

charged a fee for a monthly report in each case. This is not correct. He is not required to make a separate monthly report in each case, but he is required to make, at the end of each month, one report of all cases had during the particular month. For this report made in duplicate he is entitled to 15 cents a folio, and for the certificate attached thereto 15 cents.

In conclusion I find that the fees to which petitioner is entitled on the account sued on amount in the aggregate to \$477.25. But he admits having been paid on this account the sum of \$296.25. Judgment will therefore be entered in his favor for the sum of \$181, being the balance found to be due on the account.

I have carefully and critically examined the account and the papers therewith submitted in evidence in this cause, and, after mature consideration, have prepared an opinion of unusual length. I could hardly have done less and covered all the points presented in the cause, which I desired to do because of their importance to the United States, to the petitioner, and to all others of like interest with the petitioner.

---

WILLIAMS v. UNITED STATES.

(District Court, D. Maryland. February 24, 1888.)

ELECTIONS AND VOTERS—SUPERVISORS—COMPENSATION—REV. ST. U. S. §§ 2012, 2031.

The compensation of a supervisor of elections appointed under section 2012 is, by section 2031, limited to \$50, notwithstanding he may, in the performance of his duties, have necessarily served more than 10 days.

(*Eyllabus by the Court.*)

At Law.

John A. Williams brings this action against the United States, under the act of March 3, 1887, to recover compensation beyond the sum allowed for services as supervisor of elections in the city of Baltimore.

*John E. Bennett*, for petitioner.

*Thomas G. Hayes* and *A. Stirling Pennington*, for the United States.

MORRIS, J. This is a suit by a supervisor of elections, appointed under section 2012 of the United States Revised Statutes, to recover from the United States compensation beyond and in addition to the sum of \$50, upon the ground that he was necessarily employed in the performance of his duties for a longer period than 10 days.

The United States, by its demurrer, admits the statement of the plaintiff that he was duly appointed and qualified and served as supervisor of elections in the city of Baltimore for 19 days in the months of September and October, 1886, but denies that his service for 19 days gives the plaintiff a cause of action against the United States for more than the

sum of \$50, for which amount the plaintiff admits he has been already satisfied, partly by payment and partly by a judgment against the United States. In my opinion the plaintiff, by his service, acquired no legal right of action against the United States for more than \$50. In accepting the employment under the provisions of the act of congress, he accepted also the rate of compensation fixed by the act. It is provided by section 2031 that there shall be paid to him compensation at the rate of five dollars a day for each day he is actually on duty, *not exceeding 10 days*. This is equivalent to saying that his maximum pay for performing all the services required of him under the law shall be \$50. The act has, as I read it, fixed and limited the compensation to \$50, and the plaintiff cannot have a right of action for more than the maximum sum so allowed. I sustain the demurrer, and enter judgment for the United States.

---

UNITED STATES *v.* FORD.

(*District Court, W. D. North Carolina. February Term, 1888.*)

1. RESCUE—INDICTMENT FOR—CERTAINTY.

An indictment charging, in the exact words of Rev. St. U. S. § 3177, that defendant "did forcibly attempt to rescue" property seized by a revenue collector, does not state with sufficient certainty what acts were done by defendant that constituted the attempt charged.

2. SAME.

A conviction on such indictment, although fully warranted by the evidence, will be arrested on motion, the want of certainty not being waived by failure to demur.

On Motion in Arrest of Judgment.

This is a criminal action against George Ford. The indictment charges that defendant "did forcibly attempt to rescue" certain property seized by a revenue collector. Defendant, being convicted, moves in arrest of judgment for want of certainty in the indictment.

*H. C. Jones*, U. S. Atty., and *G. F. Bason*, Asst. U. S. Atty., for the United States.

*D. A. Covington* and *F. I. Osborne*, for defendant.

DICK, J. The question of law presented as the ground for this motion has produced some conflict and confusion in judicial opinions, but I think it has been settled by a decided weight of authority.

The principle has often been judicially announced that at common law an attempt to commit a felony is a misdemeanor, and an attempt to commit a misdemeanor is itself a misdemeanor. The difficulty has been in defining an attempt to commit a crime with satisfactory accuracy, as each case was, in a greater or less degree, dependent on its own circumstances. An effort to make a general definition of such offense has, there-