#  

Vol． 4.
Haskell，Haskell County，Texas，Saturday，Dec．21， 1889.

## Dire＝tory．

diatrict officers．

$\qquad$ Judze，
Attorney $\because \therefore$ ．

$\qquad$
commastonens
ris

## J．P．Pree Constalle 



为 W．A．Walke W．J．S．Gutren，

 Profesmional Carde．

## DR．J．H．M＇GEE

Phybician Surgeon and Obste flian Haskell Texas Office Professional service to citizens Haskell and eurrounding ecuntry Dr．A．G．Neathery． Thysician，Surgeon and Obstetrician paras his Professional services
the people of Haskell and surroundiug countrs．

## J．E．Lindsey M．D．

HYSICIAN \＆SLERGEON： traskell Tex

## Dr．F．N．Erown，

－ロコエエ5エ

## 

AFFIRMED．
The Flading of the court of ap case in the $J$ ．
Darls Case．

Of tho Thitry－Six Assignments
Error，Only One Deemed Wot thy Extended Discuension Wot th

Tluer Tex．，Dec．12．－The cour Trikr Tex．，Dec．12．－The cour the case of J．W．Davis vs．the
State，Davis beirg charged with The murder of the late B．C．Evaus
of Fort Worth．Followiug is the of Fort Worth．Following is th plnion in full：
ourt of Tarrant coonty．
This is a conviction for murde bing teath degreo，the penalt ellant meatu．The counsel for ap rents of error thirty－six assign－ benefit of augument in and th everal of these supposed nd we have carefully read errors cord and bref of appellant．The onclusion reached is that there i no puch error in this record as re quires a reversal of the judgment． We desire to discuss but on question．To discuss all the as
signments
would require the signonents would require the
wrighting of a small volume，which wrighting of a small volume，which
we have not time to write．We remarked，however，that each as agnment has received our most the conviction the state relies npon two excerpts of the case，and con tends that if either te true the judg ment should stand．

1．That Evans was sitting in chair reading a newepaper whe appellant approached him an spoke to him，and before Evaus a rose，with the paper still in his
hand，fired and killed hiw that the killing was with a calm and sedate mind，and formed design 2．Cunceding appellant＇s versiou to be true，to－wit：That between 9 and 10 o＇clock of the morning of the day of the tomicide，deceased came down in the store and com
menced talking with Davis and said ＂Mr．Davie，I don＇t think I will need your serviecs any longer than the 15 th．This is not all．I have it rrom the best information that you have been too intimate with a lady
in the house．＂
The defendant replied：＂What
lady is that？ lady 18 that？
Evans suid：
Evans said：＂It is enough for you know that you
Evans left，and defendaut co menced waiting on customers． In the afternoon，Evans being in his office，siting in a chair，defend－
ant weut to bim and said：I think I have a right to know what luds you have reference to．
Evans answered：＂ Evans answered：＂Davis，you
know well eneugh whom I know well eneugh wiom I refer to，
and that－ Defendant answered：＂I say， Mr Evans，if you mak ment you are a liae linr，＂ruised up and advanced to wari defendant，throwing hilyhand when Davis shot him．
Admilting，we eay，that the a bove facts te true，the state con－
tends that there are other facte and circumstances to demonatrate that appellant sought Evans，re－ vived the matter relative to the wo－ men for the parpese of provoking a
difticulty in order for a protest dinticulty in order for a pretext to
kill Eyans；that with a cool，calm and deliberate mind the provoca－ tion was given and the occasion
was produced and hence chere wae no murder of the second degree in the case
We have atated the position of the state with a view of discussion

OSCAR MARTIN ttorney \＆Counsellor－at－Law Notary ${ }^{-1 \times 0-}$ Public

## ONTRACTOR AID BUID

 ABKELL，．．．．．．．．12－1－88－1yF．．．．．．．．．TEXAS Abilene Investmont Company enal Katate and lasurance．（Aloney to loan mothas and haneneses．spece．al allention （whe ond ballanee due the Stato do not inter Call at omecer write to us．

## D．W．WRISTEN，

GROCERIES，PROVISIONS Country Produce．
 ATTORNEYS－AT－LAW amiene．
lo －will practice it Haskell and anljol
countice．
mityeo mi before huying eloewherse．

