

about nine inches long, and tried to open it; and not succeeding, in consequence of her excitement, she hastily sprang to her feet and interrupted the judge, as stated above. Knowing that she had before drawn a pistol from a similar satchel in the master's room, he concluded at this time that she was trying to get her pistol out, and consequently held himself in readiness to seize her arm as soon as it should appear and endeavour to prevent its use until he could get assistance, his right arm being partially disabled. For one occasion in master's office, see *Sharon v. Hill*, 11 Sawy. 123. A loaded revolver was afterward taken from this satchel by the marshal. For their conduct and resistance to the execution of the order of the court, the defendants Sarah Althea Terry and David S. Terry, were adjudged guilty of contempt and ordered to be imprisoned, the former for thirty days and the latter for six months.

In consequence of the imprisonment which followed, various threats of personal violence to Justice Field and the circuit judge were made by Judge Terry and his wife. Those threats were that they would take the lives of both of those judges; those against Justice Field were sometimes that they would take his life directly, at other times that they would subject him to great personal indignities and humiliation, and if he resented it they would kill him.

These threats were not made in ambiguous terms, but openly and repeatedly, not to one person, but to many persons, till they became the subject of conversation throughout the State and of notice in the public journals. Reports of these threats through the press and through the United States marshal of the United States for the northern district of California, and United States attorney, reached Washington, and in consequence of them the attorney-general thought proper to give instructions to the marshal to take proper measures to protect the persons of those judges from violence at the hands of Terry and his wife.

On the return of Judge Field from Washington, to attend his circuit in June last, the probability of an attack by Judge Terry upon him was the subject of conversation throughout the State, and of notices of some

of the journals in the city of San Francisco. It was the general expectation that if Judge Terry met Judge Field violence would be attempted upon the latter.

In consequence of this general belief and expectation, and the fact that the attorney-general of the United States had given instructions to the marshal to see that the persons of Justice Field and of the circuit judge should be protected from violence, the marshal of the northern district appointed the petitioner in this case, David Neagle, to accompany Mr. Justice Field, whilst engaged in the performance of his duties and whilst passing from one district to another within his circuit, so as to guard him against the threatened attacks. He was specially commissioned as a deputy by Mr. Franks, whose instructions to him were that he should protect Justice Field at all hazards, and, knowing the violent and desperate character of Judge Terry, that he should be active and alert and be fully prepared for any emergency, but not to be rash; and in case any violence was attempted from any one, to call upon the assailant to stop, and to inform the assailant that he was an officer of the United States.

Judge Terry was a man of great size and strength, who had the reputation of being always armed with a bowie-knife, in the use of which he was specially skilled, and of showing great readiness to draw and use it upon persons toward whom he entertained any enmity or had any grievance, real or fancied.

On the 8th of August, 1889, Justice Field left San Francisco for Los Angeles, in order to hear a *habeas corpus* case which was returnable before him at that city, on the 10th of August, and also to be present at the opening of the court on the 12th, and was accompanied by Deputy Marshal Neagle, the petitioner. Justice Field heard the *habeas corpus* case on the 10th of August. On the 12th of August he opened the Circuit Court, Judge Ross sitting with him, and delivered on the latter day an opinion in an important land case, and also an opinion in the *habeas corpus* case. On the following day the court heard an application for an injunction in an important water case from San Diego county.