

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
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M2023

APPELLATE CASE FILE NO. 13879, *THOMAS CUNNINGHAM, SHERIFF OF
THE COUNTY OF SAN JOAQUIN, CALIFORNIA, V. DAVID NEAGLE, AND
RELATED DEPARTMENT OF JUSTICE RECORDS*

Compiled by Sherman Landau and Claire Prechtel-Kluskens,
based in part upon materials written by William A. Reader, Jr.

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INTRODUCTION

On the two rolls of this microfilm publication, M2023, are reproduced the U.S. Supreme Court Appellate Case File No. 13879, *Thomas Cunningham, Sheriff of the County of San Joaquin, California, v. David Neagle*, from the Records of the Supreme Court of the United States, Record Group (RG) 267, and related material in RG 60, General Records of the Department of Justice.

Background

The "Neagle Case" began with the "May and December" marriage of William Sharon and Althea Hill. In 1849 Sharon went from Ohio to California and became wealthy through acquisition of silver mines; he was elected to the U.S. Senate from Nevada in 1874. His first wife died in 1875, and five years later he married a much younger woman, Althea Hill. The marriage was based on a secret "private contract," a sort of premarital agreement which was binding under California law at that time. The marriage was not a success, and Sharon abandoned his wife. In 1883 she sued for divorce in a California Superior Court, claiming as alimony half of his wealth, estimated at \$7.5 million. Her claim was based on the legality of the private contract, which the Superior Court accepted as valid.

Sharon brought suit in the U.S. Circuit Court for the Northern District of California to have the marriage contract declared a forgery. In early 1886, shortly after Sharon died, the court ruled against Mrs. Sharon and ordered her to deliver the "contract" to the clerk of court to be canceled. She did not comply, and Sharon's executor filed a bill of revivor to revive the lawsuit against her. Judge Matthew P. Deady granted the bill of revivor on September 3, 1888. By this time, Althea Hill Sharon had married one of her attorneys, David Terry of San Francisco, who had previously served as Chief Justice of the California Supreme Court.

Judge Deady's decision granting the bill of revivor was read in open court by U.S. Supreme Court Justice Stephen Field, who "rode circuit" in the 9th District and was Judge Deady's mentor. Upon announcement of the decision, Mrs. Terry stood up and began shouting at Justice Field, accusing him of being "bought" by the Sharon heirs. When Justice Field ordered the U.S. Marshal to remove her from the courtroom, Judge Terry, a man of violent temper, stormed into the hallway after them, waving a Bowie knife, but was subdued by the marshals. Justice Field cited both Terrys for contempt of court; Terry was sentenced to six months and his wife to one month incarceration. Subsequent indictments were brought against the Terrys for obstructing justice and assaulting the U.S. Marshal, but nearly a year later they still had not been tried on these charges.

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On August 13, 1889, Justice Field and his bodyguard, U.S. Marshal David Neagle, were eating breakfast in the railway dining room at Fresno, California, when Mr. and Mrs. Terry entered. Terry sent his wife out of the dining room, then proceeded to assault Field with his fists. Neagle ordered him to stop, then shot him dead. The crowd that immediately gathered threatened to lynch Justice Field and Marshal Neagle when it was discovered that Terry had not been armed. (Mrs. Terry, who was out of the room during the incident, had a revolver in her purse.) Field and Neagle escaped on an outgoing train, but Neagle was later arrested for murder. The marshal sued for a writ of habeas corpus, which the U.S. Circuit Court for the Northern District of California granted and the U.S. Supreme Court upheld, on the grounds that he acted in the scope of his duty to protect Justice Field, who Mr. and Mrs. Terry had threatened numerous times.

Mrs. Terry's eventual trial for obstructing justice and assaulting a U.S. Marshal ended in a hung jury. The shock of events unbalanced her mind; in March 1892 she was committed to a state mental institution in Stockton, California, where she remained until her death 45 years later.

Records Description

The records included in this microfilm publication are from one series of Department of Justice records and five series of U.S. Supreme Court records.

Department of Justice

Records of the Department of Justice are in Preliminary Inventory No. 194, *Preliminary Inventory of the General Records of the Department of Justice, Record Group 60* (Washington, DC: National Archives, 1981), compiled by Marion Johnson.

