Tommie Horrell, the First Murder Victim
Buried in Crosby County's First Last Resting Place

Barbara Brannon • 4/23/2017

Among the few dozen grave markers in the cemetery that is the last vestige of Emma, onetime thriving seat of Crosby County, Texas, is a marble slab dramatically inscribed with the word MURDERED.

Tommie Horrell had not reached his twenty-fourth birthday when his life was ended January 5, 1894, according to mid-century local historians Nellie Witt Spikes and Temple Ellis, by someone who took his property and "left him dead in a canyon."[1] About the victim—and the perpetrator—nothing further is said in published sources. The chatty *Crosby County News*, produced regularly by county leader **John Watts Murray** and his family from 1886 well into the twentieth century,

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[1] Spikes and Ellis, *Through the Years: A History of Crosby County, Texas* (1952) page number

regrettably does not survive from that year to provide witness, though Murray, we'll see, had more than usual reason to show interest.

Who was the unfortunate Tommie Horrell, and what canyon was the site of his violent death? Just how *did* he die, and was his killer brought to justice? To some of these questions, I'm still seeking answers. But the quest has turned up interesting insights into the intertwined movements of pioneers pushing westward in nineteenth-century Texas. And the case fills in yet another puzzle piece depicting the state of frontier justice some 125 years ago.

The Horrells of Lampasas

The story begins a bit earlier than that, some three hundred miles southeast, in the heart of Reconstruction Texas, the "mountain fastnesses" of Lampasas County where the Edwards Plateau meets the Cross Timbers. Here, in the hardscrabble years following the end of the Civil War, the county was "overrun with Indians, bandits, and carpetbagger land sharks" and was an important center of cattle-drive activity.[2]

It was this latter factor that probably drew the interest of a clan of stock raisers who had migrated down from the Ouachita Mountains of central Arkansas before the war. The Horrell family, variously spelled **Harrell, Harold,** or **Herald** in census and other records, showed no particular inclination to lawlessness before the war, according to historian David Johnson.[3] But times were tough, and minor scrapes and accusations of rustling in Texas soon gained the family a reputation for trouble. That trouble would erupt, starting in 1873, into one of Texas's most notorious blood feuds, the "Horrell Wars" chronicled on some level by practically every outlaw-and-lawman scholar of the West from Haley and Sonnichsen onward.

The Horrell surname alone was enough to spark recognition when I visited the cemetery at Emma in fall 2016. Was there a link between the violence that plagued Texas and New Mexico throughout the 1870s, and this lonely grave on the

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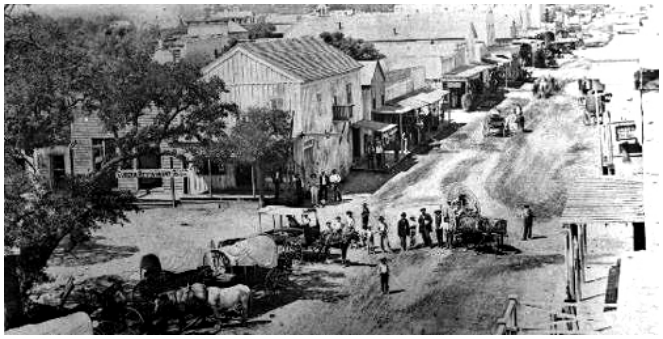
[2] "Lampasas, Texas" in Handbook of Texas Online.
[3] David Johnson, *The Horrell Wars: Feuding in Texas and New Mexico* (University of North Texas Press, 2014), pp. 1–3.

plains?

Johnson, in his 2014 book on the Horrell Wars, does a thorough job of tracing family trees using vital statistics, census records, and other public documents, with the help of current Horrell genealogist **Louise Parker.** He shows the tightly knit relationships among the Horrells and the **Grizzell, Bowen,** and **Douglass** families that migrated alongside them from Arkansas and established bonds through marriage. The Grizzell, or Grizzle, clan were, like the Horrells, desultory cattle dealers, subsistence farmers, and small landowners. One conveniently established a butcher shop in Lampasas. Three Horrell brothers married Grizzell sisters in the 1860s; I have augmented Johnson's geneaological research with my own and compiled their events and connections figure 1.

The events of the Horrell Wars are complicated, spread across two states. To summarize briefly: the Horrells were responsible for killing four state policemen sent to settle violence in Lampasas in 1873, and after deciding to decamp to New Mexico a few months later, incited a racially motivated murder spree that contributed to a decade-long wave of violence and the deaths of seventeen men.[4] When twenty-year-old **Ben Horrell** and two other men were mobbed and killed in New Mexico that year, Ben left behind a widow a year younger, **Martha Grizzell,** and a three-year old son, **Thomas**. Killings of Horrell associates, relatives, and adversaries continued on into 1877, when Lampasas vigilante **J. P. "Pink" Higgins** and Texas Ranger **John B. Jones** helped broker a truce.



