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DAVID S. TERRY

Killed at Lathrop, California, by Deputy U. S. Marshal Nagle.

The Slayer of Broderick Slapped Judge Field's Face and Died.

Sarah Althea on the Scene---How the News Was Received.

[SPECIAL TELEGRAM TO THE REVIEW.]

LATHROP, CAL., Aug. 14.—Upon the arrival of the Southern overland train here this morning, United States Supreme Judge Field and Deputy United States Marshal David Nagle walked into the depot dining room for breakfast and sat down side by side. Soon after, Judge Terry and wife came in and also proceeded to another table. Mrs. Terry, evidently recognizing Judge Field, did not sit down, but retired to the train for some unknown purpose. As soon as she had left the dining room Judge Terry approached Justice Field and stooping over him, gently slapped his face once. At this juncture Deputy United States Marshal Nagle arose from his seat, and shot Judge Terry apparently through the heart. As he was falling the marshal shot again but missed him, the bullet going through the floor. Judge Terry never uttered a sound after being shot. He had hardly fallen when Mrs. Terry rushed to the side of the body and threw herself upon it. Then ensued a scene of the

WILDEST EXCITEMENT.

People rushed from the dining room and others rushed in. During this time Justice Field and Deputy Marshal Nagel retreated to the sleeping car, where they were securely locked within. At times Mrs. Terry would call upon the citizens to arrest and detain them here and not let them escape. Before the train pulled out Constable Walker entered the sleeper and was carried away on the train. He said to the spectators that he knew his duty and would perform it. During time the train was standing at the depot Mrs. Terry was running wildly, alternately from the body of her husband to the sleeper demanding admittance that she might slap Justice Field; begging that he and Nagle be detained and have their examination here. Previous to the entrance of Constable Walker into the sleeper Sheriff Purvis and a deputy of Stanislaus county had already taken charge of Deputy United States Marshal Nagle.

AFTER THE SHOOTING

Deputy United States Marshal Nagle backed up against the wall of the dining room and warned everyone not to arrest him, saying he was a United States marshal in discharge of his duty. There was no semblance of an attempt to molest him at any time.

THE NEWS IN SAN FRANCISCO.

SAN FRANCISCO, Aug 14.—The news of Terry's death created intense excitement here. The possibility of an encounter between Terry and Justice Field has been recognized ever since the imprisonment of Terry for contempt of court, owing to the temper of the man who killed United States Senator Broderick in the early days in California.

David S. Terry was at one time chief justice of the supreme court of California, and has always been a prominent figure in the political history of the state. The killing of Broderick caused at the time a deep personal resentment against Terry by a portion of the people of the state, which threatened to

TERMINATE HIS CAREER

in California, but he always had a number of adherents and he remained. He was married to Sarah Althea Hill, who claimed to be the wife of ex-Senator Sharon, while prosecuting her claim against the Sharon estate. This brought him into a resentful attitude toward Justice Field, who last year rendered a decission in the United States circuit court in this city, denying her claim to be the wife of Sharon.

The southern overland train arrived at the depot in Oakland shortly after 11 o'clock, and a great crowd had collected, telegraphic intelligence of the Lathrop tragedy having preceded the arrival of the train. The sleeping car in which Justice Field was sitting was at once besieged by United States officials and newspaper men. Justice Field maintained a quiet demeanor, and replied to a press representative, when asked to narrate the particulars of the shooting:

"I can tell you the story in a very few words. For the last few months all manner of reports, both public and personal, have reached me that Terry had threatened to subject me to some form of indignity if he should happen to meet me. This fact caused the United States marshal to decide to provide such protection as he could during my stay in this state. When I started for Los Angeles to hold court, Deputy Nagle accompanied me. He seemed to be a quiet, gentlemanly official, though I only met him twice while away from Los Angeles. He asked me in that city when I intended to return, and was prepared and accompanied me when I was ready, taking a seat in the sleeper opposite me. We heard this morning that Judge Terry and his wife were on the train, but paid no attention to it. When we arrived at Lathrop we entered the station to take breakfast. I took a seat at the end table, while Nagle sat on one side of me. Terry and his wife came in the room soon after. As soon as she saw us she went out, as I afterwards learned, returning to the car for a satchel. Judge Terry rose and I supposed he intended to accompany her. Instead of doing so he walked back of me and struck me a heavy slap in the face. I was completely astonished, but saw he was making ready to strike again. Nagle cried out

STOP! STOP!