Communications received by the Department of Justice from August 1884 to 1903 are in the *Year Files*, which were arranged by a numbering system in which each subject of correspondence was given a file number followed by the year itself. Subsequent letters that dealt with that subject were given the same file number, plus a current (individual) number based on its date of receipt. Even letters on the topic that were received in subsequent years were filed with the year file when that subject originated. Each file is of limited subject scope. (See PI 194, Entry 72).

Thus Department of Justice Year File 8165/1888 contains correspondence, affidavits, transcripts, telegrams, petitions, reports, and a brief that date from 1888-92 and relate to Neagle, Field, Judge Terry, the killing of Judge Terry, and events leading up to the killing. Items 1-36 listed in the Table of Contents deal with background events leading up to the killing of Terry, such as the court cases

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involving Mrs. Sarah A. Terry; events in the Circuit Court on September 3, 1888; the trial and sentencing of Judge Terry for contempt; preparations for the trial; and reactions toward the sentence. Items 37-83 deal with central aspects of the Neagle case, such as the killing of Terry and the habeas corpus proceedings. Items 84-112, unless otherwise noted, are copies of Department of Justice letters from Attorney General W.H.H. Miller to U.S. Attorney John T. Carey and U.S. Marshal J.C. Franks.

The Table of Contents that follows indicates if the record is also found in another series of Department of Justice records or in the records of the U.S. Supreme Court.

Supreme Court of the United States

Records of the Supreme Court are described by Marion M. Johnson, in Preliminary Inventory No. 139, *Preliminary Inventory of the Records of the Supreme Court of the United States* (Washington, DC: National Archives, 1973). Five series of Supreme Court records include material pertaining to the Neagle case. These series include the Court's *Engrossed Dockets* (PI 139, Entry 7), *Rough Dockets* (PI 139, Entry 8), *Engrossed Minutes* (PI 139, Entry 4), *Appellate Case Files* (PI 139, Entry 21), and *Appellate Opinions* (PI 139, Entry 22). The records included in this microfilm publication are further described in the Table of Contents which follows.

Publications

The court's published opinion in the case, *In Re Neagle*, is found at 135 U.S. 1 (1890). Other published decisions of the court also relate to the Terry-Hill-Sharon matters. The legality of Terry's imprisonment on the contempt charges was determined in *Ex Parte Terry*, 128 U.S. 289 (1888). The propriety of the granting of the bill of revivor was decided in *Terry v. Sharon*, 131 U.S. 40 (1889).

The published literature regarding this matter includes "My Dear Judge," *Western Legal History*, vol. 1, no. 1 (Winter/Spring 1988), by Malcolm Clark, Jr.; *Pharisee Among Philistines: The Diary of Judge Matthew P. Deady, 1871-1892*, 2 vols. (Portland, OR: Oregon Historical Society, 1975), by Malcolm Clark, Jr., Ed.; and *Stephen J. Field: Craftsman of the Law* (Washington, DC: Brookings Institution, 1930; reprinted University of Chicago Press, 1969), by Carl B. Swisher.

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Records of the Department of Justice - Year File 8165/1888

1. Petition for executive clemency from D.S. Terry to President Grover Cleveland, Sept. 12, 1888, relating his version of events in the Circuit Court on Sept. 3, 1888.
2. Affidavit of Joshua B. Webster, Sept. 13, 1888, describing the courtroom events.
3. Affidavit of M.J. Kelly, Sept. 13, 1888, describing the courtroom events.
4. Affidavit of R.P. Ashe, Sept. 17, 1888, describing the courtroom events.
5. Affidavit of Edward P. Cole, Sept. 17, 1888, describing the courtroom events.
6. Indictment (No. 2585) of David S. Terry, Sept. 25, 1888, for "assault . . . with a deadly weapon." (Copy in Supreme Court Transcript of Record).
7. Indictment (No. 2586) of David S. Terry, Sept. 25, 1888, for "endeavoring to obstruct and impede the due administration of Justice in the Circuit Court." (Copy in Supreme Court Transcript of Record).
8. Indictment (No. 2587) of David S. Terry, dated Sept. 25, 1888, for obstructing and assaulting U.S. Marshal Franks while executing an order of the Circuit Court. (Copy in Supreme Court Transcript of Record).
9. Indictment (No. 2588) of David S. Terry, Sept. 25, 1888, for "drawing and exhibiting a deadly weapon . . . in a rude, angry, and threatening manner . . . and having upon himself a deadly weapon with intent to assault J.C. Franks, etc." (Copy in Supreme Court Transcript of Record).
10. Indictment (No. 2589) of Sarah Althea Terry, Sept. 25, 1888, for "endeavoring to obstruct and impede the administration of Justice in the Circuit Court." (Copy in Supreme Court Transcript of Record).
11. Indictment (No. 2590) of Sarah Althea Terry, Sept. 25, 1888, for "knowingly obstructing J.C. Franks, Marshal . . ., in executing an order of the U.S. Circuit Court." (Copy in Supreme Court Transcript of Record).

