

Case No. 15,823.
[15 Int. Rev. Rec. 8.]

UNITED STATES v. MOSELY.

District Court, S. D. New York.

1871.

INTERNAL REVENUE—EJECTING DEPUTY INSPECTOR.

The defendant was indicted for obstructing and hindering a deputy collector in the exercise of the duties of his office. Mosely is a dealer in leaf tobacco and cigars, and the deputy called at his store to inquire respecting certain boxes of cigars taken in that day, May 16, 1871, some of which he was informed by the drayman were not stamped. After some conversation, in which the deputy stated his errand, not the least unfriendliness having been evinced on either side, Mosely, without warning, ejected the deputy forcibly into the street, the officer falling heavily in the gutter and suffering a fracture of the hip, which endangered his life, he being seventy-two years of age, and somewhat lame. The defence argued that the deputy having fulfilled his errand and stated that he was satisfied, had no more to do or say in the premises; Mosely had a right to eject him. THE COURT declared that officers must have free and peaceable egress as well as ingress to the places where they are authorized to make examinations, and that Mosely had no right to eject him in the manner he did.

The jury very promptly rendered a verdict against the defendant. A stay of sentence was granted, to allow argument on the law points raised.