But Terry did not desist, and, as he was raising his arm the second time, Nagle shot at him, the ball entering his heart. He fell to the floor, Nagle shooting a second time, but the second shot did not strike him. Nagle was arrested at Tracy and taken to Stockton to await the result of an inquest. That is the complete story, so far as I am aware of," said the justice, in conclusion.

A San Francisco passenger on the train at Lathrop this morning says that when he heard the shooting he rushed out of the car and saw Mrs. Terry with a sachel in her hand. She was trying to open it and he took it from her. She tried to gain possession of it again, but failed. When the sachel was opened afterward a pistol was found in it.

A Sensation in Portland.

[SPECIAL TELEGRAM TO THE REVIEW.]

PORTLAND, Or., Aug. 14.—News of the tragical death of Judge Terry at Lathrop, Cal., produced a sensation in this city. Terry's reputation was so well known here that the news of the fatal shooting produced almost as much excitement in this city as if it had been an affair of local importance. Everyone was almost familiar with the sentiment of hatred Terry harbored for Justice Field, born of the Sharon divorce suit and the justice's late decision in the case. The moment the news of Terry's killing flashed through the city, the name of David C. Broderick, whom he killed in a duel in 1859, was uttered by many tongues, and many old Californians now living here said

SERVED HIM RIGHT;

it is a just retribution. A few days since San Francisco papers stated that Terry had threatened to kill Matthew P. Deady, United States district judge, in the event he came to San Francisco to try cases against himself and wife. Terry had no special love for Judge Deady, or any one opposing him, because the judge decided the Hill-Sharon case against him in 1885.

Soon after the news of Terry's death reached this city, a press representative called at Judge Deady's chambers and asked him whether he had heard of the threats made by Terry. "I have not," answered that gentleman; "but that would not deter me from performing my duty. There were five indictments hanging over Terry's head, and three against his wife, arising from the disturbance in the United States court room in San Francisco some months ago. I was directed by Judge Lorenzo Sawyer to try Terry and his wife on those indictments, and had Terry not been killed I should have gone to San Francisco very soon, but now I shall await further instructions.

Terry's Body at Stockton.

STOCKTON, Cal, Aug. 14.—The coroner arrived here at 12:40 to-day with Terry's body in a box covered with white cloth. Mrs. Terry rode in the express car with the remains, accompanied by several friends of the deceased. When the body was taken off the car she followed and rode with it in an express wagon to the morgue. She was distressed and said it was a cowardly murder of an unarmed man. The inquest will be held to-night. Deputy Marshal Nagle was brought here in a buggy by Constable Walker of Lathrop at 10:30. When the overland train left Lathrop after the shooting the constable got in the car and arrested Nagle. He rode with him to Tracy and there took a buggy for Stockton avoid the crowds. When Nagle reached the jail he alighted from the buggy and came with his coat covering his hand-cuffed hands. Nagle requested to be interviewed. He said: "I am United States marshal, and simply did my duty as an officer." He was locked up alone and soon after sent for a local attorney. His pistol was given to the jailor. It is a large 44-calibre Colt's revolver of an old pattern, with two cartridges exploded. Nagle was very cool, but looked pale and determined. On being searched he gave up everything without comment.

NAGLE IN SAN FRANCISCO

SAN FRANCISCO, Aug. 14.—David Nagle, the deputy United States marshal who killed Terry, is well known in this city. In the latter part of 1870 he went to Arizona, and in 1881 received the appointment as chief of police of Tombstone. While occupying that position he had frequent encounters with the criminal element, and by his behavior he soon earned for himself the reputation of being a man of indisputable courage and bravery. He shot and killed a Mexican desperado in Tombstone, after a fierce encounter. Nagle was appointed deputy marshal here a year ago, and when Terry made the assault on Marshal Franks last September Nagle disarmed him. The reports circulated that Terry intended doing Judge Field some injury when they met, caused Nagle to be detailed to act as a body guard to him when he came to this coast a few months ago. Nagle is about 35 years of age and has a wife and family living in this city

WHAT WE NEED.

