

## PEYTON v. BRENT.

{3 Crunch, C. O. 424}.<sup>1</sup>

Circuit Court, District of Columbia. April Term, 1829.

ACTS OF MARSHAL, APPOINTED BY PRESIDENT  
DE FACTO.

Upon a motion to discharge a defendant arrested upon a *capias ad respondendum* by a marshal appointed by the president de facto of the United States, the court will not decide the question whether he has been duly elected to that office.

The writ of *capias ad respondendum* having been on motion of the defendant [W. Brent, Jr.] returned, *cepi corpus*, the defendant in proper person, moved to be discharged from the arrest, because the commission to T. Ringgold, as marshal of this district, was issued by John Q. Adams, claiming to hold and exercise, and then actually exercising, the duties of the office of president of the United States, but who was not, of right, president of the United States, inasmuch as he was not duly elected to that office agreeably to the provisions of the constitution of the United States.

Which motion was overruled by THE COURT, (MORSELL, Circuit Judge, absent,) no other reason for such discharge being alleged by the defendant; and this motion and judgment of the court were ordered to be entered on the minutes of the court.

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