

## THAT CELEBRATED DOG CASE.

By MARCUS JESTERS.

"Get out on the road or I'll ride right over you," shouted Mr. Yates and the crowd scattered right and left and took refuge on the side walks as a two horse wagon, in which were seated Mr. and Mrs. Wm. Yates and the little Yates came tearing down the middle of the street. The wagon was drawn by one big, raw boned, sleepy looking horse and a little spiteful pony which was hard put, to keep up with the big horse and had to gallop with all his might to keep out of the way of the wheels, while the big horse kept up a leisurely trot, its head down and apparently on the point of dropping off to sleep. Just as the wagon was passing the old Post office, constable Bill Hougherty ran out into the street and shouted "Stop running them horses or I'll put you under arrest for running against the town ordinances." "Get right out of the way there" yelled Mr. Yates, "and mind your own business" and plying the whip he disappeared down the street in a cloud of dust, while Mr. Hougherty retreated to the side walk amid the scuffs and jeers of the crowd. It was court day and Justice Hanchett was to try "The celebrated dog case" which had attracted such universal attention. Mr. Pickens had a large number of dogs, and one day one of them chanced to be in Mr. Yates' pasture lot and Mr. Yates' boy Tom took down the old family shot gun and shot him. Hence the law suit, before the Justice of the peace. The whole country around had become interested in the suit and when the day came for the trial the town was filled to overflowing.

Driving up in front of the court hall Mr. Yates jumped out and proceeded to tie up at the hitching rack. The big sleepy looking horse being his head over the rack and went to sleep while the little spiteful looking pony, laid his ears back and kicked with all his might evidently out of humor with everybody and everything. "Ow! stop that kicking," said Mr. Yates. "It aint a goin a do any good. Now then tumble out children," he continued turning to the wagon. "your all a goin a be tried fur your lives and the sooner its over the better," and catching hold of the nearest he pulled him out like a sack of flour and receded for a second.

The trial was held in the old town hall and the room was already filled to overflowing. Squire Hanchett had taken up his position at the upper end of the room and was apparently engaged in reading upon the law. The Squire didn't have very much education and he owed his election to the fact that as one of the old citizens put it. "He had done more lawin and fussin with his neighbors than anyone else in of course he had picked up a good deal of law in the course of things an so we just up and elected him jestess of the peace." He was a tall spare made man with long shaggy hair and beard and he had a habit of looking over top of his spectacles when he was speaking to anyone. On the other side of the table were lawyers Page and Sparks. It was Mr. Page's first trial and he was very anxious to distinguish himself. Mr. Sparks never had had some experience, and then there was constable Hougherty and Deputy Sheriff Hooks. Hougherty was a great, stooped over fellow with a square jaw and a low forehead and he acted through the life of the nation upon his words.

Hougherty had secured the office

of Constable on the strength of being the sole support of a widowed mother. It was true that she took in washing and worked from morning 'till night while her worthy son was holding down a cracker box at the corner grocery, still everybody spoke of him as being his mother's sole support and so he was elected constable. Hooks was a little rat faced man who had acquired the reputation of being a bad man through his having once joined a party to hunt a horse thief. Hook had said at the time that if he caught up with the thief he would fill him full of lead, it was true that they did not come within ten miles of the horse thief but Hooks reputation for being a bold, fearless man was established from that time on and his appointment as Deputy Sheriff followed as a matter of course. "Well Officers," said the Squire pushing his spectacles back on his nose, "I guess you might as well open up court," whereupon Hook and Hougherty both jumped up and bustled about closing windows and setting out chairs, this operation completed his Honor pulled out a paper and read. "Pickens Versus Yates, damages demanded for killing a dog. This is the first case on the docket," continued his honor, "so get your Jury and we'll all pitch in." Incited by these instructions Hook and Hougherty hurried about and soon had a Jury selected. Mr. Page represented Mr. Pickens while Mr. Sparks was Yates' lawyer. The preliminaries having all been arranged Mr. Page arose and said, "Your Honor, may it please the court and gentleman of the jury. We the Plaintiffs in this case propose to show that Thomas Yates did maliciously, premeditatedly with malice afore thought shot and killed Mr. Pickens' dog Bruno and we ask that you, Gentlemen of the Jury, award the Plaintiff Mr. Pickens \$500. damages. I ask that Mr. Harvey Pickens be called to the witness stand." The weather was ray and cold and Hougherty had built up a rousing fire in the big stove that stood in the upper end of the room. The windows and doors were all closed and the heat was stifling, to add to this everybody was smoking and the atmosphere of the room was thick enough to take a mans breath. The chair for the witnesses was placed in front of the stove. There was a stir in the crowd and Mr. Pickens came slowly forward and took his seat in the witness chair. Mr. Pickens had long red hair and a straw colored beard and it was easy to see by the way he blinked his eyes and fidgeted in his chair that he had drunk a little more than was good for him. This fact combined with the heat and close air of the room combined to make him very restless and uneasy and the perspiration soon commenced pouring off of him in streams and Mr. Pickens was also observed to taste frequently and pass his hand down over the pit of his stomach. "Mr. Pickens," said Mr. Page, "will you be so kind as to tell the court what you know about this case?" Mr. Pickens only reply to this was to taste several times and shake his head dubiously. His face had become fiery red and his eyes had took on the expression of two bottled onions. Mr. Page saw there was something wrong with his principle witness and arising to his feet he said "Your honor, I beg you to excuse the witness as he is not well and—" at this point however there was a loud "Ur—up" followed by a hasty scattering of those nearest the witness chair and somebody hastened to open the window. A strong odor of bad whiskey diffused itself over