## Munder．

by the testimony case presented counsel for bing of apperlaut＇s che c．urt should have aubmitued To the jury the question of murder the case．The deprec，was not in was and hence that inerists that i in the charge because it fuiled submit the degree of homici＇e he jury．The learned judge sub－ nitted the questioit of stlf－defense ne degras of marder，viz．，murder The charge f：r thia onission nor did they request an instruction upon the second degree．We thav eversed a great number of judg for this omission，though there was
no charge requested．
a objection is taken because the omission to clarge the law ap plicable to the different purpcse of
the case，but in the nence the case，but in the absence of re
quested charge or objection for the quested charge or objection for the
omission，what is the rule？We are omission，what is the rule？We are
discussing the mater upon the hy Miscussing the mater upon the hy－
pothesis that murder of the second egree is presented by some evi dence in the record．The rule
tated in Bistop vs．the State， Cexas， 390 ，to be that if the charge is erroneous and is excepted to at the time，the judgment will be re versed；but though erroneous，if no ex oepted to or propper iustruction requested，the judgment for thi It the omisfion was a material ror，calculated to injurs the rights of defendant，thengh the error， calied to the attention of the cour
first，in a motion for a new tria the jurginent
shovd br reversed，
but in determining whether the error is ma：erial and calculated
to injure the rights of the accused， we are to look to the whole record earing upon the suilject．What was porting the verdiet？What the character of the testimony present ing the plea or theory of the case omitted to be noticed in the charge and upon which omisson error is
assiguea？Was it all reasonable？ assignea？Was it all reasonable
Did it permit a theory which
reasonable wich
oouid enteitain，or was it support－ calculated to destroy so would be case when considered in connection with the other testimony in the case as well as the charge as a Whole？Was the plan of the
case simply an addition as made by the atate and consistent there－ with，or was it in direct conflict These are all imporian of the
diseltes
to be considered in passing upon
the materiality of the omission so as to properly determine whethe error was calculated to injure
THE RIGirts of the accused．
What then was the nature of the
states evidence in support of mur
atates evidence in support of mur－
der in the first degree？
der in the first degree？We wil
not repeat the teerımony but will not repeat the tee＇ımony but wil
eay that upon the first plan of th state＇s case it is almost absolutely demonstrated，nut only by posi－
ive evidence of main witnesses but by all the surrounding facts hat this was a calmly and doliber tely planned assassination，tha crate miad and previously forme delib erate midd and previously formed
design approached Evanas，who was err，and before he could raise eho him，an unarmed man，and contin
ued to ehoot until be was in a mun ued to eh
ner dead．
Upon the second plan of the case the surrounding faots place it he－ ond contradiction that appellant If what he says is true，calmly and
deliberately provoked the difficul－ ty，produoed the occasion with but one single purpose，and that was a pretext

THEO．MEYCK，Preoident．WM，CAMERON，Vige－Prefident．

To stay tar meceaged．
All of the facta not only tend
way，but form a mighty torent this way，but furm a mighty torent lead
ing irreesistably to this conclueion Now then，this being the nature of the evidence in support of the sec－ ond plan of the case contended ：c by the state，we can concede that
what the appelant swears was true， and still as he calmly atnd deliber alely adopted this method to pro occusion with intent to slay vieti $r$ ，thete is not only no selt－ defence thathis case，but there is n murder in the second drgree，a in view of the orerwhelming murder in the flrat degree baige had been submitted permit ug the jury to find a leas uegree jaror with the least degree of imeling ence，unless corrupt，wonld
have entertained for a moment tha uggestion of any theory leas tha nurder in the first degree．
The plain，stmple trath is that
an honest，conscientious man can
not read this record withont
cluding that the appellant＇s verson f the case was sheer fabrication，bu $t$ may be iusisted by counsel tor ap pellant that his verson may be true and that he may not have provol－ ed the difficuity or produced the ucgasion for the purpose of killing deceased，and hence that this way question for the jury；that
unould have beeu permitted ander proper tostructions to pas jury may not believed he acced i
self－defense they may have believ
his version of the facts and found ham guilty of murder of the secon
degree．It is possible that the jur degree．It is possiblo that the jury
may bave believed that appellant＇s theory was true，and it is possib hat they may wot bare believid hat he
proyoked the difficulty or produced the occasion to have a
pretext to slay tho deceased，sud It may be possible that murder in the second degree would have been most remute probatinity the jury things and there is not the sliphet probability that appellaut was in jured by the outssion．
Now if counsel for the appeilan had objected to the charge of the court for the umission to charge murder of the second degree，or
bad requested a charge upon that de bad requested acharge upon that
gree and it had been refased，tuero gree and it had been refased，ther present this degree of the bomicide

$$
\begin{aligned}
& \text { we might have been required to } \\
& \text { REvERYE THE JUDQEMENT. }
\end{aligned}
$$

$$
\begin{aligned}
& \text { Reverse the jubosaest. } \\
& \text { Tula however, is quite duobtfu } \\
& \text { because the appellant's theory }
\end{aligned}
$$

because the appellant＇s theory
he case tends only to meet th
state case tends only to meet than of the case men－
sta
state
tioned above，leaving the secon－
position of the state
position of the state unquestioned
hat is，that the appellant calmly
That is，that the appellait calmly，
deliberately and very cautiously

