

THOMPSON v. BERRY.

{1 Cranch, C. C. 45.}¹

Circuit Court, District of Columbia. Dec. Term, 1801.

ASSAULT AND BATTERY—DEFENDANT'S
LAND—PUSHING OFF.

A man cannot lawfully push another off from his land without first requesting him to go off.

Assault and battery. Plea, *molliter manus imposit.*

Mr. Hewitt, for defendant, prayed THE COURT to instruct the jury that if they should be of opinion, from the evidence, that the defendant had legal possession of the place where, &c., he had a right to remove the plaintiff by pushing him off.

THE COURT refused to give the instruction as prayed; being of opinion that a previous request to the plaintiff to go off was necessary.

KILTY, Chief Judge, absent.

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

This volume of American Law was transcribed for use
on the Internet

through a contribution from [Google](#). 