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THE KILLING OF JUDGE TERRY.

The death of Judge David S. Terry at the mouth of the pistol in the hand of a representative of the law brought to a fitting close a career that has ended with the least of public regret. It closed the life of a man who had long and unnecessarily failed to do the State eminent service by embracing, as he might have done long ago, several first-class opportunities to wind up his earthly affairs and close his account with an outraged public by dying.

Terry, able and courageous as he was, recognized no higher or fitter arbiter of personal issues between men than the body "code." Invoking violence, he has fallen by its weapon, and to that extent justified it. Appearing to the arbitrament of arms, he has verified the words of Him who spoke as never man spoke, "They that take the sword shall perish with the sword." With the tragic taking of Judge Terry there disappears from this State the last remnant of the bullying chivalry which has sought to terrorize decency in California and overawe authority, and has crimsoned the annals of the Commonwealth with the blood of some of its best and bravest citizens.

David S. Terry represented a profession that is at once the monument of the sum of human wisdom, the conservator of custom and exact justice, the bulwark and the parent of the judicial arm that alone interposes between the rights of men and the strong hand that would seize upon them, and that guarantees to us the pledges of constitutional liberty. But he outraged that exalted profession; he dragged the ermine of the Bench in the dust of the street brawl and the wayside contention; he descended from the seat of the chief tribunal of the State to play its most distinguished political representative of the time, and finally reviled, spat upon, threatened with death and bullied the judicial authority that he of all men was bound to most respect. For the just rebuke he received, and for failure to administer which the tribunal would have fallen beneath the contempt of men, he assaulted, with deliberation and premeditated malignity, the venerable chief of the Court, and with the swiftness of unimpeded justice was shot down in the very act before his accomplices could bring aid to his aid.

Every-faced charity bids us speak no ill of the dead; honest history and common justice demand that the truth shall not be spoken, and that the living shall rest under not even the suspicion of reproach because of a death that resulted legitimately from the seeking of violence. It is not necessary in this relation to turn back the pages of many years to reveal the domineering spirit of this overbearing man, who in life sought to keep the chivalry of an aristocratic idea in the forefront of the politics of the State, and to make its dictates the rules of action for the people of California. It has a sentiment that had its origin and origin in that monstrous infamy, human slavery, and the thought and purpose of which Terry repeated and did battle for, even to the extent of taking up disloyal arms. It was that sentiment that has sought to indelibly impress its policy upon the politics and society of the State, and that in time of trial resorted to violence to emphasize its claims of the chivalrons. The same intolerant spirit and haughty contempt for all not of its class, led Terry to outrage the ethics of his profession and contemptuously conduct himself before a tribunal of the people. It resulted in his incarceration for contempt and subsequent indictment for offenses. Since that day the public mind has been uneasy that this man should, in pursuance of his threats of vengeance, assault the Justices whose interpretation of the law rendered it necessary for them to give judgment against the scandalous claims that Terry represented. Unfortunately for Terry, but fortunately for the public peace and the ends of justice, the premonition of the public mind was yesterday realized, and resulted in that swift retribution being visited upon the offender, which is neither regretted nor deplored.

In the news columns of the RECORD-UNION will be found all the essential details of the circumstances of the killing of D. S. Terry. It will be evident to the reader that they really say the whole case, and that there is no substantial dispute pending as to the facts. These truths we assert without fear of successful contradiction, establish the justifiableness of the act of the United States Marshal who fired upon and killed Terry, and for the purpose of fully discharging his official duties, is while en route in the discharge of an official function, and constructively his Court is open, to the extent that an assault upon him—because of matters

pending in his Court, or because of judgments he has rendered or is to render—is an assault upon the Court, and his bailiff or marshal detailed to attend the Court, or to aid in preserving the order and dignity of the Court, has the same right to protect him from assault than that he would have had the Judge actually reached his Court-room.

But further than this, we hold that in view of the undeniable fact that the Justice had knowledge of the fact that the Terry man and wife had sworn to punish him; that they had indulged in threats against him of the most pronounced character; that they had boarded a train on which it is probable they knew he had taken passage from one part of his circuit to another in his capacity as a magistrate; in view of the fact Terry sought the first opportunity to approach and strike him, and that, when seated; and in view of the notorious fact that Terry always went armed—the man who shot Terry would have been justified in doing so, had he not even been commissioned as an officer of the Court. He warned the assailant to desist, and knowing his custom to be to go armed, and that he had threatened the Justice, and Terry refusing to restrain his blows, it was Nagle's duty to save life to strike down the assailant in the most effectual manner. Men who having the ability to prevent murder, stand by and see it committed, may well be held to accountability for criminal negligence.

