

Case No. 16,333.  
[1 Dill. 212.]<sup>1</sup>

UNITED STATES v. SMITH.

Circuit Court, E. D. Arkansas.

1870.

CONSPIRACY—RESISTING AN OFFICER—WHAT ESSENTIAL.

[Attorney and client conspiring to resist an officer, are equally guilty. It is not necessary to show actual violence. Threats and acts intended to terrify, or of a character to terrify, a prudent officer, are sufficient, even though he be not prevented thereby from executing his process.]

At law.

CALDWELL, District Judge. If a client and his attorney enter into a conspiracy to resist an officer in performing his duty, both are equally guilty; and in an indictment for this offence, it is not necessary to show actual violence; threats and acts intended to terrify, or calculated by their nature to terrify a prudent and reasonable officer, are sufficient, even though he be not prevented thereby from executing his process.

<sup>1</sup> [Reported by Hon. John P. Dillon, Circuit Judge, and here reprinted by permission.]