving on a jury when, for any reason, his interests or those of the public will be materially injured by his attendance, or when he is a party in any action or proceeding to be tried or determined by the intervention of a jury at the term for which he may be summoned, or where his own health or the death or sickness of a member of his family requires his absence.
- SEC. 875.** All executive and judicial officers, salaried officers of the Government of the United States, commissioners of police, and those connected with the police or fire department, counselors and attorneys at law, ministers of the gospel and priests of every denomination, practicing physicians and surgeons, keepers of hospitals, asylums, almshouses, or other charitable institutions created by or under the laws relating to the District, captains and masters and other persons employed on vessels navigating the waters of the District, and keepers of public ferries, shall be exempt from jury duty, and their names shall not be placed on the jury-lists.