

Case No. 14,951.

UNITED STATES v. DESMOND.

[39 Hunt, Mer. Mag. 332.]

Circuit Court, S. D. New York.

April 1858.

CUSTOMS—OBSTRUCTING OFFICER.

This was an indictment [against Timothy Desmond] for obstructing a custom-house officer in the discharge of his duty. It appeared from the evidence that the defendant was a gatekeeper on Pier No. 44, North river, at which the steamer Kangaroo was lying; that the custom-house officer, Mr. Munroe, was on board the ship, and, hearing a confusion at the gate, went there, and found the defendant refusing to allow parties in, whereupon he ordered him to open it, and, on his refusal, undertook to open it himself, and, in doing so, got hit on the head by the defendant with a stick.

Mr. Yoachimssen, for the United States.

Mr. Donohue, for defendant.

HALL, District Judge, thought this was hardly a part of Munroe's duty, as a customhouse officer, and the jury found a verdict of not guilty.

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