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the room and there was a great craning of necks to see what had happened. With a gesture of profound disgust, his Honor motioned for Hougherty to conduct Mr. Pickens out of the room and court took a recess for ten minutes and Mr. Hougherty got a mop and a bucket of water and scrubbed the floor. Order having been restored Mr. Page asked that Mrs. Pickens be called to the witness stand. He had no sooner made the request than that lady elbowed her way through the crowd and took her seat in the chair. Mrs. Pickens was a little, sharp featured woman, with a pair of snappy black eyes that looked to be as sharp and scrutinizing as a couple of gimlets. She was dressed entirely in black calico and wore an old fashionable poke bonnet. She had a habit of jerking the corners of her mouth back and forth as though that useful member was set with a jaw string and this greatly added to her formidable appearance. Her first move after taking her seat was to take a cold, critical survey of the jury. These gentlemen had up to this, been enjoying their distinction immensely, with their feet cocked upon the bench in front of them. They were puffing away on some twofer cigars, which the sagacious Mr. Sparks had contrived to secretly pass around among them. Mrs. Pickens gave them one terrible look and the feet came down off of the bench and there was general straightening up all along the line. Half consumed cigars were covetly dropped on the floor and there was a confused, guilty look on the faces of most of the jury. Some two or three however, were not to be put out this easily and assumed a bold, careless expression of countenance and smoked away vigorously. Mrs. Pickens regarded these persons fixedly for a few minutes and then turning to his Honor she inquired,

"Squire are them men aware that there's a lady in the court?" "The Jury had better be a little careful," said his Honor shoving his spectacles back on his nose. That settled it, and a more meek, humble looking Jury; could not have been found, anywhere from that on. Having reduced the Jury, Mrs. Pickens turned her attention to Mr. Sparks, whom she regarded with suspicion, grounded on the fact that he represented the other side of the case. "Mrs. Pickens," said Mr. Page smiling blandly, "will you have the kindness to tell the court what you know about this case?" "Of course I will, thats what I'm here fur," snapped that lady. Mr. Page blushed and the crowd tittered, but Mrs. Pickens quickly squelched this levity with one of her searching looks. "Them Yates have been imposin on us as long as I can remember," she said in a high pitched tone of voice "an when it comes to real low down meanness old Mis Yates can't be beat. Why she driv up my geese an picked 'em an kept the feathers, an when I told her about it, she hemmed and hawed and said she thought it was her granfather's geese." At this point his Honor interposed and said, "I'm sorry to interrupt you Mrs Yates, but you must confine yourself to the facts in the case an—" "Whose tellin this, Squire Hanchett, Me ur you? if you'de take a little more pains about payin your honest debts and keepin your stock out of hard workin peoples crops, you'de be doin something more to the pint." Everybody laughed at this and his Honor to hide his confusion pretended to be very busy taking notes from a copy of Ayres almanac lying on the table.

Having effectually squelched his Honor Mrs. Pickens continued "One night Yates had a whole pack of his relatives visitin at his house an he got a bucket an came over

(CONTINUED PAGE ONE.)

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