## 

Capital Surplus and Undivided Proft $\$ 150,000.00$ ．

## Directors：

HEO HEYCK，GEO．P．PHILLIPS，E B．ROLLINS，JNO
BOWYER，J．W RED，W B BRAZLETON，J．G．LOW－
DUN，J M DAUGHERTY，W．
CORRESPONDENCE SOLICITED．
Abilene，$\sigma_{0}$ ur on Texis

##  <br> SADDLERY：AND HARNESSFAGTORY．

ABLEVER TET．

Lalso，Nakike a spe sabdles

HETEXNE STYLE
$\qquad$ Also＂：Finc Buggie HARNESS，

PRICE


## put up on Girsemene

tio 1un orler of

## JOHN R．JONES \＆CO．

 ABBHDENE＇TDXAS


R．A．Mason：

## HASKELL LIVERY S＇TABLE，

## Hacks，Buggies，and Road Carts．

Teams，both double and single．First Class Saddle and Buggy
Horses boardel at 812 per month，stugle feed 25 cts．Wagois Yard in connection with stable
haskell．
TEXAE

| C．EVANS |
| :---: |

## エモユ上戸ヨモ。

## hingles，Sashes，Doors，Blinds，Miouldings，Litme，Plaster and Hair Cemen

Purchaming for cawh in larce quantitien enablem us cantuget．

## N．H．BURNS \＆CO． H ${ }^{\text {AIPDWFAMI }} \mathrm{E}$

## Irou，Segel，wagion Truber，Wence Wize，


 Albany $0-0$

Texas：


## FOIIIIDAFーGOODS！

The Largest and East Assanted Stonk of Holliday Goots in the West．－New Novelties，Handsome Prosents and Low Prict：
We Invite the Inepeotion of all．

Abilene Texas．

The Haskell Tree Press．
Omelat Paper of Hankell County
Termas at 5i per annam，lavarinbly，cash in

Saturday，D．e．21． 1889 ． LOCAL DOTS．


## FIIRST NATIONAL BANK，

 ATITANYTEMAE．Antharize
Surplus，
8250,000 ．Paid an Ontal
825,000 ．Capital and Suc，

## Geo．T．Reynolds，President，


What buy and ect exchnt －Vasen a
-S R．M
－Albums at Dodsone
－Nice line of Plush Goode a Gass \＆And
-E, ， 2 ．
－Pilish Good at Dodsons
－A large supply of togs at John
on Bros．
$-\mathrm{W}, \mathrm{S}$

- W，S．Vernon was in the city
this week．

We Wre going to beve a grand
Xmas trees，
－Odor Cazes at Dudaon＇s
－Vor cheap confe
Cranbarties at Dotsen＇s，
－J．A．Jones has returned to
Crystal Faik．
－A nice line of queensware a
Aass \＆Auderson．
－Manicure sats at D didons．
－C．B，Buiks has had wis resi－
wnce painted．
－Mise Amanda P＇ust was visiting in the city Inat Saturday．
－A B C blucks at D ilsons．
－Johnson Bros，will sell Toys at reduced figures call and price them －Mre，G．W．C
city this week．
－W Wisk holdars at D，itsons．
－J．T．House came in hast Satar
－J．T．House came in last
and stayed antil Monday．
－Cranberrels and wince ment at
15 cents per lb，at Gassi\＆Anderson．
15 cents per lb．at Gass \＆Anderson
－Ladios Work atands at Dodsons． －S．W．Scott E．q weat our
the country We luesiay．
Crantentios at bedsen＇s．
－Miss Annie Coker was in the
rity visitiog tnis week．
－Linen priners at Dodsons，
－We are selling Christmas goods
at cost tor cash，Gass \＆Ander－

－Havoring Extract at Dodsons． －J．A．Tucker joined the chris．
tain eharch Sunday． －Childs pioture books at Dod－ －Coll at Johnson Bros．and price therr emence line of Toys before you bny．
－Nice line China Ware at Dod son＇s．
－Dr．J．E．Lindsey has returned from his old home at Kaufman．
－Genuine Howard boots at Dod－
sons．
－A good seliection of ladies and
Misses cloakseall new goods at cont
for cash at Gass \＆Anderson．

