

Duel death ruled a case of self-defense

Second of a series

Shortly after the exchange of gunfire between James Terrell and Jacob Hartman, April 10, 1905, on North Jackson Street, Hartman walked into town and reported the incident. Unaware that Terrell was dying, Bloomington Mayor Claude Malott set Hartman's bond at \$2,000.

According to the Bloomington *Weekly Courier*, "Hartman came to town early this morning (the day after the shooting) and told Mayor Malott he wanted the Terrell boys placed under a peace bond. He said that some of his neighbors had told him that the boys had been inquiring for revolvers among the neighbors and that he did not care to have any more trouble."

Later in the morning Terrell died at his home, and the case took a more serious turn. Hartman returned to town on his own and surrendered himself. Not considered a desperado by Marshall Johns, Hartman was allowed to go to the barber shop for a shave and to the office of Miers & Corr, his attorneys.



Looking back

By Rose McIlveen

Still later Mayor Malcott called for the coroner (who had to come from Ellettsville) and then sat down to do a little refresher reading in his law library. He (Malott) reckoned that Hartman would have to be locked up, since the charge was first degree murder, a non-bailable offense.

The *Telephone*, which gave more space to the original story than the *Courier*, also carried brief descriptions of the two men. Hartman was described as "well-known, honest, industrious, hard-working" and a man who had the reputation of being a "good neighbor." Terrell was, according to the newspaper, the father of five children, a former Singer Sewing Machine Company agent and a Mormon who believed

all the Mormon doctrines except polygamy."

Hartman got preferential treatment at the jail and was put in the more comfortable quarters reserved for female prisoners. Reported the *Telephone*, he said: "I am more sorry than anyone that the shooting occurred, and if I had known that Terrell was so mad I would rather have played a little bit more of a coward and avoided him than to have had the fight."

After the inquest, which indicated that a bullet from Hartman's 32-caliber gun had caused Terrell to die of internal bleeding, the case was turned over to the grand jury for consideration. At a preliminary hearing in Mayor Malott's court, 30 witnesses had given conflicting testimony. Hartman was released on \$5,000 bond until the grand jury could take up the case, some time after the next court term, June 1.

From that point until the resolution of the case, had the readers of either of Bloomington's newspapers been holding their breath until they heard the outcome, they would have turned blue. Both the *Telephone* and the *Courier* were handily

pre-occupied with the sensational trial of Monroe County Prosecutor Robert Miller and seemed to have forgotten the Hartman Terrell "affray."

Finally, on June 30 in a round-up of the proceedings of the circuit court and the grand jury, the *Courier* ran one sentence about the shooting. "Jacob Hartman, the Maple Heights gardener, who shot Bud Terrell, went free as the act was considered one of self-defense."

What had tipped the scales in his favor, apart from the evidence of the holes in his clothes and conflicting accounts of eyewitness, was one other highly important piece of testimony. Reported the *Telephone*: "Several witnesses were called and told of Terrell's dying statement. Mrs. Terrell said: 'I put my hand on his shoulder and said, Pa, I want to know who fired the first shot,' and he said that Hartman fired first as his back was turned starting into the house." When cross-examined it developed that she could not say for certain whether her husband said Hartman fired the first shot or that Hartman's first shot hit him."