Jones arrived on an already tense scene in Lampasas in the summer of 1877 and helped quiet the feuding parties. But Higgins, a Georgia native who had come to Lampasas earlier as a cattle drover, had been at cross purposes with **Merritt Horrell** over a cow — or maybe a wife — for months, before shooting and killing his

[4] Johnson, *The Horrell Wars,* pp. 62–68; "Horrell-Higgins Feud," Handbook of Texas Online, https://tshaonline.org/handbook/online/articles/jch03

unarmed enemy in January 1877. The hotheaded Higgins would dispatch more opponents before moving his family in the 1890s to Dickens County, where he took up work as a range detective or "protection man" for the Spur Ranch. There he collaborated with, and sometimes quarreled with, another protection man, **W. J. "Bill" Standifer,** who would serve as sheriff of neighboring Crosby County from 1888 to 1894 before also being hired by the Spur.[5]

But back to Lampasas in 1877. The court soon assigned young widows—sisters **Sarah Ann Grizzell Horrell** and **Martha Virginia Grizzell Horrell**—as guardians to their surviving minor sons and daughters. But the bloodbath broke out again in December 1878, when brothers **Mart** and **Tom Horrell,** imprisoned in Bosque County on spurious charges, were gunned down in their jail cells. The Grizzell women had good reason to get the heck out of central Texas.

Martha married again, perhaps more wisely, to **B. F. (Benjamin Franklin?) "Frank" Hamilton,** an attorney, in Lampasas in September 1877. Maybe they meant to make a new start after a truce was called. But where could they go? Scant possibilities existed south and eastward. Due west lay New Mexico Territory, where the Horrell brothers' stained reputation was still fresh. North, however, lay opportunity.

Buffalo Gap and Taylor County in the 1880s

A major wagon road led directly out of Lampasas County up through Brownwood and the Callahan Divide following Pecan Bayou and on north to frontier forts Phantom Hill, Griffin, and Belknap. Today it's roughly the route of U.S. Highway 84 into Abilene. But in the late 1870s the road headed into a growing settlement known for its trade in buffalo hides and bones. Buffalo Gap was the first seat of Taylor County, organized in July 1878, and by the time of the 1880 census it numbered some 1,200 residents.[6]

There, in June when enumerators **W. D. Gamble** and **W. T. "Tom" Gilstrap**

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[5] Johnson, The Horrell Wars, p. 99, p. 165. A Spring 1991 *Old West* magazine article by R. K. DeArment, "The Protection Man, J. William 'Bill' Standifer," paints one of the most information-filled and colorful pictures of Standifer available but is incorrect in some key biographical details.
[6] "Buffalo Gap, Texas," https://tshaonline.org/handbook/online/articles/hlb60

counted heads in Taylor's five precincts, the three Grizzell widows of Horrell feudists are listed with their new families. The chart referenced above shows numerous other family connections.[7] Among them are Martha, widow of the late outlaw Ben, with second husband Frank Hamilton, stepfather to six-year-old Tom Horrell, and father of a year-old son, namesake Frank Hamilton.[8]

It is not readily apparent what made Taylor County an attractive spot for so many Lampasas refugees to settle—whether some had already staked claims in the area, whether it was simply the next logical gathering place north and west along the Mackenzie Trail. Nor do we know how long they stayed, since the 1890 Census does not survive to provide a clue.

The railroad was coming, of course. As Buffalo Gap was growing to a respectable-sized town with a college and banks and stores and a booming business in hides and bones, speculation raged regarding the likely route of the Texas & Pacific. There was plenty of profitable work for a lawyer. Communities like Buffalo Gap needed a newspaper, too, and neighbor **J. W. Murray,** who'd come from the Dallas area with a wife and young son, was its editor, as demonstrated in the census record. He may have learned the printing trade, as well, from his next-door neighbor,

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[7] From 1880 US Census, Buffalo Gap Precinct 1, Taylor County, pp. 1–16, accessed via Ancestry.com
Household 1 Murray, John Watts, editor, with wife, Rebecca, and 3-year-old son Hal
Household 2 Huege, Ignatius C., printer
Household 3–4 Stanford, M. A., merchant, with family
Household 5 Cook, N. J., farmer
Household 6 Butchell, J. A, working on drugstore, with family
Household 7 Gilstrap, William Thomas "Tom," bailiff, with family
Household 8–9 Gilstrap, Andrew Jackson, inspector of hides and animals, with family
Household 10 Gamble, C.P. county treasurer, with family
Household 11–12 Gilstrap, Levi T., dealing stock, with family, including wife, Artemisia, and 4 Horrell children
Household 13 Grizzell, James S., farmer, with family
Household 14–15 Hamilton, Frank, attorney at law, with family, including wife, Martha, and 1-year-old son Frank, and 9-year-old son Thomas J. Horrell
Household 21 Ray, W. K., with wife, and sister-in-law Belle Harrell
Household 34 Bell, John, aged 18, stock raiser, with other cowboys
Household 48 Grizzell, J. H., farming, with wife, Martha (née Bowen; formerly Horrell) and 2 Horrell children

[8] A search of the 1880 U.S. Census confirms this fact mentioned, but not further investigated, by Johnson. Nothing more has come to light about Frank Sr. or Jr.'s later whereabouts; Martha died in 1890, never having to suffer through knowledge of her eldest son's murder.

a Swiss native, **Ignatius C. Huege,** a printer who'd arrived by way of Mexico. And, serving in various public capacities, he was surely acquainted with his near neighbor, lawyer Frank Hamilton, and his own young family. Perhaps Frank and Martha were the first of their group to emigrate northward, encouraging other Grizzell kin to follow.