But in this case it is clear that murder was intended on the part of the Terry man, and he fired his pistol and brought it, and would have reached the other side of it in time, had he not been prevented by strong men at the door. Nagle saw this woman depart, and coupling it with the advance of Terry, knew, as a matter of course, what it meant. He had been deputized by the chief law officer of the Government—in view of previous assaults by the Terry, and their threats and display of weapons in Court—to stand guard over the Judges and to protect them. He acted, therefore, precisely as it was proper he should do. Had he been less prompt and vigorous, all the world knows that he, not Terry would be in custody, and not Terry but the venerable Justice of the Supreme Court of the United States would today be in the coffin.

These remarks have grown too extended for any elaboration of the moral of the tragedy that culminated in the killing of David S. Terry yesterday. But we cannot allow the subject to be even temporarily dismissed without calling the thought of the reader to contemplation of the essential truth, that society is bound to protect the Judges of the Courts of the land from violence and the threat of violence; otherwise the decisions of our Courts must conform to the violence threatened, and there will be an end of our judicial system, the third and most valuable factor in the scheme of representative government. Society cannot, therefore, punish, but must applaud the man who defends the Courts of the people and the Judges of those Courts from such violence and threat of violence. For it must be apparent to even the duller intelligence that all such violence is an outrage upon the judicial conscience, and therefore involves and puts in peril the liberties of the people.

Mrs. ELDREDGE has been discharged from the Napa Insane Asylum because she is not and never was insane. She was put in the asylum two weeks ago on the representations of her husband that she had lost her reason, and it appears that the Board of Examination believed him and granted the necessary certificate. It now develops that the husband applied for the certificate under a false name. This is the third or fourth case within a year or two of false commitments to the insane asylums of this State. There is reason to believe that the system of examinations has fallen into a system of mere forms, and that it is too formal everywhere, and that it is no longer a matter of difficulty in some of the counties to have a sane person committed to an insane asylum. It is alleged that if one goes before a Board of Examination and states that the person charged has developed insanity, and that his or her delusions or claims are thus and so, and the delusions are that the victim will be committed, for those who conspire to procure the certificate invariably seize upon some peculiarity of speech, or some characteristic of the victim's personality, as the key note for the insanity. It is possible, may the evidence be unimpeachable, that physicians sometimes fall into these traps with perfect innocence of any wrong doing, while in other cases, there is reason to believe that doctors sell themselves to monstrous schemes of villainy of this order. It is certainly true that there is not sufficient rigor in the law concerning examinations for the insane asylums. It ought to be required that public notice be given of the charge of insanity, and the intention to hold an examination, that all the friends of the party may enjoy the opportunity of being present. It is probable that this publicity would be a matter of mortification to some households, but better that than the seclusion of a single sane person in an insane asylum.

JOURNALS have no hesitancy in relating the details of scandalous trials, nor exhibit any timidity in treating of the erotic escapades and the amours of outcasts of society, nor in dealing with disgusting openings of language with the most vulgar domestic brawls, manifest just now appearing in the columns of "certain dimes" are taken from animals for preparing the so-called Brown-Squad elixir, over which a good many people are making themselves very silly. Why these old dames of the press should experience such shocks of modesty is a mystery to us—we frankly confess that we should not have credited any one of them with sufficient maidenly timidity to have prevented them presenting their readers anything whatever. Notably is this to be said of the morning papers of San Francisco. The truth is, that there is no reason of propriety, or decency, or cleanliness that should prevent the press from informing its readers that the "certain dimes" the surgeons take from the animal for the preparation of the liquid that is to regenerate old men and make them boys again, to arm their jaws with new teeth, and invest their eyes with new twinkling crowns, and that there is no reason of propriety, or decency, or cleanliness that should prevent the press from informing its readers that the "certain dimes" the surgeons take from the animal for the preparation of the liquid that is to regenerate old men and make them boys again, to arm their jaws with new teeth, and invest their eyes with new twinkling crowns, and that there is no reason of propriety, or decency, or cleanliness that should prevent the press from informing its readers that the "certain dimes" the surgeons take from the animal for the preparation of the liquid that is to regenerate old men and make them boys again, 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