

TERRY'S SLAYER.

Deputy Marshal Nagle Transferred to Federal Custody.

HE IS TAKEN TO SAN FRANCISCO.

The Question of Jurisdiction Arises and Arguments Will be Heard Thereon Next Thursday—The Murderer's Excuse for Shooting.

NAGLE'S CASE PUT OFF.

SAN FRANCISCO, Aug. 19.—Deputy Marshal Nagle, who shot and killed David S. Terry at Lathrop last Wednesday, was removed from jail at Stockton by Sheriff Cunningham an hour before daylight Saturday morning and brought to this city on a special train. This proceeding was based upon a writ of habeas corpus issued by Judge Sawyer, of the United States Circuit Court, Friday, directed to Sheriff Cunningham to produce Nagle in the Circuit Court at 11 o'clock Saturday morning.

Nagle was taken from the Stockton jail at an hour in order to avoid the excitement which his removal during the day might have occasioned. A great number of persons were present in the circuit court-room when Nagle appeared. Attorney Maguire introduced District Attorney White, of San Joaquin County, and said that they appeared conjointly to oppose the release of Nagle by the Federal authorities. The attorney, after reading papers connected with the proceedings, entered a general protest to the order of the court, claiming that it was beyond the jurisdiction of the Federal courts to take from the custody of the State officials a person who had been arrested for the commission of a crime within the State's jurisdiction and against the State laws. "If the court please," said Attorney Maguire, "we desire formally to protest against any requirements of the court to the sheriff of San Joaquin County to bring a person held under State authority into this court on a writ of habeas corpus. The prisoner, however, has been brought into court out of deference to the court by the sheriff, and the sheriff now presents his return to the writ. The attorney then proceeded to read the written return. "We shall take the position on behalf of the people of the State of California," he said, "that Mr. Nagle is in the custody of the State authorities, and the Federal courts have no jurisdiction to take a prisoner from the custody of the State officials. The objection gives rise to a very important question which we are not present prepared to argue." Judge Sawyer:

"It does present a very important question. The claim on the part of the prisoner is that the acts complained of were committed in the performance of a duty under the laws of the United States, and by reason of that he has been brought within the jurisdiction of this court. We are the next day of your being thoroughly prepared for argument and probably for ascertaining facts. It perhaps might be as well to postpone the matter for a week to give counsel an opportunity to decide what is the proper course to pursue."

After conferring the lawyers decided that they would be ready to argue the questions raised next Thursday and a hearing was set for that date. Deputy Nagle was returned to jail under the custody of the sheriff.

A dispatch was received here Friday by United States Attorney Carey from the Department of Justice at Washington, instructing him on behalf of the United States Government to assume the defense of Deputy Marshal Nagle who shot Judge Terry last Wednesday.

Nagle talked freely with intimate acquaintances about the shooting. To one he said:

"I went down to Los Angeles expecting trouble. You all know how Terry has been making threats against Justice Field's life. Coming back I stood up in Fresno, for I thought Judge Terry might board the train there, and he did so with his wife. I stood outside of the platform and they passed within six inches of me. Sarah had the hand sachet in which she always carried her pistol, and I knew there would be trouble before we got home, so I went in and told the Judge that Terry had come on board. You know all the rest about how Terry came into the restaurant when we were at breakfast. Field had his knife to him and I was sitting so I could see every one that came into the room."

"Terry walked right up behind the old man and stopped him, and as he did so I jumped up and said: 'Here, stop that; I'm an officer of the law.' I had not time to say much, for Terry meant business and struck the Judge again, and was going for his knife when I let him have it. The whole thing was over in a couple of seconds, and I only did my duty. You all know what Terry was."

He was twenty years an older man than me, but if I'd got to close quarters with him he could bend me in two."

"I had him some distance down in the United States Circuit Court when he drew his knife on the marshal that arrested his wife for insulting Field, and six of them could not hold him down. A couple of them had six-shooters at his head, but that did not stop him."

"Everyone knows that you couldn't blu Terry with a pistol any more than a mad bull. Away back in vigilant days when Hopkins tried to arrest him and scare him with a six-shooter didn't he whip out his bowie and let Hopkins have it right in the neck and it was a closer call than I'd want. It isn't long ago since Terry tested on oath that he always carried a bowie, and he had one the other morning in the court where he always carried it. He never went without it, and it was a dangerous man with a knife because he was so strong and active for his size."

"Now they say I ought to have tried to stop Terry from assaulting Field without shooting him. Suppose I'd been sucker enough to have foolish with a man like that, and while he had his hand actually on his knife, what do you think would have happened? I'd have looked nice coming back as an escort to a dead Justice of the Supreme Court. What kind of a reception do you suppose I'd have got if I brought Justice Field back dead? I might as well go and jump off the dock once. I'm satisfied that Terry was there to kill Field if he moved to do it, and a child like me doesn't matter, the old he is, and have his face slapped in the presence of a room full of people. When I spoke to Terry to stop he paid no more attention than if a child had spoken, and if I had hesitated there would have been a different ending to the affair. I'm sorry for the old man. But it was my duty and I had to do it."

