

## NEALE v. MINIFIE.

[2 Cranch. C. C. 16.]<sup>1</sup>

Circuit Court, District of Columbia. Dec. Term, 1810.

FALSE IMPRISONMENT—JUSTICE OF  
PEACE—MALICE.

A justice of the peace is not liable in an action of false imprisonment under an illegal warrant issued by him, unless it be issued maliciously.

This was a motion for a new trial on the ground of misdirection of the jury, by the court, at the last term, in instructing the jury that it was not necessary for the plaintiff to prove malice, in an action against the defendant, a justice of the peace, for false imprisonment, the justice having committed the plaintiff for profane swearing, and making a disturbance in the market.

THE COURT (nem. con.) granted the new trial, being satisfied that a justice of the peace is not liable in an action for false imprisonment, for issuing an illegal warrant on which the plaintiff is imprisoned; unless it be done maliciously.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]