

Croudson v. Leonard.

judgment of the circuit court must, on that account, be reversed, and the cause remanded for a new trial. (a)

Judgment reversed.

*Ex parte* LEWIS and others.

*Compensation of jurors.*

The jurors in civil cases, attending the circuit of the United States, for the Pennsylvania district, are entitled to one dollar and twenty-five cents each, for each day's attendance.

IN the Circuit Court for the district of Pennsylvania, at November term, 1806, a motion was made by *Rawle*, in behalf of Lewis and others (the jurors in civil cases who had attended the court at that session), that the marshal be ordered to pay each of the jurors one dollar and twenty-five cents for each day's attendance;

But the judges of that court being divided in opinion upon the question, it was certified to this court.

THIS COURT ordered it to be certified, that the jurors were entitled to the fee of one dollar and twenty-five cents *per diem* for their attendance.

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\*CROUDSON and others v. LEONARD.

*Sentence of foreign courts of admiralty.*

The sentence of a foreign court of admiralty, condemning a vessel for breach of blockade, is conclusive evidence of that fact, in an action on the policy of insurance.

Croudson v. Leonard, 1 Cr. C. C. 291, reversed.

ERROR to the Circuit Court of the district of Columbia, in an action on a policy of insurance on the cargo of the brig *Fame*, on a voyage from Alexandria, to, at and from Barbadoes, and four other ports in the West Indies, and back to Alexandria, the vessel and cargo warranted American property. The vessel arrived at Barbadoes, and sailed from thence for Antigua, but on her voyage to that island, was captured by a British vessel, and carried into Barbadoes, and there condemned in the vice-admiralty court, for attempting to break the blockade of Martinique.

The jury found a special verdict, upon which the judgment below was in favor of the plaintiffs. The only question arising upon this special verdict was, whether the sentence of the court of vice-admiralty was conclusive evidence of an attempt to violate the blockade of Martinique.

This question having been several times argued (but not decided), in the case of *Fitzsimmons v. Newport Insurance Company*, at this term (*ante*, p. 185), the counsel submitted it to the court without further argument.

March 15th, 1808. JOHNSON, J.—The action below was instituted on a

(a) After the opinion of the court was delivered, *Lee* prayed that the cause might be remanded, with leave for the defendants below to amend their pleadings.

THE COURT said, that the court below had the power to grant leave to amend, and this court could not doubt but it would do what was right in that respect.