Southeastern Nebraska Visited With Heavy Rains.

LINCOLN, Neb., Aug. 14.—Heavy rains have swelled the streams in southeastern Nebraska to an unusual height. Railroad traffic is considerably interrupted. Much damage was done to property and the A. & N. railroad is under water between Firth and Table Rock, and at Tecumseh the rise in the river drove many people from their homes. At Beatrice on the Blue river houses on the bottom lands were flooded, the people escaping in boats.

At Lincoln the Northeastern tracks have been washed away three miles west. At 10 P. M. one or two Union Pacific bridges between this city and West Lincoln were in great danger. Salt creek and the salt basins are one great lake, and the water has shown no signs of subsiding. From 300 to 500 houses are flooded and the people have moved out of danger. The city will promptly arrange to shelter and feed all in the ward school buildings. About 400 people are being cared for in this way and two of the ten railways leading out of Lincoln are blocked. The railroad yards are only partially submerged, and trains are handled as usual.

Many narrow escapes from drowning are reported. There are rumors of one or two deaths, but they cannot be verified.

ROBIN HOOD'S FOLLOWERS.

Ancient Order of Foresters Meet in Minneapolis.

MINNEAPOLIS, Aug. 14.—The subsidiary court of the ancient Order of Foresters of the United States was called to order in Harmonia hall this morning by High Subsidiary Chief Ranger M. Colbert of Chicago. The morning session was devoted to the presentation of the credentials of the 500 delegates present.

The Companion of the Forest, or fourth degree of Forestry, met in supreme conclave this morning. One hundred and fifteen delegates were present. This order is composed of the wives and lady friends of the Foresters.

MONEYED MEN.

Chicago's Millionares Make a Bid for the World's Fair.

SPRINGFIELD, Ill., Aug. 14.—The secretary of state to-day licensed the World's Fair Association of Chicago, to be held in that city in 1892, to commemorate the 400th anniversary of the discovery of America. The capital is $5,000,000, and the incorporators are Dewitt C. Cregier, mayor of Chicago, Ferd. Peck, George Schneider, Anthony Seeberger, Wm. C. Seipp, John R. Walsh and E. Nelson Blake.

Republican National League.

SARATOGA, Aug. 14.—The executive committee of the National League of republican clubs met at Congress hall yesterday afternoon. The revision of the constitution of the national organization having been referred to a committee by the national convention held last February in Baltimore, the committee have revised it so as to increase the the membership of delegates to about 1000. Tuesday, March 4, 1890, was fixed upon as the date for the next national convention, which will be held either at Nashville or Chatanooga. One of the special subjects under discussion was the question of the organization of republican clubs in the South.

They Did Right.

ORANGE, Tex., Aug. 14.—Jim Brooks, colored, was arrested yesterday for outraging a white woman nearly 80 years old. He was taken from the guards this morning by a mob of 500 men, who hanged him to a tree and then riddled his body with bullets.

Beat the Record.

NEW YORK, Aug. 14.—A cable dispatch announces the arrival at Queenstown of the steamer City of Paris, which passed Sandy Hook at 4:05 P. M. on Wednesday last. Her time was 5 days, 23 hours and 40 minutes, which beats her previous record and the best eastern record by 49 minutes.

THE OLYMPIANS.

Ex-Mayor Low of Brooklyn Gives His Opinions and Advice to the Delegates.

Judge Turner of Spokane Highly Commended by His Brother Delegates.

The Convention Still Wrangling Over the Tide-Water and Harbor Lands.

[SPECIAL TELEGRAM TO THE REVIEW.]

OLYMPIA, Aug. 14.—Talk consumed the time of the session to-day and nothing was done but talk. The everlasting tide land and harbor question, the bugbear of the convention, came up this morning. As will be seen by the detailed report the friends of the new state succeeded in practically establishing by a legislative commission a harbor area before each of the large cities of the sound from 50 to 600 feet between ordinary high tide and ordinary low tide. This area is to be held and owned by the state forever. The article is not entirely sure of passage, yet it is like Mohammed's coffin, suspended in the air twixt heaven and earth.