Older sister **Artemisia,** widow of Mart, married **Levi T. Gilstrap, Jr.** on Dec. 1, 1879, in Taylor County.[9] Since Levi's older brother, Tom, was a landowner and the county bailiff (and later sheriff), Artemisia may have expected a dependable living would be provided support her, her two children, and two children of another sister. But the younger Levi soon got himself convicted of a murder charge in nearby Colorado City in 1883, and Artemisia appears to have married yet another husband while Levi served his prison term.

The die was already cast for Buffalo Gap, too. By late 1880 the news was out that the railroad would pass to the north, and the land rush to the new city was on. The population of once proud Buffalo Gap dwindled, and an 1882 county seat election presided over by Taylor's second county judge came out in favor of Abilene. That judge, who was pressed to flee north with his family by cover of night, was **J. W. Murray.**[10]

North to Crosby County

JOHN W. MURRAY FAMILY: Here is the staff of the Crosby County News, first newspaper on the South Plains. Judge Murray, editor, sits at left with his pipe, typically, in his hand, and youngest son, Donald Alan, at his knee. Sons Hal, Bruce and John Watts stand behind. His wife, Rebecca T., who set much of the paper's type, sits at right with her arm around daughter Esther Rebecca, who inked the press.

Murray would migrate again with his growing family, to Crosby County, five years later, when he was recruited by the leaders of that newly organized county to launch their newspaper.[11] As he had done in Taylor and Hardeman Counties, Murray

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10 ounty (Burnet, Texas: Nortex, 1980).

11 the fortunes of Estacado, Emma, and Crosbyton, in John Watts Murray," *Panhandle-Plains Historical Review* 86 (2015), pp. 31–50.

played a key role in attracting settlers. His *Crosby County News* benefited from increased real-estate and retail advertising, and he engaged in promotion to places far from his home base, mailing copies with news, booster-ish editorials, and notices that were frequently reprinted in the *Fort Worth Gazette* and other major outlets.

Did Murray's enthusiasm for the new settlements in Crosby County eventually factor into a decision of a grown Tommie Horrell, once his neighbor, to move to fresh territory following his mother's death on October 15, 1890? Whether Tommie was among those residing in Crosby County as the year turned from 1893 to 1894, whether he was visiting, or whether he was merely passing through, is not known. One **W. O. Horrell** appears in the records of nearby Floyd County as a landowner and county commissioner who ran into occasional trouble with the law, including a felony charge of drunkenness in office in 1892. No relation to the Lampasas Horrells has yet been established.

Spikes and Ellis in 1952 describe Tommie as possessing a wagon and team, a fact that might indicate he worked as a freighter in the lucrative, demanding trade[12] that moved essential goods overland from the railhead in Colorado City north through the rolling plains, the rugged breaks, and up onto the flat lands of the Llano Estacado. Another recollection indicates the young man was "far from home" at the time of his death.

