

Case No. 16,628.

UNITED STATES v. VOSS.

{1 Cranch, C. C. 101.}¹

Circuit Court, District of Columbia.

Dec. Term, 1802.

INTOXICATING LIQUORS—ILLEGAL SALES—INFORMER AS WITNESS.

1. Upon an indictment for retailing spirituous liquors, the informer is not entitled to half of the penalty, and is a competent witness.
2. The selling by the servant is the selling by the master.

{Cited in U. S. v. Paxton, Case No. 16,013; U. S. v. Shuck, Id. 16,285.}

Indictment for retailing spirituous liquors. The defendant objected to the witness because, being the informer, he is entitled to half the penalty under the act of congress concerning the District of Columbia.

Mr. Mason, for the United States. It does not appear that he is the informer, and by the laws of Maryland on which this indictment is founded, no part of the penalty accrued to the informer.

THE COURT overruled the objection.

Mr. Hewitt, for defendant, prayed the court to instruct the jury that the selling by the young man, was not the selling by his master; the master not being answerable criminally for his acts.

Instruction refused. THE COURT referred to the case of U. S. v. Paxton {Case No. 16,013}, at December term, 1801, and U. S. v. Shuck [Id. 16,285], at January term, 1802.

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