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Harmonious PARKER Murder

1853

Chickasaw County, MISSISSIPPI

Working Paper

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Research Notes

- Sources and documentation for the following are available at the ParkerHannah.com database.
- [editorial comment]

Source

BOOK: Mississippi State Cases: Being Criminal Cases Decided in the High Court of Errors and Appeals, and in the Supreme Court, of the State of Mississippi; from the June Term 1818 to the First Monday in January 1872, Inclusive. With Explanatory Notes of English and American Decisions and Authorities; and a Manual of Forms for Making Up Records, Entries, Criminal Pleadings, Etc,

- Bridewell L. O. (Lemuel Owens) Mississippi. Laws etc
- 1877
- Volume 2
- [Google eBook](#)
- [The State v. Sidney F. Hague](#)

Summary

- The State v. Sidney F. Hague. Murder of Harmonious Parker
- The prisoner was indicted by a grand jury empaneled at the October term, 1853, of the circuit court of Chickasaw county, for the murder of one Harmonious Parker.
- The killing occurred near a spring in the woods, and near the residence of the prisoner, on a Sunday evening, between seven and eight o'clock, in the month of September, 1853.

Excerpt

Hague v. State 34 Miss. R., 616

The State v. Sidney F. Hague. Murder.

Where the record states that the indictment was returned on the 4th of November during the October term.

[page] 1082 Hague v. state [34 Miss.

In the absence of all proof of the facts or circumstances attending a homicide...

The prisoner was indicted by a grand jury empaneled at the October term, 1853, of the circuit court of Chickasaw county, for the murder of one Harmonious Parker. The venue was at the next succeeding term of the court, changed, upon the application of the prisoner, to the county of Choctaw; and being put upon his trial at the September term, 1855, of the circuit court of said county, he was by the jury found guilty of manslaughter in the first degree, and from the sentence pronounced upon this verdict, he has prosecuted this writ of error.

...

"The State v. Sidney F. Hague. Murder.

"This day came the grand jury, under the charge of their proper officer, and returned into open court, by the hands of their foreman, a bill of indictment against Sidney F. Hague for the murder of Harmonious Parker, endorsed by their foreman, Thomas J. Buchman, a true bill."

...

Rep., 616.] Hague v. State. 1083 [page]

...

The testimony connecting the prisoner with the homicide was entirely circumstantial; but it was, nevertheless, of that conclusive character which pointed to him, with almost unerring certainty, as the only person who could have committed the deed.

Indeed, the question is not as to the person who committed the act, but as to the grade of the crime, if any.

It is not necessary to notice, in detail, the testimony, but only to state the prominent facts established.

The killing occurred near a spring in the woods, and near the residence of the prisoner, on a Sunday evening, between seven and eight o'clock, in the month of September, 1853. It appeared that the deceased, a short time after sunset of that evening, rode up to the residence of old Mr. Hague, with whom the prisoner resided, and inquiring for the prisoner was informed that he was in the house. Whereupon the deceased requested the old man to call the prisoner out. Some reluctance being manifested, the deceased observed, "If you don't call him, I will."

The prisoner soon thereafter came out of the house, went to the

[page] 1084 *Hague v. State.* [34 Miss.

deceased; they appeared to meet on friendly terms, conversed a few minutes, and both started off together to the spring, about one or two hundred yards in the woods. They were seen together near the spring, and near where the body of the deceased was found. Soon thereafter a noise was heard indicating distress, which, alarming persons in the vicinity, caused them to go to the spring to ascertain the cause of distress, and on arriving there it was ascertained that the deceased had been stabbed in the breast, from which he died in a few moments. Nothing then appears to have been seen of the prisoner, though he appears to have been at home at ten o'clock that night. It also appears that blood was discovered in several places, on the leaves, on the ground, and on the bushes, and that about twenty- two paces from the blood a pistol was found ; but what became of this pistol does not appear. One was exhibited in court which resembled one seen in the possession of the prisoner the day before the killing, but no effort was made to prove that this was the pistol found on the ground. Indeed, the inference is that it was not. This is, in substance, the testimony immediately connected with the killing. The prosecution, however, introduced a number of witnesses who proved threats made by the prisoner as far back as the month of May, and, at subsequent times, similar threats were also shown to have been made by the deceased. It was, indeed, clearly established that the parties were very hostile to each other until a short time before the killing, when it appears they became reconciled.