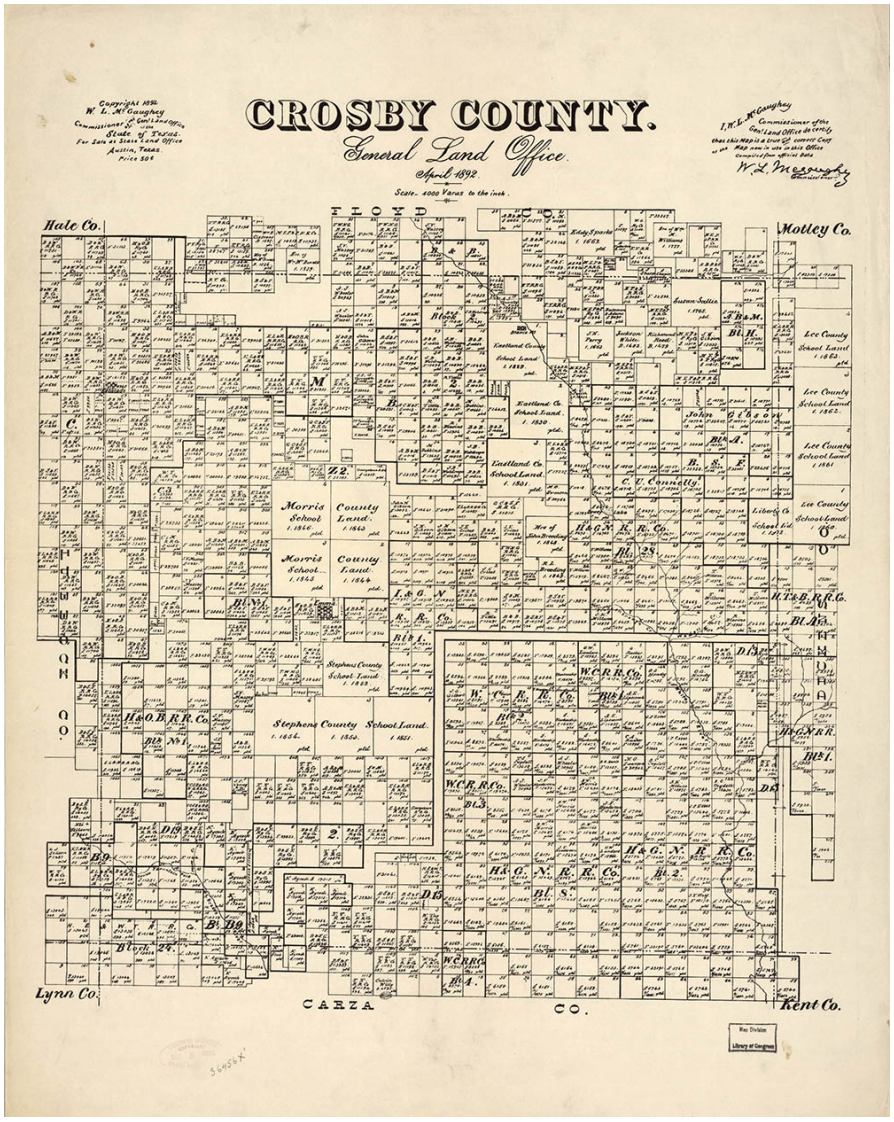
Let's travel now to that era, on the eastern edge of the Llano Estacado, where the White River carves the dramatic breaks of Blanco Canyon, site of Coronado's crossing in 1541 and the Kwahadi Comanches' clash with Mackenzie's army troops in 1871. Among the first white settlers were **Henry Clay (Hank) Smith** and his wife, **Elizabeth,** who resided in the renowned Rock House in Blanco Canyon and made many acquaintances at their remote way station.

This 902-square-mile county had established its first seat at Estacado, on its far western boundary where Indiana Quakers under Paris Cox had attempted a permanent settlement. In October 1891, long after the Indians had been driven from the area, the voters of Crosby County chose, by a narrow margin, to move their seat

[12] Freighters at the time moved tons of lumber, vehicles, foodstuffs, and other consumer goods; many also engaged in the collection and delivery of bones for fertilizer or sugar refinement.

of government from Estacado, out near the western boundary, closer to the county center. The new settlement would be named Emma, and editor Murray, now serving as county attorney, was among those charged with securing the land deed. Murray, it should be noted, had favored this move from the start; it would prove to be one of three county seat changes in which he would figure during his lifetime.

The townspeople promptly threw themselves into the task of moving dozens of wooden buildings, including a substantial two-story courthouse, by tractor from Estacado to the new town site. They abandoned a once-thriving community and a cemetery that, upon re-survey, proved to sit over the line in Lubbock County. Murray also brought his newspaper and printing press to Emma, where he would operate it out of a quickly constructed half-dugout home.



The new county seat, free from the restrictive moral oversight of the former Quaker colony at Escatado, was becoming a much rowdier place. Saloons and speculators occupied Emma's dirt streets, whereas churches and schools and literary societies

had served the earlier town. The county now needed strong law enforcement, and it found it in onetime Lampasas enforcer **Bill Standifer**, who'd moved around with several cattle outfits in the 1870s and wound up in Crosby County in the 1880s. Considered by some historians an ally of the Horrells, Standifer ran successfully for Crosby County sheriff in 1880, 1890, and 1892. Still, Emma appeared hardly a den of violent crime, and no felony charge had appeared on its books since a horse theft in 1889 and a pair of murders in 1890.[13]

Trade goods and passengers arrived by wagon or mail hack from the railhead at Colorado City, 120 miles to the south. A first-class road had been commissioned in [1890][14] to connect Crosby County, population 345,[15] with the newly formed Floyd County to the north, and from there eventually to Amarillo. But for now, rail service to this part of the frontier was still a wish and a rumor, and the most frequent exchange of news and commerce and society was with the large cattle ranches in neighboring counties, especially the Matador in Motley and the Espuela, or Spur, in Dickens just east of Emma. **"Pink" Higgins,** nemesis of the Horrells, had by that time moved to Dickens County as "protection man" for the influential Spur Ranch. The stage could have been ripe for a flare-up of grudges dating back to Lampasas days. (A decade after Tommie Horrell's death, in fact, Higgins would shoot and kill Standifer in Dickens County.)