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12. Letter from U.S. Attorney John T. Carey to Attorney General W.H.H. Miller, Oct. 4, 1888, describing the behavior of Mr. and Mrs. Terry in the Circuit Court, and asking for authority to hire more attorneys to assist in his prosecution of the Terrys.
13. Letter from Carey to the Attorney General, Nov. 14, 1888, describing events relating to the contempt trial of Mrs. Terry, and the employment of special counsel.
14. Letter from U.S. Marshal J.C. Franks to the Attorney General, May 6, 1889, promising to protect Judge Sawyer and Justice Field, and asking if he could hire "two detectives to assist me in protecting Justice Field while he is in my district."
15. Letter from Carey to the Attorney General, May 7, 1889, stating that "there is just reason in the light of the past and of the threats made by Judge and Mrs. Terry against Justice Field and Judge Sawyer to apprehend personal violence at any moment and at any place," and suggesting that Marshal Franks be allowed to hire deputies to protect Field and Sawyer.
16. Letter from Carey to the Attorney General, May 21, 1889, discussing status of the Terry case and asking for employment of special counsel.
17. Letter from U.S. Senator Leland Stanford to the Attorney General, June 17, 1889, recommending the appointment of David R. Louderback as Special Counsel in Terry case.
18. Telegram from Carey to the Attorney General, June 29, 1889, recommending the appointment of Louderback as Special Counsel.
19. Letter from Carey to the Attorney General, July 16, 1889, acknowledging receipt of appointment of Louderback as Special Counsel.
20. Letter from Franks to the Attorney General, July 19, 1889, transmitting accounts for expenses incurred.
21. Letter from Special Counsel Louderback to the Attorney General, Nov. 24, 1890, transmitting accounts for services rendered in the District Court prosecution of Mrs. and Mrs. Terry.
22. Telegram from Carey to the Attorney General, July 16, 1889, requesting original deed (from California to U.S. Government) for land upon which various public buildings stand.

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23. Letter from Carey to the Attorney General, July 16, 1889, requesting original deed (from California to U.S. Government) for land upon which the Appraiser's Building stands.
24. Letter from Carey to the Attorney General, July 17, 1889, relating to the U.S. Government's title to land upon which various public buildings stand.
25. Letter from Acting Secretary of the Treasury George S. Botetelly to the Attorney General, July 25, 1889, relating to the U.S. Government's title to land upon which various public buildings stand.
26. Telegram from Carey to the Attorney General, Aug. 5, 1889, inquiring about the deeds requested.
27. Letter from Acting Secretary of the Treasury George S. Botetelly to Chief Clerk of the Justice Department Cecil Clay, Aug. 9, 1889, indicating the deeds had not yet been found.
28. Letter from Secretary of the Treasury William Windom to the Attorney General, Aug. 12, 1889, indicating the deeds could not be found.
29. Letter from Secretary of the Treasury to Cecil Clay, Aug. 12, 1889, indicating the deeds could not be found.
30. Letter from Windom to the Attorney General, Aug. 12, 1889, indicating the deeds could not be found but a record book with relevant information had been found.
31. Petition from the San Joaquin County Democratic Committee for executive clemency for David S. Terry to President Grover Cleveland, Sept. 15, 1888.
32. Letter from A.C. Paulsell, Member of the Board of State Harbor Commissioners, to President Cleveland, Sept. 17, 1888, asking that Terry's request for a pardon be granted.
33. Letter from Israel Lawton to the President, Sept. 18, 1888, protesting the severity of the sentence. Enclosed is a letter from Lawton to the President, Nov. 18, 1888, criticizing the Supreme Court's dismissal of Terry's appeal for a writ of habeas corpus.
34. Legal brief from John A. Stanly to Judge Terry, Sept. 21, 1888, arguing that the Circuit Court order adjudging Terry guilty of contempt was illegal and unwarranted.

