

Case No. 3,755.

DELANY v. WASHINGTON.

[2 Cranch, C. C. 459.]¹

Circuit Court, District of Columbia.

April Term, 1824.

APPEAL FROM JUSTICE DECISION—VIOLATIONS OF MUNICIPAL ORDINANCES—SUFFICIENCY OF WARRANT—UNLAWFUL SALE OF LIQUORS.

1. upon appeal from the judgment of a justice of the peace, for the penalty of a by-law, the judgment will be reversed with costs, if the warrant does not set forth the offence with sufficient certainty.
2. A warrant, charging that the defendant “did during the last or present month, sell spirituous or other liquor without a license, contrary to the act, or acts of the mayor, &c, on that subject made and provided,” is too vague and uncertain to support a conviction.

This was an appeal from the judgment of a justice of the peace for a penalty of \$20. The warrant commanded the constable to take Pat Delany, &c., to answer to the mayor, board of aldermen, and board of common council, &c., in a plea that he render to the said mayor, &c, the full sum of \$20, which to the said mayor, &c., “he owes and unjustly detains, for that he the said Delany did, during the last or present month, sell spirituous, or other liquor, without a license, contrary to the act or acts of the said mayor, &c., on that subject made and provided”

Mr. Jones, for appellant, contended that the offence is not set forth with sufficient certainty, and cited the case of *Barney v. Washington City* [Case No. 1,033], in this court, at July term, 1805.

THE COURT (THRUSTON, Circuit Judge, contra) decided that the warrant was too uncertain, and reversed the judgment with costs.

See, also, *White v. Washington* [Case No. 17,560], at October term, 1822, and *Boothe v. Georgetown* [Id. 1,651], at the same term.

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