

# **“Obstructing (Judicially Due) Process”:**

Law Dictionary, by John Bouvier; 1868 - 1870.

<https://www.constitution.org/1-Constitution/bouv/bouviero.txt>

<https://www.1215.org/lawnotes/bouvier/bouviero.txt>

## **“Obstructing Process:**

**The act by which**

**one or more persons attempt to prevent, or do prevent, the execution of lawful process.**

**2: The Officer must be prevented by actual violence, or by threatened violence accompanied by the exercise of Force, or by those having capacity to employ it, by which the officer is prevented from executing his writ.**

The officer is not required to expose his person by a physical conflict with the offender.

2 Wash. C.C. 169. See 3 Wash. C.S. 355; 12 Ala. N.s. 199.

**3: This is an offence against public justice of a very high and presumptuous nature; and more particularly so where the obstruction is of an arrest upon criminal process.**

**A person opposing an arrest upon criminal process becomes thereby *particeps criminis*; that is, an accessory in felony, and a principal in high treason.**”

4 Blackstone, Comm. 128; 2 Hawkins, Pl.Cir.c.17, s.1; 1 Russell, Crimes, 360. See 2 Gal. C.C. 15; 2 Chitty, Crim. Law, 145, note a ; 3 Vt. 110; 25 id. 415; Strobb. So. C. 73; 15 Mo. 486.