It further appeared that the deceased, the night before the killing, held a conversation with one Wilson; that Wilson warned the deceased against the prisoner; told deceased not to trust him; that deceased remarked that they had made friends, but that he intended to have nothing to do with the prisoner.

Again, it appeared that some time in the afternoon of the day of the killing the deceased was at the house of a brother of the prisoner, living in the immediate vicinity; that this brother, the deceased, and one Joy went to Joy's house; that the deceased drank twice, while there, of whiskey, and took away with him a bottle of it. That the deceased, Joy, and the prisoner's brother left Joy's together; that on reaching the brother's

Rep., 616.] Hague v. State. [page] 1085

house, the deceased was invited to remain to supper but declined, and went on to the house of the prisoner, when he was invited out, as already stated.

The jury, by their verdict, having acquitted the prisoner of murder, have in substance declared that he was not actuated by malice in committing the homicide. The effect of the verdict is to throw out of view all the antecedent menaces of the prisoner, and to put the merits of the case exclusively upon the testimony immediately connected with the killing, and, thus narrowed down, the case must be considered. The homicide being established, as well as the prisoner's agency in its commission, the law, in the absence of any proper explanation, would treat the crime as murder; or, in other words, would presume a fact; that is, that malice had prompted the party to do the deed. But as this is a legal presumption, originating in necessity, it but accords with reason that it should be indulged only while the necessity exists. As a general rule, all legal presumptions must yield to fact or, in other words, to testimony which rebuts them. What, then, is the effect of the verdict in this case? Most clearly that the testimony outweighs the legal presumption. The law presumes murder in certain cases, but it never presumes manslaughter when the indictment is for murder, for the reason that manslaughter is a defense against a charge for murder, and can only be established by testimony. The law presumes that every man intends that which is the natural result of his acts, and if he kill another that he so intended. It never presumes that a man kills another in the heat of passion, or under the influence of great provocation ; but these are facts to be established by testimony, and when so established, are held sufficient to rebut the presumption of malice, and are consequently a good defense against the charge of murder, although the party be guilty of a less crime. Legal presumptions out of the question, and looking alone to the testimony immediately connected with the killing, it is simply impossible to form any correct opinion on the subject ; and if this cannot be done, how is it possible to convict a party of manslaughter in the first degree, when the crime can only be ascertained by comparing it with the facts proved ? The circumstances are as strong, if not

[page] 1086 Easterling v. State. [35 Miss.

stronger, to show that the deceased was the aggressor in the difficulty, if difficulty it can be called, than they are to implicate the prisoner. The de-

ceased, not a day before, was warned against trusting the prisoner, and he then declared his intention to have nothing to do with him. If sincere in what he then

said, why did he go to the house of the prisoner at an unseasonable hour, when visiting could not be presumed to have been his business, and manifest such anxiety to see the prisoner? The bottle of whiskey may have been provided for the very purpose of decoying the prisoner to the spring, which at that hour was a secluded spot. These presumptions, weak as they may appear, are nevertheless as strong as any presumptions, aside from the act of killing itself, which can be indulged against the prisoner. The pistol, which was found on the ground, and not shown to be the prisoner's, may have been one of the two of which the deceased was proven to have been the owner. This weapon may have been the origin of the difficulty. It is not probable that it was drawn by the prisoner; for, if so, he would probably have used it, or certainly would not have left it on the ground, especially if it could have been easily identified as his property.

The verdict, in our opinion, is not sustained by the evidence, and the judgment must, therefore, be reversed. Judgment arrested, and prisoner discharged.