The town of Emma thrived for the next few years, suffering nothing worse than the occasional case of drunkenness or gambling or domestic dispute.

On the first Friday in January, 1894, that peace was shattered.

Temperatures in northern Texas had been mild, but a front was on the way. Perhaps the norther was already blowing in by the time Tommie Horrell set out for Crosby County.[16] Later that month, the entire state would experience sleet and slow, and its coldest temperatures on record, as a Canadian storm brought an arctic wave

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[13] Criminal Docket, Crosby County, Vol. 1 (which begins in 1889 with case no . --)
[14] Road Minute Book, Crosby County, Vol. 1
[15] https://tshaonline.org/handbook/online/articles/hcc27
[16] Noting weather patterns in Texas for early January, 1894, as reported in the *Monthly Weather Review and Annual Summary,* vol. 12, Jan. 1894), pp. 9–10; 12. It is worth noting that one of the stations reporting weather data to the Department of Agriculture even at that early date was Silver Falls, in Crosby County.

to most of the West and eventually the southeast United States. But for now all was reasonably calm.

A young man of slight build, dark hair, and gray-blue eyes drove up the caprock and into town with a wagon and mule team he didn't own. When the theft was recognized, the law also discovered the rightful owner, Tommie Horrell, shot dead in a canyon, stripped not only of his wagon and team but the boots off his feet.[17] Sheriff Standifer arrested the suspect, **James Russell Bell,** and brought him in to face charges.

That is, at least, how we imagine events to have occurred that January day. Details in the criminal case file are few, and what few other descriptions survive, also sketchy, were recollected years after the fact. If anyone in the area knew or was related to the murder victim, no account has come to light.

When district court convened in Emma in April 1894, according to county records, a grand jury indicted Bell on charges of robbery and first-degree murder, finding that "on or about Friday, January 5" Bell did "with malice aforethought kill Thomas Horrell by shooting him the said Thomas Horrell with a gun." No further details about the crime or victim are found in court records or other official sources; no one is on record as witnessing the event.

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[17] Tommie in 1894 is described by Spikes and Ellis, *Through the Years: A History of Crosby County* thus: "This young man owned a wagon and a team and another took them from him and left him dead in a canyon. What a cost to this Tommie Horrell far away from home to own a little bit of property someone wanted."

As Mamie Green Archie, a child of two or three at the time of Tommie's murder, recalled late in life, "I really don't know much to tell about the Horrells — I don't know which Horrell boy Artimessa married but I thought Martha married Mart, and had a boy named Tom Horrell* — and I was only two or three years old — and can remember a little about when he got killed — two men killed him and took his wagon and team, his boots and left him and drove on to a town somewhere and the law caught them. I was so small I can't remember much about it but only hearing my Dad and Mother talking. It scared me so bad."

Only one man — J. R. Bell — was tried for the crime. Is there anything to Mrs. Archie's memory of *two* men?

*Mrs. Archie's memory on this relationship is foggy, but that's understandable: the sons of Artemisia Grizzell and James Martin "Mart" Horrell were William, Mart Jr.; Martha Ausment and Tom Horrell had only daughters; Samuel M. Horrell Jr. married yet another Martha (Stanley), and their sons were Frank, William, John, Benjamin, Augustus, and Henry; and Merritt Horrell also married a Martha (Bowen), and their son was Acy Merritt.

Bell, who had not retained counsel and was described as "too poor" to hire a lawyer, was assigned one, county attorney **E. B. Covington**. He successfully moved for a change of venue, claiming that Crosby County's sparse population would not provide a sufficient jury pool to support a fair and impartial trial.[18] Crosby's case #133 was transferred to Floyd City, where Bell was held in the jail pending trial during the court's August–September term. He was barely twenty years old.

John Russell Bell and his family

Bell**,** even younger than his victim, had come to the area under equally unclear circumstances. The descendant of stock raisers and farmers, he was described in later census records as a "laborer" with no wife, no property, and only four years of schooling. Like so many of his age, he may well have worked as a hand on one of the large ranches of Crosby, Dickens, or Motley Counties.

Bell's parents, **Preston Bell,** a buffalo hunter, and **Salina Beckham,** had met, as family lore goes, during an Indian raid on a frontier fort in the 1870s. Preston Bell is one of several dozen signers of an August 1873 petition to the U.S. army to continue retaining troops at Fort Griffin, where **Hank Smith** (also a signer) and his wife managed an inn. Preston and Salina were married that same year by a **Rev. Browning,** likely related to another of the petition's signers, and their first son was born in April of the following year. The Bells still lived at Fort Griffin by the time of the 1880 census; two other children had come along. Eventually they would move their growing family to Greer County, Oklahoma.

[18] Order of change of venue April 12, 1894; Order appointing counsel for defendant, April 12, 1894; State of Texas v. J. R. Bell, case no. 133, district court records of Floyd County, Texas.

