

Opinion of the Court.

This disposes of all the items involved upon this appeal, and the judgment of the court below is, therefore,

Reversed, and the case remanded, with instructions to reduce the judgment in conformity with this opinion.

UNITED STATES v. HALL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF OHIO.

No. 459. Submitted January 3, 1893. — Decided March 6, 1893.

On the authority of *United States v. Ewing*, 140 U. S. 142, the charges of a commissioner of a Circuit Court for docket fees are disallowed, and the charges for acknowledgments of sureties on recognizances of defendants in prosecutions brought by the United States reduced to a fee for a single acknowledgment.

THIS was an action by a commissioner of the Circuit Court of the United States for the Northern District of Ohio for docket fees, and for fees for taking the acknowledgment of sureties upon recognizances. The court rendered a judgment in favor of the petitioner for \$336.75, and the United States appealed.

Mr. James H. Nixon and *Mr. Solicitor General* for appellants.

Mr. Charles C. Lancaster for appellee.

MR. JUSTICE BROWN delivered the opinion of the court.

This case involves but two items —

1. The charge for docket fees must be disallowed upon the authority of *United States v. Ewing*, 140 U. S. 142, 147, ¶ 7.

2. The claim for acknowledgments is based upon the allegation of the petition, that the plaintiff "took and certified

Statement of the Case.

103 acknowledgments of sureties on recognizances of defendants in prosecutions brought by the United States, for each of which acknowledgments plaintiff was entitled by the statutes of the United States to receive the sum of twenty-five cents." This item must also be reduced to a fee of twenty-five cents for taking a single acknowledgment in each case, since it was held in the case of *United States v. Ewing*, above cited, p. 146, ¶ 2, that the taking of an acknowledgment in a criminal cause by the accused and his sureties is a single act, for which only one fee can be charged. If, for any reason, it was necessary to take them separately, that fact should have been made to appear. The burden of proof was upon the plaintiff.

The judgment of the court must, therefore, be

Reversed, and the case remanded, with instructions to reduce the judgment in conformity with this opinion.

UNITED STATES *v.* McCANDLESS.

APPEAL FROM THE COURT OF CLAIMS.

No. 900. Submitted January 9, 1893. — Decided March 6, 1893.

There is no legal objection to the same person holding the offices of clerk and of commissioner of a Circuit Court, and the person so holding them is entitled to the fees and emoluments of both.

The court disallows the following charges by a clerk of a District Court:

- (1) Docket fees where the grand jury returned "not true bill;"
- (2) Docket fees where the case is not finally disposed of;
- (3) A charge for miscellaneous fees, entering orders of court, making copies, certificates, and seals, as being too general;
- (4) A charge for issuing commitments to jail in addition to copy of order of removal, as being too indefinite;
- (5) An item for entering orders of court, approving accounts of officers, and copies of certificates and seals.

THIS was a petition by the clerk of the District Court for the Western District of Pennsylvania for payment of certain fees which had been disallowed in the settlement of his