The lobbyists were out in force during the debate. Seated in a room of Convention hall, they watched with interest the changing results of the various propositions. The majority was defeated by a substitute by Griffitts.

Weir of Port Townsend, who had been absent on leave for some time and who didn't arrive until after noon, made a long and earnest speech about the tide lands, the longest yet made in the convention. He offered his minority report as a substitute for the majority report. He pleaded for the rights of

THE OLD PIONEERS

who had settled on the tide lands, but when Turner secured the floor and read decisions from the supreme court of the United States showing that the state, and the state only, held sovereignty over its harbors and tide lands, the cold facts of the supreme court law of the land were sufficient to turn the tide in favor of the harbor area.

The debate of to-day was earnest, eloquent, sarcastic and laughable, and in some cases absurd, but interested throughout. Among those who listened to it were Judge Frank Allyn and Mrs. Allyn, and ex-Mayor Low of Brooklyn and Mrs. Low. The latter couple have been on

A TRIP TO ALASKA

and will leave to-morrow for Tacoma and Seattle. The young ex-mayor is a handsome, smooth-faced, portly man and an interesting talker. He was stopping at the Pacific hotel in Spokane when the recent fire occurred there. Mr. Low was most interested in the harbor debate, and said this evening that he hoped the young and growing state would keep the ownership of its tide lands in front of the large cities forever in the state by constitutional enactment, and not allow them to become a cause for a probable before succeeding legislatures which would become a fruitful source of corruption. He instanced the city of Brooklyn, which owns no water front. Brooklyn, he said, was compelled to buy one or two wharves at an enormous price in order to break up a monopoly in wharfage, and he was sure if the tide lands and wharves were sold to private parties the time would come in a few years when the growing cities of the Sound would be compelled to buy them back. New York draws a large income from its wharfage rents, and in but few instances have any of the docks been sold.

Mayor Low also mentioned the indiscriminate granting of franchises by the growing cities of the territory. Franchises which would be

WORTH MILLIONS

in a few years he said are given away for nothing, when they should be a source of revenue to the municipalities.

PERSONAL.

Gossip About the Doings of Delegates and Their Wives.

Chief Clerk John I. Booge has returned from Spokane Falls. He was away a week looking after his losses by the fire. During his absence the veteran Walla Walla journalist, P. B. Johnson, acted in his place. Mr. Johnson swore in the members of the constitutional convention of many years ago, which met in his beautiful town. He is

THE NESTOR

of the newspaper men here, some of whom were born after he began to supply printers with copy.

Mrs. Gowey, wife of Mayor John Gowey of this city, gave a delightful reception at her residence to the wives of the delegates to the convention and others this afternoon. Mr. Gowey is a delegate from Thurston county.

Mrs. Whitney of the Carleton hotel gives a reception to-morrow night.

Mr. Buchanan of Adams disclaims having intentionally reflected upon the newspaper men of the convention in the railroad commission matter, having been led into an unfortunate expression by one of his brother delegates giving him but partial information on the matter referred to in a former letter.

The Seattle lobby on the tide flats now here numbers a dozen persons, with more coming to-morrow. They do not want to lease the lands. They want to buy them.

BONDING COUNTIES.

Efforts Being Made to Allow Certain Counties to Issue Bonds.

Speaking of another trouble it is said that there is the same thing in the wind again relative to allowing counties in the new state to issue bonds for railroad building. This matter was supposed to be dead and buried, but the committee on schedule which has not as yet presented its report, is said to have been laboring with some sort of a scheme to present a section allowing the counties of Columbia, Laclick, Walla Walla, Yakima and possibly Garfield to bond for railroads. What the schedule committee has to do with subsidies for counties is a mystery. It would be a good deal like taking the legislature on an appropriation bill in congress, and would raise about as big a howl.

TURNER OF SPOKANE.

What Different Members Think and Say of Him.

