

Case No. 15,763. UNITED STATES v. MICKLE.
[1 Cranch, C. C. 268.]¹

Circuit Court, District of Columbia.

Dec. Term, 1805.

LIQUORS—RETAILER—WHAT CONSTITUTES.

The gratuitous distribution of ardent spirits at a public gaming-table does not constitute the keeper of the table a retailer of spirituous liquors, within the meaning of the act of assembly of Maryland.

Indictment. 1st count, at common law, for a nuisance, in keeping a public gaminghouse.
2d. Under the act of assembly of Maryland, for keeping a faro-table, the defendant being a retailer of spirituous liquors.

THE COURT said they had decided, in Ismenard's Case [Case No. 15,450], on the same indictment, that the distribution of spirituous liquors at the gaming-table, without receiving payment specifically therefor, was not a retailing of spirituous liquors within the meaning of the act.

Mr. Jones, for United States, gave up the 2d count.

Verdict, "Guilty on the 1st count,"

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