

UNITED STATES V. FAW.

{1 Cranch, C. C. 487.}¹

Circuit Court, District of Columbia. July Term, 1808.

CONSTABLE—RIGHT TO BREAK DOORS.

A constable, having a warrant to arrest a man for assault and battery, has a right to break open the door of the offender's dwelling-house to arrest him.

Indictment for not doing all in his power to prevent a riot, whereby a man was killed. {For prior proceedings in this suit, see Case No. 15,078.}

Mr. Jones, for the United States, prayed the court to instruct the jury, that neither the constable nor the magistrate had a right to break open the door of the house inhabited by a man, to arrest him upon a warrant for an assault and battery.

Which THE COURT refused (DUCKETT, Circuit Judge, absent).

The jury found the defendant not guilty.

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

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