Where J. R. Bell sought work as he approached adulthood is not known. Perhaps a good word from the Brownings or Hank Smith for the son of an earlier cohort could have persuaded the young man to look in the region of Dickens or Crosby Counties, where large ranching outfits hired regularly. The next mention of J. R. Bell in any document places him at a Dickens County ranch below the caprock from Crosby County in early January 1894.

The Christmas season on the big ranches below the Caprock typically brought celebrations that included dances and several much-anticipated year-end holidays for hardworking cowboys.[19] But the first week of the new year 1894 included a particularly memorable occasion, the January 3 wedding of rancher **William Roswell Stafford** to Dickens County schoolteacher **Sallie Mae Hale.** Florida native Stafford had worked on the ranch of **Washington Lafayette "Bud" Browning**, arriving in Dickens County in 1883 and coming to the Browning Flying "A" Ranch after seven years at the Spur. He would eventually buy out the Flying A from Browning.[20]

Bell, as later reported, had been staying at the Browning ranch for some week or ten days, and had "acted and talked in a very strange manner and indicated that his mind was seriously affected," according to witnesses the state planned to call.[21] One can imagine no more sensible reason for laborer Bell to have been in the vicinity than as part of year-end festivities and, likely, the wedding and subsequent dancing and drinking.

The trial of J. R. Bell, Floyd County

For a region that loved to recount the most minute details of its history, in the eastern Caprock country old-timers have remained surprisingly tight-lipped about a

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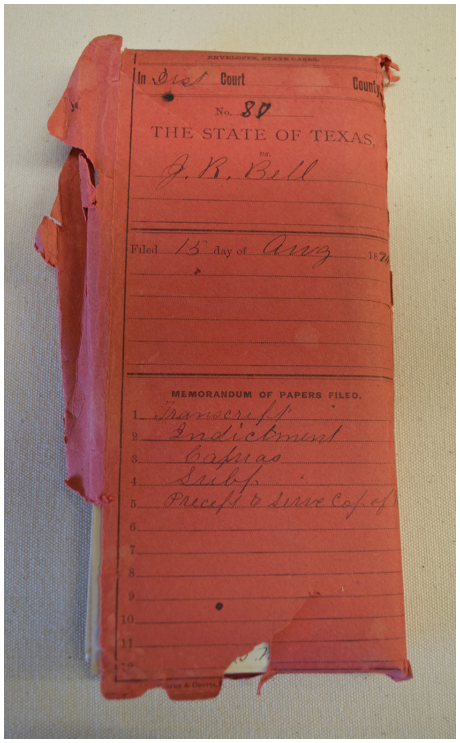
[19] Fred Arrington, *A History of Dickens County: Ranches and Rolling Plains* (1971).
[20] Fred Arrington, *A History of Dickens County: Ranches and Rolling Plains* (1971).
[21] On Aug. 27, the defense made affidavit and application for attachment of two witnesses: W. L. Browning and W. R. Stafford, the latter of whom "may be temporarily in Motley County at this time." "By the attachment of said witnesses," reads the document, "the fact is expected to proved that the defendant was at and about the residence of W. L. Browning in the town of Dickins [*sic*], Dickins County, Texas, some week or ten days prior to the alleged killing, mentioned in the indictment, and that he was there for several days and he acted and talked in a very strange manner and indicated that his mind was seriously affected." There is a penciled signature "J. R. Bell."

murder trial that brought in 27 witnesses from 6 counties, was argued by one of the most competent D.A.s of the time, and heard before a legendary district court judge. Lawyer and legal historian **Bill Neal** describes some of the players: 50th Circuit Court **Judge W. R. McGill,** who rode the circuit as both judge and preacher, and "prairie dog lawyers" like prosecutor **Linus S. Kinder,** and defenders E. B. Covington, **J. B. Bartley,** and **J. N. Browning** (brother of rancher Browning, and an attorney who would go on to become lieutenant governor of Texas[22]). They must have been primed to put on quite a show in the courtroom.

The hapless Bell would likely have paled beside these men. In his later prison intake record he is described as a small man, having a mass of burn scars on his left side and hip. Bell's recorded words on his own behalf are few.



In an otherwise very thorough case file that bears no signs of tampering, no testimony of witnesses has been preserved. Such exhibits as we consider routine today — photographs, for instance, or a murder weapon — are not to be found. Nor has any newspaper account of the crime or trial surfaced. Several papers are known to have been in circulation at the time — the *Dickens Progress,* edited by the above mentioned **Sallie Mae Hale Stafford,** and Murray's *Crosby County News* among them; but copies of these early papers from this year do not survive in archives, apparently, despite the customary widepsread exchange of issues with other newspapers.

Bell was indicted on the charges April 9[23] and pleaded not guilty at his

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[22] Details about the Browning family have been documented in my Hume Family Tree of Crosby County connections at Ancestry.com.