The debate and vote on the woman suffrage question in the committee, yesterday, revealed the fact that there are about as many democratic friends of the measure among the delegates as there are republicans. It was surprising to see McCroskey of Whitmarr county, a staunch democrat, originally from the mountains of East Tennessee, voting in favor of the movement with as much earnestness as the venerable republican champion from Whatcom, Eldredge, who made one of the best speeches heard in the convention. The

KEEN, INCISIVE TALKER

of the convention, the only one, perhaps, who can win votes over to his side by a logical presentation of a case, is Judge Turner of Spokane. Nearly all the members recognize this fact without distinction of party. He has shown himself to be a splendid debater, and has on several occasions, when the fog of debate obscured matters before the convention, brought the light of his clear and comprehensive intellect to play upon it and made it as clear as the noonday sun.

Weir of Port Townsend admitted that his opponent was a master of keen logic and sarcasm. Cosgrove complimented him a few days ago by calling him the

WEBSTER OF THE CONVENTION,

not referring to the great expounder, but to the lexicographer, because of Turner's admirable words and sentences used in debate.

President Hoyt said some days ago that he never heard a speaker who used less superfluous words than Judge Turner did in speaking. He was a leader of the Alabama republicans for sixteen years; was United States marshal of that state for some years, and used his power and influence in the Chicago convention of 1884 to swing all of the southern delegation for Arthur against Blaine, hence the dislike of him by some of the Blainites of this territory. Not yet 40 years of age,

TALL, STRAIGHT AND HANDSOME,

he is by far the ablest in the convention of whom Spokane county should be very proud. The new state of Washington will not suffer in comparison with any other state on the floor of the United States senate if Judge Turner was sent to that body along with a colleague of equal ability and force of character.

ROUTINE BUSINESS.

Two Reports From the Committee on Miscellaneous Subjects.

OLYMPIA, Aug. 14.—The convention met at 9 o'clock, the president in the chair. Prayer by Rev. Chaplin, of Olympia. The roll was called, with seventeen vacant chairs. The records were read and approved.

Sharpstein presented a majority and minority report of the committee on miscellaneous subjects, schedule, etc.

Tabled temporarily and ordered printed.

Comegys presented a report of committee on federal relations, boundaries, etc., with an article defining the boundaries of the state. Laid over one day.

ON TIDE LANDS.

Arguments For and Against Giving Them to the State.

The president called Eldredge to the chair.

The article on harbors, etc., was taken up.

Durie offered an additional section as follows: Section 4, the state shall vest the control of said area for general police purposes and for the building and maintaining of wharves, docks and other structures, or the leasing of the right to build and maintain such structures, and the municipal corporations fronting thereon, subject to such general laws as the legislature may provide.

Durie said this section was not fairly met and discussed yesterday, but was too much mixed up with matters which ought only to have been considered in the connection with the state lands report. He held it to be both justice and statesmanship to vest the control of water frontages in the municipalities bordering thereon, and argued at some length in support of that idea and of local self government in its fullest extent and of encouragement to commerce and to the cities that engage in it.

Browne thought these questions were not much involved in this present discussion, and that certainly the convention would not adopt that amendment. The future state will own these water frontages, and the question is: Shall this reserved strip be handed over to the cities bordering on them. That was a proposition which he certainly should not favor. Besides that he feared the legal deduction would be that by reserving this much specifically the state would preclude itself from serving any more. So he should take his stand and retreat no farther than he was driven, on the proposition that here or later no single acre of the state land should be sold. He hoped that the members would keep their tempers in discussing such grave matters, and not allow the debate to drift any further into a police court channel. He proposed later on to put in a clause that should declare void every attempt hitherto made by the territorial legislature to give a title to these lands or embarrass the state's title.

Cosgrove made the point that the question of state lands was not now up.

The chair said the convention had decided to consider these two subjects together and so the gentleman was in order.

Griffitts closed with a brief appeal to the members to vote against the proposed section.

Cosgrove referred to the recent parliamentary passages between himself and Moore and deplored

THE LACK OF DECORUM

imputed to him by that gentleman, but he declared that he would not descend to the depths of his vulgarity in replying.

Dunbar raised a point that this tide lands and harbors were both before the committee of the whole yesterday, but that committee made a partial report, and that report is now before the convention, the tide lands question being still before the committee of the whole.

The chair ruled against that both questions were before the convention.

