

Case No. 17,560. WHITE v. WASHINGTON.
[2 Cranch, C. C. 337.]¹

Circuit Court, District of Columbia.

Oct. Term, 1822.

WARRANT OF JUSTICE—SUFFICIENCY.

The warrant of a justice of the peace for the violation of a by-law, must set forth the offence substantially within the purview of the by-law.

[Cited in *Delany v. Washington*, Case No. 3,755.]

This was an appeal from the judgment of a justice of the peace for the penalty of ten dollars, upon a warrant for running a horse in one of the streets of Washington, contrary to the by-law. By the by-law of the 9th of December, 1809, it is enacted “that it shall not be lawful for any person or persons to run an animal of the horse kind, in any of the streets or avenues in the city of Washington, within three hundred yards of any house or building in said city, under a penalty of ten dollars for each offence.” Neither the warrant nor the judgment of conviction stated the running to be “within three hundred yards of any house or building in the said city.”

THE COURT (THRUSTON, Circuit Judge, contra), was of opinion, that the charge was too vague, and did not describe an offence under the by-law, and reversed the judgment

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