[23] The following witnesses, subpoenaed Apr. 9, were listed on the grand jury indictment.
J. D. Harkey
W. J. McAdams

arraignment April 12.[24] A capias warrant was issued for his arrest and return to the Emma courthouse — indicating that the suspect must have been free on his own recognizance until then.

For the August term of court Judge McGill authorized the summoning of 75 qualified jurors in a special venire for *State of Texas v. J. R. Bell*, and the D.A. petitioned the attachment of 27 witnesses from Crosby, Floyd, Hale, Dickens, Lubbock, and Eastland Counties.[25] The trial was held Sept. 4 in what was then called Floyd City. Twelve jurors were chosen from the venire.[26]

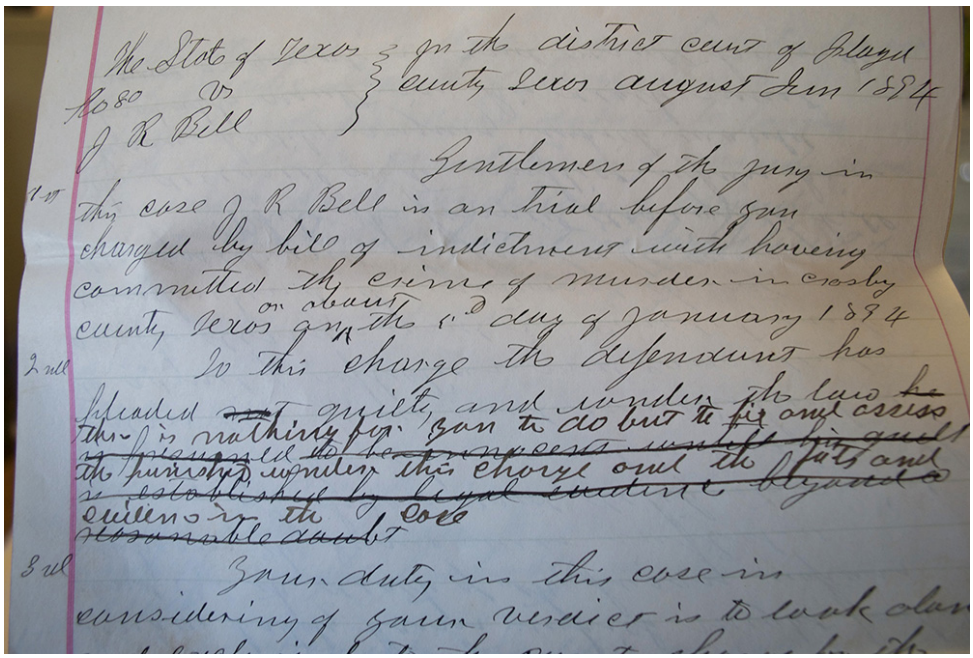
G. W. Williamson
J. F. Moore
Louis Annia
H. E. Hume
H. H. Dimmit
J. B. Wells
Jim Martin
J. W. Standifer
Bob Martin
W. H. Portwood
J. J. Hammack
F. M. Green
D. S. Dunwoody
R. J. Davis
A. J. Welter
W. H. Sandell

[24] Arraignment and entry of not guilty, April 12, 1894, State of Texas v. J. R. Bell, case no. 80, district court records of Floyd County, Texas. The case number was reassigned when it was transferred from Crosby to Floyd County.
One of Kinder's notes for the case file mentions disregarding witnesses in "the previous robbery case" — did this mean that Bell was originally charged with the lesser offense, or was the attorney referring to a completely different case that happened to involve some of the same witnesses? [Case #132, Crosby County, also transferred to Floyd.]
[25] Several witnesses were subpoenaed to appear beginning Aug. 27, and several were placed under surety bonds ranging from $200 to $300, the substantial amount perhaps indicative of an assumed flight risk.
[26] The twelve jurors chosen on Sept. 4 from the special venire were:
1. M. S. Dumas
2. J. B. Posey
3. C. L. Rice
4. R. Light
5. J. D. Arnold
6. J. M. Williams
7. J. W. Hamilton
8. J. R. Webb
9. Wm. Massie
10. J. E. Burns
11. G. R. Griggs

Among the witnesses called were several leading settlers of Estacado, Emma, and Crosbyton, plus Sheriff Standifer, and Dickens rancher W. L. Browning, Bell's host in early January, and also brother of the defense attorney and kinsman of the minister who had married Bell's parents twenty-one years earlier at Fort Griffin. But none ever had to offer a word.

When Bell was called before the court that morning, however, he responded to charges with a plea of guilty, despite his earlier plea of not guilty in Crosby.[27] Did he cut a deal, or was he influenced by fear? Under oath, the defendant swore No.

