

Case No. 16,049. UNITED STATES V. PIGNEL.
[1 Cranch, C. C. 310.]¹

Circuit Court, District of Columbia.

June Term, 1806.

PEACE OFFICER—WARRANT.

It is not necessary that a peace-officer should have a warrant to suppress an affray.

[Cited in U. S. v. Long, Case No. 15,625.]

Presentment for opposing Clement Venable, a constable, in the execution of his duty; it having been proved that Venable had a warrant against the defendant, [Richard Pignel.]

Mr. Law, for defendant, moved that the warrant should be produced, and to instruct the jury to that effect.

Mr. Jones, contra. It is not necessary to produce the warrant. Venable took the man in an affray, and had a right to do so as a peace-officer.

THE COURT (nem. con.) instructed the jury that if they should be of opinion, from the evidence, that Venable, the constable, was in the general execution of his office as a conservator of the peace, and as such endeavoring to suppress the affray, then it is not necessary to produce the warrant spoken of by the witness. But if the jury should be of opinion that he was only endeavoring to execute the warrant, then the warrant must be produced, or its non-production satisfactorily accounted for.

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