Some one asked about Sarah Althea's statement that Terry was unarmed. Nagle smiled and said:

"Terry was armed right enough. He had his knife with him when he dropped, but Sarah took it. Every one in the room was too surprised, I guess, to notice her actions, but I saw her as she put her arms around Terry take the knife. Before the shooting she went back her self to the train to get her sachet so as to have a pistol handkerchief. Well, it's all over now, and I'd have to do the same thing again, for I did only my duty."

SAN FRANCISCO, Aug. 19.—The Supreme Court of California last July reversed the decision in the Sharon-Hill-Terry divorce case and remanded the case for a new trial. Mrs. Terry, before the Supreme Court, applied for a rehearing to have the order for a new trial set aside. The application was refused Friday by the Supreme Court.

WILLING TO BE A UNITED STATES SENATOR. LENNON, Mo., Aug. 19.—"Silver Dick Bland's" county paper announces that the author of the Bland Silver bill is a candidate for the United States Senate to succeed Vest.

Death of Sarah Bernhardt's Husband. PARIS, Aug. 19.—Madame, the husband of Sarah Bernhardt, died Sunday of cerebral hemorrhage.

States Marshal Nagle, General Butler says he could not be retained in the case, as he would not act as a prosecuting officer against Judge Field. Said the General: "I don't think the law in the case has been clearly defined, and in danger of his life, he is obliged to go to the wall before he can take the life of his assailant. It is different in the case of an officer sent to protect the justice of a court. It is then left in his judgment to strike when he fears the life of the judge is in danger from his assailant."

THE NATIONAL GAME.

Tables Showing the Standing of the Clubs in the Various Prominent Base-Ball Organizations—Ran. at Games.

In the matter of games won and lost the leading base-ball clubs stand as follows:

CLUBS.	NATIONAL LEAGUE.		AMERICAN ASS'N.	
	Win.	Loss.	Win.	Loss.
Boston	56	32	636	673
New York	54	33	60	62
Philadelphia	49	39	559	554
Chicago	47	50	545	538
Pittsburgh	39	54	413	410
Indianapolis	38	55	403	363
Washington	29	57	327	296

CLUBS.	WEAVER LEAGUE.		INTER-STATE LEAGUE.	
	Win.	Loss.	Win.	Loss.
Omaha	58	27	682	547
St. Paul	61	61	44	40
Minneapolis	45	51	51	49
St. Louis	45	50	50	45
Denver	40	46	403	405
St. Joseph	7	44	42	41
Milwaukee	34	50	404	374
D. Moines	31	57	374	374

National League games on Saturday: At Chicago—Chicago, 5. At Cleveland—Boston, 5. At Cleveland—Baltimore, 1. At Pittsburgh—Pittsburgh, 15; New York, 10. At Indianapolis—Indianapolis, 12; Philadelphia, 7.

American Association: At Louisville—Brooklyn, 10; Louisville, 0. At Cincinnati—Cincinnati, 3; Columbus, 3. At Kansas City—Kansas City, 7; Baltimore, 6. At St. Louis—St. Louis, 4; Baltimore, 3. At St. Louis—St. Louis, 4; Atlantic, 2. At Louisville—Brooklyn, 6; Louisville, 3.

Western Association: At Omaha—Omaha, 12; St. Paul, 3. At Sioux City—Des Moines, 7; Sioux City, 6 (twelve innings). At St. Joseph—Milwaukee, 10; St. Joseph, 9.

Sunday games: At St. Joseph—Milwaukee, 11; St. Joseph, 7. At Sioux City—Sioux City, 17; Des Moines, 6. At Omaha—St. Paul, 10; Omaha, 8.

Inter-State League: At Davenport—Davenport, 7; Springfield, 5. At Evansville—Evansville, 14; Burlington, 3. At Quincy—Peoria, 8; Quincy, 5.

Sunday games: At Davenport—Davenport, 4; Springfield, 1. At Evansville—Burlington, 4; Evansville, 2. At Quincy—Quincy, 7; Peoria, 2.

THE PEARL HUNTERS.

They Are Lining Their Pockets in Illinois and Wisconsin.

GALENA, Ill., Aug. 19.—The craze for pearl hunting has reached this section and bids fair to be as general as it has been in Southern Wisconsin during the past ten days or more. At the present time investigations are confined to the smaller tributaries of the Galena river, which abound in the shells in which gems are found, and many farmers and their families excited by the stories of suddenly acquired wealth, have left their fields and are industriously searching for pearls, not a few being rewarded by really valuable discoveries. Galena river, which is very low, is said to be a prolific field for pearl hunters, and a large party are arranging to invade that stream a few miles above the city. News reached here to the effect that at Darien and vicinity the total value of pearls found will aggregate \$10,000.

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