

alleged marriage contract between the parties adjudged to be a forgery and obtain its surrender and cancellation. The decree rendered adjudged the alleged marriage contract to be a forgery, and ordered it to be surrendered and concealed. The decree was rendered after the death of William Sharon, and was therefore entered as of the day when the case was submitted to the court. By reason of the death of Sharon it was necessary, in order to execute the decree, that the suit should be revived. Two bills were filed, one by the executor of the estate of Sharon, and the other, a bill of revivor and supplemental, by Newlands as trustee for that purpose.

In deciding the cases, the court gave an elaborate opinion upon the questions involved. See *In re Terry*, 36 Fed. Rep. 419.

Shortly before the court opened the defendants came into the court-room and took their seats within the bar at the table next to the clerk's desk, and almost immediately in front of the judges, less than twelve feet distant, the defendant David S. Terry being at the time armed with a bowie-knife concealed on his person, and the defendant Sarah Althea, his wife, carrying in her hand a small satchel, which contained a revolver of six chambers, five of which were loaded. The court at the time was held by the justice of the Supreme Court of the United States, allotted to this circuit, who was presiding; the United States circuit judge of this circuit, and the United States district judge of the district of Nevada, called to this district to assist in holding the Circuit Court. Almost immediately after the opening of the court the presiding justice commenced reading its opinion in the cases mentioned, but had not read more than one-fourth of it when the defendant Sarah Althea Terry arose from her seat and asked him, in an excited manner, whether he was going to order her to give up the marriage contract to be concealed. The presiding justice replied: "Be seated, madam." She repeated the question, and was again told to be seated. She then cried out in a violent manner that the justice had been bought, and wanted to know the price he held himself at; that he had got Newlands' money for his decision, and everybody knew

it, or words to that effect. It is impossible to give her exact language. The judges and parties present differed as to the precise words used, but all concurred as to their being of an exceedingly vituperative and insulting character.

The presiding justice then directed the marshal to remove her from the court-room. She immediately exclaimed that she would not go from the room, and that no one could take her from it, or words to that effect. The marshal thereupon proceeded toward her to carry out the order for her removal and compel her to leave, when the defendant David S. Terry arose from his seat, evidently under great excitement, exclaiming, among other things, that "no living man shall touch my wife," or words to that import, and dealt the marshal a violent blow in his face. He then unbuttoned his coat and thrust his hand under his vest, where his bowie-knife was kept, apparently for the purpose of drawing it, when he was seized by persons present, his hands held from drawing his weapon, and he himself forced down on his back. The marshal then removed Mrs. Terry from the court-room. Soon afterward Mr. Terry was allowed to rise, and was accompanied by officers to the door leading to the corridor on which was the marshal's office. As he was about leaving the room, or immediately after stepping out of it, he succeeded in drawing his knife, when his arms were seized by a deputy marshal and others present, to prevent him from using it, and they were able to take it from him only after a violent struggle.

The petitioner, Neagle, succeeded in wrenching the knife from his hand, whilst four other persons held on to the arms and body of Terry, one of whom held a pistol at his head, threatening at the same time to shoot him if he did not give up the knife. To these threats Terry paid no attention, but held on to the knife, actually passing it during the struggle from one hand to another.

Mr. Cross, a prominent attorney, who, on that occasion, sat next to Mrs. Terry, a little to her left and rear, testified that just before she arose to interrupt Judge Field, she nervously fingered at the clasp of her satchel,