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35. Petition from several Texas Congressmen to the President, Oct. 5, 1888, asking for executive clemency.
36. Letter from W.W. Porter, Associate Justice of the California Supreme Court, to the Attorney General, Nov. 14, 1888, requesting action on Judge Terry's application for pardon.
37. Telegram from Marshal Franks to the Attorney General, Aug. 14, 1889, reporting the killing of Terry by Deputy U.S. Marshal David S. Neagle.
38. Testimony at Inquest on the Body of Judge David S. Terry, Aug. 14, 1889. Included is the testimony of the coroner, the local constable, a gunsmith, several eyewitnesses to the killing, and the physicians who performed the autopsy.
39. Telegram from Carey to the Attorney General, Aug. 15, 1889, asking if he should help defend Neagle.
40. Telegram from Creed Haywood to the Attorney General, Aug. 16, 1889, stating that the Government should defend the Deputy Marshal who shot Terry.
41. Telegram from the Attorney General to Acting Attorney General D.W. Chapman, Aug. 19, 1889, stating that he has instructed Carey to defend Neagle.
42. Telegram from D.W. Chapman to the Attorney General, Aug. 16, 1889, relating to official intervention in Neagle's defense. Enclosed are a telegram from Chapman to Attorney General Miller, Aug. 20, 1889, relating to attempts to procure habeas corpus for Neagle; and a telegram from President Harrison to the Attorney General, Aug. 16, 1889, instructing Miller how to proceed in the case.
43. Telegram from Franks to the Attorney General, Aug. 19, 1889, giving a summary of events relating to the arrest of Justice Field and Neagle.
44. Telegram from Carey to the Attorney General, Aug. 19, 1889, recommending appointment of Samuel M. Wilson, R.S. Mesicke, and W.T. Herron as Special Counsels to assist in habeas corpus proceedings in behalf of Field and Neagle. (See Item 89).
45. Telegram from Carey to the Attorney General, Aug. 19, 1889, stating that he has sued out a writ of habeas corpus for Field and Neagle.

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46. Letter from Franks to the Attorney General, Aug. 22, 1889, giving background information on Neagle such as "appointed by me as a Special Deputy Marshal for the last two Congressional elections . . ." and "has held important positions of trust in this city. He was at one time Deputy Sheriff and at another time Deputy License Collector. In Arizona he was Deputy Sheriff and Chief of Police at different times."
47. Letter from Franks to the Attorney General, Aug. 23, 1889, enclosing the following: (1) Report by Franks on the killing of Terry; (2) "Exhibit A" - Newspaper account in the *San Francisco Daily Chronicle*, dated Aug. 15, 1889, giving Justice Field's account of the killing of Terry; (3) "Exhibit B" - Petition for habeas corpus by Justice Stephen J. Field, Aug. 16, 1889; (4) "Exhibit C" - Newspaper account in the *San Francisco Daily Examiner*, Aug. 21, 1889, describing Neagle's defense; (5) "Exhibit D" - Newspaper account in the *San Francisco Daily Chronicle*, Aug. 15, 1889, giving eyewitness accounts of the killing of Terry; (6) "Exhibit E" - Statement by 9th Circuit Court Judge Lorenzo Sawyer and a copy of a letter by W.N. Cowles, Sept. 12, 1889, both relating to Mrs. Terry's insulting behavior toward Judge Sawyer; (7) "Exhibit F" - newspaper account (unidentified) of the killing of Terry; (8) "Exhibit G" - Leaflet entitled "The Terry Contempt" containing the court orders, petitions, affidavits, and circuit court opinion relating to the contempt citations directed at Mr. and Mrs. Terry; and (9) newspaper account in the *San Francisco Daily Examiner* of Mrs. Terry suing U.S. Marshal Franks for false imprisonment.
48. Envelope, postmarked Aug. 26, 1889, containing three newspaper clippings relating to Justice Field and Terry's assault upon him.
49. Letter from Franks to the Attorney General, Aug. 26, 1889, relating to expenses incurred by Sheriff Thomas Cunningham in obeying a writ of habeas corpus bringing Neagle before the U.S. Circuit Court.
50. Letter from Franks to the Attorney General, Aug. 26, 1889, relating to hiring a (train) engine to transport Neagle to Stockton, CA.
51. Telegram from Carey to the Attorney General, Aug. 27, 1889, reporting that state authorities have dismissed the prosecution against Justice Field.
52. Legal brief on common law and state court cases relating to "Self-defense and Justifiable Homicide."