Dunbar appealed and the chair was not sustained. He then supposed that from this on the gentlemen would confine themselves to the discussion of the harbor line question alone.

Cosgrove continued a few moments and then Dunbar called him to order for wandering away from the question under discussion.

The chair stated the question, and requested the gentleman from Garfield (Cosgrove) to keep to it, although he said the course of the convention was surprising to him. It had first decided to take up these two requests together, now it had decided to discuss only the harbor question. He hoped later on, when tide lands came up, it would make trouble not to be able to refer to the harbor question.

Dyer believed Durie was sincere in his motives and did not question them for a moment, but the greatest good to the greatest number was the highest law. He wanted to go upon record for one as saying that he had

NOT ONE DOLLAR'S WORTH

of interest directly or indirectly in the tide flats on Puget Sound or anywhere else, and so he presumed he could discuss the question impartially. He favored the tide land strip as proposed, but should vote against Durie's proposition.

Hoyt said the only question was whether the cities or the state should control. He believed it better to leave it in the state, and therefore opposed the proposition to vest the harbor control in the cities.

Dunbar followed briefly in the same vein.

Bowen moved the previous question. So ordered.

On Durie's proposed section this was the vote—ayes 5, noes 76.

Prosser moved the suspension of the rules so that the resolution could be considered, whereupon Cosgrove withdrew his objection after an exchange of parliamentary courtesies with Moore.

Sullivan of Tacoma thought this resolution implied that some of the members would, if it might be, dishonorable, and he was not inclined to favor the idea.

Moore said it was perfectly well-known that there were members of this convention, who were voting and debating right along in favor of themselves and against the interests of the state. He had before him a list of the members of the city council of one of these cities and 75 per cent of them—six out of eight—were personally interested in the decision of this tide land question, and he did not believe in putting these lands wholly into the hands of such a council.

Griffitts moved to amend by adding the words, "To include both personal interest and interest as stock holders."

Accepted by Moore.

Cosgrove said that if it should happen that more than half of these delegates were so interested, it would block the convention, and deduced from that the argument that no one member's motives should be impeached.

Moore and Cosgrove exchanged "civilities" again, until the gavel knocked them both out, and then there was a discussion as to how long and how often a delegate could speak.

Browne hoped that the resolution would not be pressed at this moment, but that the convention would keep its eye directly upon the point now before it, that is, whether this water frontage land should remain in the state or not.

Power objected to this resolution as being wrong, impracticable or unwise. Delegates were sent here by their constituents, who had many various interests, and these interests were entitled to be represented.

The chair ruled further debate out of order until the convention had decided whether to take up the resolution.

Griffitts moved to suspend the rules and take up the resolution. Lost.

Griffitts and Sullivan of Tacoma argued as to the status of the members on the subject of speeches, but nothing came of it at this moment.

Turner had joined in the report of the committee vesting the control of these wharves in the cities, but as the article had been amended otherwise, he thought this section of Durie's was unwise. He

CONCURRED WITH BROWNE

in all that he had said.

Moore did not see how the gentleman could come here and ask the convention to put a provision like this into the constitution. What chance had the public against a city council composed either of three-quarters or entirely of these tide jumpers—of these people whose whole intent is to lay their hands on these tide lands when they get them in such shape that they can do it? If we are to be so inexperienced as to give way to them in this convention, let us first conclude what other business there is before us and then in

SHAME AND SORROW,

go home to the constituents whom we shall have disgraced. They have surrounded us with a lobby grown rich from the unauthorized use of this very state property and audaciously and atrociously ask this convention to turn the whole property over to them. A request more audacious and atrocious was never before made to a body of honorable men.

Griffitts said the provision was one of the greatest evils he ever saw. Yesterday in the report he had tried hard to keep these subjects of tide lands and school lands separate, but it seemed impossible, and so the gate might as well go wide open and the whole subject taken up. One of the first propositions which had come in here was his own, to the effect that every acre of the state lands should never be sold. This committee supported it. Two resolutions calling for information on these state land matters were offered here and one was defeated and the other suppressed, and now the only land that is recommended to be reserved from sale is a little bit of

A STRIP OF LAND

for harbor rims, and the same reports recommend that the