## Orankerblea as Dedsen＇s．

 dence in the northern part of town．－Tea Cakes of all kinds at Dod－ －Tea Cakes of all kinds at Dod－
son＇s．
－You must come and bring your best gitl out to the hop Christmas
night．
re got them，
－MONEY TO LOAN－
At the Haskrll County Bams
 －Tbe largest bargan ever offered
in Hankell ean now be had at
Dothnon Bros，till the lat January．
－F．E Turner will soll you X． mas grods so cheap that it wilh
make your head swim．Tiy him tanke your head swim．Tiy him
and see． －F．E Turner went to Baslor
county Monday witer a low conamy Monday nfter a load of
grain．
－Don＇t fuil to call at Dodene －Don＇t fail to call at Dodgoms －All who watht holliday goods
wonid do weil to cell wonid do weil to call on Bass Bros of Abilene．
Mixed ants iop cents per pound t Divesone．

- Messrs Gass and Anderson are
$\qquad$
$\qquad$


## aice Kugs．

－Phe sehool whit give a giard
exhbethen wext Tharsday might．
Everybody come ouit to the cher
ary meeting anal wake it moteret－
ing．
Carrietmas and new years＇
Carde at Durboths．
$-\Delta$ Comuitee has
－A Comuitee has been appoint－ ed to see that nobody is slighted at
He Xinas tree we Ximas tree．
－When you want a Genuine N．PORTER，Ablene，
，moter
－F， $82000, \$ 25.00$ and $\$ 30.00$,
－F，E．Turner has the nicest line
of Coristhas gudy ever brought to
Hank ell，whieh he will sell we the
Hanket，which he will sell mt the
lowest prices．Call and examine
then．befure baying ulsowhere． －Tue hop given at the City
Hotel last Dussiday night was well
－Candy，Nata，Lanons，Oranges

$$
\begin{aligned}
& \text { raisius and Apples at Dodionns. } \\
& \text { - Every child iu the town and } \\
& \text { Eurrounding county will gel a pres. }
\end{aligned}
$$

$$
\begin{aligned}
& \text {-Every child iu the town and } \\
& \text { surrounding count will gel o pres. } \\
& \text { ent of the Cbristmas tree. }
\end{aligned}
$$

$$
\begin{aligned}
& \text { ent of the Coristwas tree. } \\
& \text {-Don't forget that the netual } \\
& \text { Cost will sarve you about so per }
\end{aligned}
$$

$$
\begin{aligned}
& \text { Cost will sarbe you about } 50 \text { per } \\
& \text { cent th Johnson Bros. }
\end{aligned}
$$

$$
\begin{aligned}
& \text {-Cranberries Jellies Dried } \\
& \text { Grapes, Prunes and Citrons at Dod. }
\end{aligned}
$$

-Mr ．T．E．Herndon and lady
of Berjumin pazed throung Hasy
kell Saturaay on their way to An－
son．
－A Choice Stock of Sbade Trees，
sale in Haskell at Johu Jones
Call and exaninue Trees and pricer．
－Mr．Dudson has put anoth
addition Dodson has put another
atore houre and ev
ery department is full to over
ery department is full to overtion－
iog．
F，A．Anderson ban gone to visit
bic ood bome in North Carolina
ud will be absent abot tist it old bome in North Carolina
ud will be absent about thirty

```
I have a few Notes and Accoun
``` I propose to sell to the highest bid der．Parties owiog my will plea
be at the auction．I owe mones！
－When gon want to Re Gass． －When you want to see a niee
ine of Christmas gonds call at B．
D． －G．T．Barget will buy fure pelte lis square Haskell Tex．

Mr．R．C．Lomax and farily
have returned from an extended to make you happy buy of us for
we dont propose to let any one un． ell us Gass \＆Anderson．
Go and see thone nice scrap
Bocky at Dodsons，and buy before bey are all gone．
－＇ihe ball Christmas night will e the greatest social event in the history of our town．Refresh－ －Miss Le a great feature．
visiting in the city several days we Lt he will return and it is hoped

－The Delmonico restaurant will
be prepared to serve the gusts of the grand bail Cbristmas might affurds．

music and retreshments for the
grand Bull Christana night for one
dollar per coupto
retreshments will be first clase．
－The eitizens of Hatkell and
Iaskell county are going to have
Haskell eonaty are going to have a
Chrituas tree at the M．I．©harch
ext Tuesday night aud every body
ill be expected to be there by 8
olook．Nobody barred out！Ev－
sthing trat
－Call and see what a live if
lises，childreen aud lat dson carries in stoek．
lene bave the most beautiful