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53. Report of Carey to the Attorney General, Aug. 29, 1889, relating to the killing of Terry and habeas corpus proceedings concerning Neagle and Field.
54. Letter from Franks to the Attorney General, Aug. 30, 1889, enclosing various items relating to the Neagle case: (1) "Exhibit A" - Traverse to the return of the Sheriff in the case of Field; (2) "Exhibit B" - Eyewitness account of the killing of Terry by George I. Lidgerwood; (3) "Exhibit C" - Newspaper account, dated Aug. 21, 1889, of letter from California Governor R.W. Waterman to State Attorney General G.A. Johnson asking him to dismiss proceedings against Field; (4) "Exhibit D" - Newspaper account of dismissal of Field indictment; (5) "Exhibit E" - copy of complaint of Mrs. Terry against Field and Neagle; (6) Letter from G.A. Johnson to San Joaquin County District Attorney Avery C. White, Aug. 29, 1889.
55. Letter from U.S. Attorney Carey to the Attorney General, Sept. 9, 1889, relating to Mrs. Terry's threats against Justice Field since the killing of her husband.
56. Letter from Mrs. Terry to the Attorney General, Sept. 14, 1889, giving her account of the killing of her husband.
57. Telegram from Carey to the Attorney General, Sept. 16, 1889, stating that Neagle has been released from jail on his own recognizance, and that the State Attorney General will appeal the case.
58. Letter from Carey to the Attorney General, Sept. 16, 1889, reporting on the habeas corpus proceedings of David Neagle. Enclosed is a newspaper account of Judge Sawyer's opinion granting the writ of habeas corpus.
59. Letter from Franks to the Attorney General, Sept. 18, 1889, stating that Field has left for the East and that he has discharged two of the three special deputies hired to protect him.
60. Letter from Franks to the Attorney General, Sept. 24, 1889, transmitting accounts for expenses in the Neagle case.
61. Letter from Franks to the Attorney General, Sept. 25, 1889, asking for permission for a Special Deputy to follow Mrs. Terry outside the Judicial District of California.

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62. Jacket of letter from Carey to the Attorney General, Oct. 1, 1889, transmitting his accounts for special services rendered in habeas corpus cases of Neagle and Field. No letter or accounts are present.
63. Letter from Carey to the Attorney General, Oct. 7, 1889, transmitting printed copy of the oral argument of California Attorney General G.A. Johnson, and a printed copy of Judge Sawyer's opinion. Enclosed is a newspaper editorial from the *Daily Alta California*, Aug. 20, 1889, on the Neagle case.
64. Letter from Franks to the Attorney General, Oct. 17, 1889, relating to Neagle's accounts and the hiring of a Special Deputy to watch Mrs. Terry.
65. Letter from Carey to the Attorney General, Oct. 23, 1889, transmitting copies of his argument and of Judge Sawyer's opinion in the Neagle case.
66. Letter from Franks to the Attorney General, Nov. 11, 1889, transmitting account of David Neagle as Special Deputy from Aug. 14, 1889 to Sept. 20, 1889.
67. Letter from Franks to the Attorney General, Nov. 15, 1889, relating to the employment of Neagle as a Special Courtroom Deputy during the trial of Mrs. Terry.
68. Letter from Franks to the Attorney General, Nov. 25, 1889, transmitting account of Sheriff Cunningham for transporting Neagle, and enclosing a note from Franks on his accounts.
69. Letter from Franks to the Attorney General, Nov. 30, 1889, transmitting accounts for detention of Neagle and the guarding of Justice Field.
70. Letter from Franks to the Attorney General, Dec. 3, 1889, expressing his desire to hire a detective, preferably Neagle, to protect the judges in the Terry case.
71. Jacket of letter from President Harrison, Dec. 16, 1889, granting approval of Frank's accounts relating to the detention of Neagle.
72. Letter from Franks to the Attorney General, Dec. 16, 1889, transmitting accounts of Sheriff Cunningham in Neagle case.
73. Note from George B. Williams to the Attorney General, Dec. 17, 1889, enclosing newspaper clipping discussing legal aspects of the case.