Judge McGill's handwritten charge to the jury laid out the distinctions with regard to murder with malice aforethought, and the jury's responsibility in sentencing. Inked in is the revision: "In this charge the defendant has pleaded ~~not~~ guilty" and "there is nothing for you to do but to fix and assess punishment" in the case.[28]


The State of Texas } In the district court of Floyd
No 80 v. } County Texas August Term 1894
J R Bell

Gentlemen of the jury in
this case J R Bell is on trial before you
charged by bill of indictment with having
committed the crime of murder in Crosby
County Texas on or about the 1st day of January 1894
In this charge the defendant has
pleaded ~~not~~ guilty, and under the law he
~~the~~ is nothing for you to do but to fix and assess
~~the punishment~~ under this charge and the facts and
~~is established by legal evidence beyond a~~
~~reasonable doubt~~ in the case

Your duty in this case in
considering of your verdict is to look clear

12. Lal. Lewis

[27] Minute book of District Court, p. 135.
[28] Charge to the jury, Sept. 4, 1894, State of Texas v. J. R. Bell, case no. 80, district court records of Floyd County, Texas.

The jury returned a sentence of life in prison.[29] Defense counsel, in Kinder's hastily penciled hand, moved that same day for a new trial, but the motion was denied. Bell was remanded into custody and a few days later delivered to the penitentiary at Huntsville.

Prisoner # 11248 is described in convict records as age 20, height 5/5-1/2, 127 lbs., light complexion, blue-gray eyes, dark hair, and no. 5 shoe size, with "a large mass of burn scars on left hip and side covering an area of 1-1/2 foot diameter." At what point those scars were received is not apparent.

Among the prisoners joining him at Huntsville that fall, Bell was the slightest in stature, and the only first-degree murderer.[30] He would serve eighteen years of his term, receiving a Christmas pardon in 1912 by **Gov. O. B. Colquitt,** a noted reformer of the penal system.

Conclusions and connections

Bell's story does not end happily, however. A week shy of three years after his release he was standing on the track at a trolley crossing in Van Alstyne, Texas, awaiting an electric car to Fort Worth, according to newspaper accounts, when he was struck by a freight train and killed instantly.[31]

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[29] On the outside of the indictment folder is penciled the note: "We the jury find the defendant J. R. Bell guilty of murder in the first degree and assess his punishment as confinement in the penitentiary for life. Geo. R. Griggs, Foreman."

[30] (From Convict Records, Texas State Penitentiaries at Huntsville, 1894, ledger page 201)

[31] "BELL, JAMES," *Sayre Standard*, Sayre, Beckham Co, OK, 16 Dec 1915
The parents of James Bell, who was struck by a freight train and instantly killed last week at Dallas, Texas, reside near Carter. Bell was standing on the track at a trolley crossing awaiting an electric car to Fort Worth when the accident occurred. His brother, John Bell, went to Dallas and accompanied the remains home last Saturday. The deceased was about 40 years of age. When 18 years old he was given a life sentence for murder and was paroled about one year ago.

Carter Express, Carter, Beckham Co, OK, 17 Dec 1915
Jim Bell, a young man who had a number of relatives and friends in this county, was killed last week at Van Austine, Texas, by being struck by a passenger train. His remains were shipped here for burial last Saturday. His father, two brothers and a sister, Mrs. J. W. Beeson, and brother in law, Jim Henslee, all live in this vicinity. The burial took place at the Carter Cemetery Saturday afternoon. We failed to get the full particulars concerning the accident which caused his death.

As for the Horrells, were they "born to be bad," as historian Fred Nolan suggests, destined to violent ends?[32] Numerous Horrell descendants born soon after the feud were named, with apparent pride, for the fallen. Given the long memories on both sides, was there any possible motive of revenge in the killing of Tommie Horrell, or was it just a random robbery?

As Johnson reminds us, Higgins' 1902 shooting of Bill Standifer is widely regarded to be the last chapter in the Horrell feud. But it's worth pointing out, in the chart in front of you, that at least one member of all eight branches of the second generation of Horrells met with a violent fate. The Abilene branch of Horrell descendants still hold reunions regularly. The Horrells of New Mexico keep track of their genealogy in a very complex family tree.

Tommie Horrell was buried in the Emma cemetery on an unrecorded date soon after his death, in a corner opposite the rows reserved for upstanding families. Someone set a white marble headstone engraved in a style similar to that of other recent gravesites in the plot; the marker would likely have come, like so many other consumer goods at the time, by wagon from Colorado City via the same road Horrell was traveling when set upon and killed. Where, precisely, in the canyon did the attack take place? Did Horrell know his killer, or was he simply at the wrong place at the wrong time? There is more to be done if we ever hope to piece together the full story behind the stone.

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[32] Nolan, *Bad Blood: The Life and Times of the Horrell Brothers* (Stillwater, OK: Barbed Wire Press, 1994), p. 160, qtd. in Johnson, p. 2.

To be continued —with the help of other researchers. Please send any corrections, additions, or ideas to barbara.brannon@gmail.com. It is hoped that the present paper will form the basis of an application for an additional Texas historical marker for the Emma cemetery.

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