

## **Judge Terry's Trial in Marin County— Verdict of Not Guilty—Singular Pro- ceedings.**

SAN RAFAEL, July 6th.

The case of the People vs. David S. Terry, before the District Court of the Seventh Judicial District—J. H. Hardy presiding—was to-day called for trial.

A jury was impaneled, consisting of the following persons: Jacob Short, M. Blowers, G. Leonard, P. W. Coard, J. B. Stafford, Benjamin Miller, Grenade King, J. Breckerstaff, James Olcott, Solomon Helzer, Charles Lauff, H. J. Nott.

In the forming of the jury several were objected to; one on the ground that he was a member of the late Vigilance Committee in San Francisco; two others were objected to on the part of the defense on their admission that they were sympathizers with the Vigilance Committee.

The Court decided that the fact of their sympathizing with the Vigilance Committee was not of itself of a valid objection to their serving as jurors in the present case, and suggested that they should be tried as to their bias.

To this the District Attorney, John H. Haralson, remarked that he would excuse those men from serving.

The jurors who were accepted were not asked a single question as to whether they had formed an opinion in the case they were about to try. The counsel for the defense accepted them without a question, and the District Attorney seemed to be only too happy to accept any one and anything which suited the defense.

The jury was formed and sworn in within an hour, when the Court desired the District Attorney to open the prosecution.

The District Attorney then read the law applicable to the case, and then called upon Leonidas Haskell to take the stand, but Leonidas Haskell was not forthcoming.

The Sheriff was then directed to call his witnesses at the door, when the names of Haskell, Joseph C. McDobbins and others were called, but no answers to the calls were given.

The Court then desired to know of the District Attorney what he would do with his case, when that officer stated that he had done all in his power to have his witnesses present, and that he understood they were now a little below town, on their way to the Court; but, as he was not desirous of detaining the Court, he was willing the defendant should have all the benefit of their absence, and that the case should go to the jury immediately.

To this, Judge Hardy remarked that the witnesses were not subpoenaed to be present until ten o'clock, and as it still lacked five minutes of ten, he would wait until the hour had arrived.

Within about five minutes, Joseph P. Hoge, for the prisoner, arose and inquired of the Court if it was not then ten o'clock.

Judge Hardy replied that it was.

Mr. Hoge then said that if the prosecution had no testimony to offer, he should move that a verdict be rendered immediately.

District Attorney Haralson said that as he had exhausted all the power of the State to have his witnesses ready, and as they were not there, he should not object to the motion of the attorney for the defense.

Judge Hardy then charged the jury that, under the statute, where no testimony was offered on behalf of the prosecution, it became his duty to instruct them to bring in a verdict of not guilty, and this verdict they could bring in without leaving their seats.

Accordingly, the jury immediately brought in a verdict of "not guilty."

Your reporter deems it proper to state in this connection that when the verdict was rendered it still lacked "twenty two" minutes of ten o'clock, by the watch of J. McM. Shafter.

The yacht Restless shortly after arrived bringing the witnesses on the part of the prosecution, viz: Leonidas Haskell, Chief Burke, Captain Lees, Coroner McNulty and others, and your reporter saw the time of Mr. Shafter's watch compared with that of all these gentlemen, and Mr. Shafter's time was about two minutes faster than that of any of the others. Chief Burke, Captain Lees and Coroner McNulty said their time was true and correct according to the meridian of San Francisco.