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74. Telegram from G.A. Johnson to the Attorney General, Dec. 30, 1889, relating to the date for arguing Neagle case.
75. Letter from U.S. Senator John J. Ingalls to the Attorney General, Jan. 27, 1890, asking that copies of all records pertaining to the Terry-Neagle case be sent to the Senate.
76. Letter from Franks to the Attorney General, dated Feb. 11, 1890, relating to Sheriff Cunningham's expenses in the Neagle case.
77. Letter from the Attorney General to the President, Feb. 20, 1890, recommending payments of Franks' extraordinary expenses in the Neagle case.
78. Report from Carey to the Attorney General, Mar. 26, 1890, relating to the trial of Mrs. Terry which resulted in a hung jury, and including references to the Neagle case.
79. Letter from Horace Speed of Guthrie, OK, to the Attorney General, May 28, 1890, asking for copies of records in Terry-Neagle case.
80. Letter from L.S.B. Sawyer, Clerk of the U.S. Circuit Court for the Northern District of California, to Cecil Clay, Jun. 19, 1890, acknowledging receipt of Supreme Court Mandate in *Cunningham v. Neagle*.
81. Letter from Joseph H. Choate to the Attorney General, Jun. 27, 1890, relating to the payment of certain printing bills in Neagle case.
82. Telegram from U.S. Marshal B.W. Walker of Northern Alabama to the Attorney General, Nov. 1, 1892, requesting copy of the records in the Neagle case.
83. Partial list of documents relating to the Neagle case.

Items 84 through 112 are letters from U.S. Attorney General W.H.H. Miller unless otherwise noted.

84. Letter to Franks, Apr. 27, 1889, noting that "I deem it my duty to call your attention to the propriety of exercising unusual caution . . . for the protection of His Honor Justice Field, or whoever may be called upon to hear and determine the matter." (Copy in Supreme Court Transcript of Record).

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85. Telegram to Franks, Aug. 18, 1889, asking him for his official report on the Neagle case.
86. Telegram to Carey, Aug. 17, 1889, asking him not to appear formally in defense of Neagle until further instructed. (Copy in Department of Justice *Instruction Book No. 4*, p. 401).
87. Telegram to Franks, Aug. 18, 1889, asking for an official report so he may have a basis for instruction. (Copy in Department of Justice *Instruction Book No. 4*, p. 401).
88. Telegram to Carey, Aug. 20, 1889, noting that "Deputy Marshal Neagle was, by him, in pursuance of general instructions from me, deputed to protect Justice Field from a threatened assault . . . , and that in the execution of his instructions and in the necessary defense of Justice Field . . . , Neagle shot and killed David S. Terry," and instructing Carey to defend Neagle.
89. Telegram to Carey, Aug. 20, 1889, vetoing appointment of Wilson, Herron, or Mesicke as Special Counsels to assist in habeas corpus proceedings. (See item 44).
90. Letter from Acting Attorney General O.W. Chapman to Attorney General Miller, Aug. 20, 1889, stating that Carey has sued out a writ of habeas corpus for Neagle and Field.
91. Letter to Carey, Aug. 20, 1889, summarizing Frank's report and ordering him to help defend Neagle. (Copy in Department of Justice *Instruction Book No. 4*, page 402).
92. Letter to Chapman, Aug. 20, 1889, transmitting dispatches to go on file.
93. Letter to Carey, Aug. 20, 1889, relating to instructions on court procedure.
94. Letter to Franks, Sept. 2, 1889, acknowledging receipt of official report.
95. Letter to Franks, Sept. 4, 1889, authorizing payment to Sheriff Cunningham for transporting Neagle.
96. Letter to Franks, Sept. 4, 1889, relating to \$240 expense for hiring a (train) engine to take Neagle to Stockton, CA.

