

UNITED STATES v. BAKER.

{1 Cranch, C. C. 268.}¹

Circuit Court, District of Columbia. Dec. Term, 1805.

ASSAULT AND BATTERY—RIGHT OF PLAINTIFF'S
AGENT TO ENTER DEFENDANT'S HOUSE—LEVY.

1. The officer cannot justify under a fieri facias, without producing it.
2. An agent of the plaintiff has a right to enter the house of the defendant with the officer to show him the defendant's goods to be taken on the fieri facias; 2nd the authority of the agent need not be in writing, but may be proved by the testimony of the agent himself.

This was an indictment against {Samuel} Baker for an assault and battery upon W. Howard, who entered Baker's house with the officer who had an execution against the goods of Baker, at the suit of Barry. Howard accompanied the officer at the request of the plaintiff, and as his agent to show the goods to the officer

THE COURT decided that Howard was a competent witness to prove his own authority as agent of the plaintiff; that it was not necessary that the authority should have been given in writing, and that he had a right to enter the house with the officer, and to remain in the house long enough to show the property, and for the officer to take an inventory. Verdict guilty; fined ten dollars.

¹ {From the Report of the Trial of Savannah Privateers. 368 et seq.}