\section*{Ea．S．HUGHES \＆CO． \\ banciss}

\section*{Hardwaic chingwarg Tinwapa and Argricilitural IM上上エ FIMEINエS}

We invite special attention to our large and assorted Stock of Fencing Wires，Which We sell at rock－bottom Prices． We hate sold verrly a car till fall solid confort suliiles， Showing How the Kerits of the Tongueless wonder are appreciated

\section*{}

For light soiles is the best and Cheap－ est plow in the world．
We want the trade of the citizen：of Haskell Countyand will doa！in ：ur Power to Merit it．
Se Sure to Come and scc us，ond Look：and Price our goods．


> feespectfully Yours.
> ED. S. HUGHES \& Co,

Abilene－－－Texas．

－lf you want Christmas Goody HUDSON BROË．．．．．．．PROPRS．
You will sliways Find us
Prepared to Furnish lou W
Hessin Beeg
As we will Butcher every
S．E．Corner of the \(P\) ublio \(\mathrm{Sq}_{\mathrm{q}}\)

－N Portin
Texis
 \(81000-812.00\) and 815.00 ．Ful
NICKLE HARNESS 816.50 and 81800 ．Tean Haruess \(812-815\) 818－820－825．
\begin{tabular}{c}
－We receijed a communication \\
\hline Lake Creek last Wednesday
\end{tabular} which Lase Creeis last Wednesday
watended for our last is－ sue，Gut was by nome meany de． Lake creek agaio．
－W，H．Hampton handed us the 1889：Corn 50 acres，his crop for otton 35 acres， 9 bales， 1800 bushels． bbs．，millet 7 acres 20 tons，cats 20 acres sory，abont 20 bu．per acre
sorghum \(3 \$\) acres good 4 tons per cre，fith potatoes fair，swee
potatoes if of an acre about 20 bu Receipts from cotton 8241.40 bu． 850
buahela of corn at 50 ceats per bu

Bros，of
and his little lioy．
＂Look Here！
ortmeat of plush goods，suoh ne indebied to the MIII Gingolve




\section*{READ IT:}

\section*{HOMES FOR EVERY BODY!}

30,000 Acres of Vacant Lands in Floys? County TOWI LOTS FREE!

In the center of Floyd county, the best county on the plaines.

\section*{THE NEW MOWN OP}

\section*{"Lockney"}

Is offering lots FREE to every settler in the county and superior inducementsto every class of business.

\section*{The town donated 100 lots io the coulty.}

Locizney is bound to be the county scat, neazest town on the prain's to wood, and watcr of an abundance ard only 50 ft . deep.


have bad. Be ctlightened by past
ade by the developmeat of new
good country, ner sud equally
We have a country endowed by nature with all the couditions of to the production of all the grains, rasses, fraits and vegitables of the emperate zone. We have a cll wate which is a happy medium reme heat, a climate which wil reme, heat, a climate which win
preserve the strong and robust and atrengthen the tickly and weak We have a county well adapted to stock raising of all ktads. We have a country where no malarial sickness ever comes. We bave a coun-
ty of the hest hauda in Northwest Texas. Wa bave an abundance of merquite, elm and hackberry tim ber for fireavood and fencing,
have the most substantial inlan
ousingen town in the northwes We have the greatest sbundance of the purest water. We have a elngan
ous, as bospitables and good natudd, se law abiding, patrotican religious as can be found any wher in the United states. We hav and all who contemplate a chang to come, all who want goud and cheap lands. We have them, and want you for neighbors and frienda.
Keader. please hand this to yo
riend

TEAMS AND YEHILKLES FOR HIKA YT LOW RATES A Farm io Connection With Stable, and Raise all Kinds of Grain and

\section*{J.S.Keister.}

FINE HRNES, LIQLORS AND CIGARS, WILL KEEP HLWAY' O. HAND A GOOD SUPPLY OF H TIE CELEBRATED RENYLCKY WHISKY TEXAS

Ald rifinds 0f Gumber, Boore WINDOWS, bLINDE, MOULDING AND PAINTS. ILSO LIME AND CEMENT:
sem Agent for Buggies, Hackn, Star Wini-Mills. Eatimatea Furnibhed

\section*{CITY. HOTEL,} W. F. RUPE, Proprietor,

포섀토エ, Tex.
FIRST-CLASS IN EVERY RESPECT

PATRONAGE SOLICITED.

Only Hotel in Haskell.
clean Beds and tisbeelass ueoms
~Day Boakd: \(\$ 14.00 \mathrm{pir}\) month.un
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