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97. Letter to Carey, Sept. 5, 1889, acknowledging report of August 29. (See item 53).
98. Letter to Carey, Sept. 5, 1889, asking him to go easy on Mrs. Terry in view of the recent loss of her husband.
99. Telegram to Carey, Sept. 6, 1889, asking him "to do nothing that can be tortured into the semblance of persecution."
100. Letter from Chapman to Carey, Sept. 18, 1889, acknowledging letter of Sept. 9, 1889.
101. Letter from Chapman to Carey, Sept. 19, 1889, acknowledging receipt of telegram discharging Neagle, and asking for copies of proceedings in case.
102. Telegram from Chapman to Franks, Sept. 25, 1889, asking him to obey Attorney General Miller's instructions even though Miller will be away until next week.
103. Letter to Franks, Oct. 3, 1889, stating that "it is probably unwise and unnecessary" to have detective supervision of Mrs. Terry.
104. Letter to Carey, Oct. 4, 1889, acknowledging letter of Sept. 9.
105. Letter to Franks, Oct. 4, 1889, stating that there is no need for Neagle to guard Justice Field in the East.
106. Letter to Franks, Oct. 15, 1889, stating that the President has approved his extraordinary expenses in the Terry case.
107. Letter to Franks, Oct. 24, 1889, acknowledging letter of Oct. 17, and asking to have Neagle's accounts made up.
108. Letter to Carey, Nov. 6, 1889, approving Carey's accounts in Neagle and other cases.
109. Letter to Franks, Nov. 21, 1889, approving the appointment of Neagle as a Special Courtroom Deputy during the trial of Mrs. Terry.
110. Letter to Franks, Nov. 22, 1889, returning account of Deputy U.S. Marshal Neagle "for 38 days services, amounting to \$190."
111. Telegram to Franks, Nov. 26, 1889, asking him not to appoint Neagle as a Courtroom Deputy during the trial of Mrs. Terry.

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112. Letter to Franks, Nov. 26, 1889, asking him not to appoint Neagle as a Courtroom Deputy during the trial of Mrs. Terry since trouble may result.

Records of the Supreme Court of the United States

Five series of Records of the Supreme Court of the United States (Record Group 267) contain records pertaining to Neagle and Appellate Case No. 13879, *Thomas Cunningham, Sheriff of the County of San Joaquin v. David Neagle*. These records, whose series titles are indicated in italics, include:

113. *Engrossed Dockets*, Vol. 27, page 14965.
114. *Rough Dockets*, "Docket 1889," case no. 13879, entry no. 1472.
115. *Engrossed Minutes*, Vol. 54, entries for Nov. 4, 1889; Jan. 6, 1890; Mar. 3, 1890; Mar. 4, 1890; and Mar. 5, 1890.
116. *Engrossed Minutes*, Vol. 55, Entry for April 14, 1890 contains Justice Miller's decree affirming the decree of the Circuit Court of Northern California.
117. *Appellate Case Files*, Case No. 13879:
- a. Large Map. Diagram of the railroad station dining room where Judge Terry was killed.
 - b. Correspondence file, 56 pages.
 - c. Transcript of Record, 982 pages, including (1) David Neagle's petition for writ of habeas corpus; (2) Opinion of Circuit court in habeas corpus proceedings; (3) Testimony of Justice Field; (4) Testimony of David Neagle; and (5) Copies of the Transcripts of Record for the two prior court cases involving Mrs. Terry: *William Sharon v. Sarah Althea Hill* (140 pages) and *Francis G. Newland, Trustee, et al. v. David Terry and Sarah A. Terry* (112 pages).
119. *Appellate Opinions*, Case No. 13879.
- a. Majority opinion of Justice Miller affirming the judgment of the Circuit Court.

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- b. Dissenting opinion of Justice Lamar with Chief Justice Fuller concurring.