Research: Harmonious PARKER and Sydney F. HAGUE

Harmonious PARKER

To date, no data has been found on Harmonious PARKER died 1853 in Chickasaw Co, MISSISSIPPI

- Harmonious Napoleon PARKER, son of John Burns PARKER, 1809 TN, was born in 1856, so the murder victim was not this Harmonious PARKER.

Sydney F. HAGUE

- Birth date and place

- 1850 Census, abt 1827, Alabama
- 1860 Census, abt 1828, Alabama
- 1870 Census, abt 1828, South Carolina
- 1880 Census, abt 1827, South Carolina

Harmonious PARKER Murder, 1853

- CLARK--MARTIN--BAILEY--WINTER FAMILY TREE @ Ancestry.com
Including family of Robert Pearson PARKER in Calhoun Co, MISSISSIPPI
- goodman Family Tree @ Ancestry.com

Researching

- Hiram J HAGUE father of Sydney F. HAGUE
- Margaret Ann Peggy PARKER sister[?] of John PARKER/
PROVINCE in ARKANSAS and ALAMABA

• **1820 US Census**

[Ancestry.com]

Hiram Hague [Father of Sydney F. • NEEDS VERIFICATION]

Home in 1820: Iredell, North Carolina

Enumeration Date: August 7, 1820

- Free White Males - 10 thru 15: 2
- Free White Males - 16 thru 25: 1
- Free White Females - Under 10: 1
- Free White Females - 16 thru 25: 2

Total Free White Persons: 6

Total All Persons - White, Slaves, Colored, Other: 6

• **1830 US Census**

[Ancestry.com]

Hiram Hague [Father of Sydney F. • NEEDS VERIFICATION]

Home in 1830 (City, County, State): Willcox District, Richmond, Georgia

- Free White Males - 5 thru 9: 1
- Free White Males - 20 thru 29: 1
- Free White Females - Under 5: 1
- Free White Females - 40 thru 49: 1

Total Free White Persons: 4

Total Slaves: 1

• **1840 US Census**

[Ancestry.com]

H J Hagar [H J Hague] [Father of Sydney F. • NEEDS VERIFICATION]

Home in 1840: Lowndes, Mississippi

- Free White Males - 5 thru 9: 2
- Free White Males - 50 thru 59: 1
- Free White Females - 15 thru 19: 1
- Free White Females - 50 thru 59: 1

Harmonious PARKER Murder, 1853

Total Free White Persons: 5

Total All Persons - Free White, Free Colored, Slaves: 5

• **1847**

Military Service, Mexican War

U.S., American Volunteer Soldiers, Mexican War 1845-1848

[[Ancestry.com](#)]

Name: Sydney F Hague

Rank: Private

Service Date: 18 Aug 1847

Service Place: Houston

State: Mississippi

Unit: Anderson's Rifles

• **1850 US Census**

[Research Note: Sydney F. HAGUE was enumerated twice in the 1850 US Census for Chickasaw Co, MISSISSIPPI; once on the 03 of Sept 1850 with his parent's family and once on the 13 Sept 1850 with the family of Edward KELLUM.]

03 Sept 1850 - Sydney F. HAGUE

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Home in 1850: Eastern Division, Chickasaw, Mississippi

Enumerated 03 Sep 1850 by G. W. Murray

Family 32

- Hiram J Hague, 59 [abt 1791], North Carolina, Farmer

- Sarah Hague, 62 [abt 1788], Georgia

- Sydney F Hague, 23 [abt 1827], Alabama, Farmer

- James Hague, 18 [abt 1832], Alabama

- William Fortner, 21 [abt 1829], Georgia

- Matilda Fortner, 18 [abt 1832], Alabama

- [Family 33 Thomas Hague, [abt 1824], Alabama, and Wife Jane, Children Martha Ann, Virginia C,

- [Family 34 Charles C Hague, [abt 1819], Tennessee, and Wife Amanda, Children John, Sarah]

1850 Census, Chickasaw Co, MISSISSIPPI

Sydney F. HAGUE

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Home in 1850: Eastern Division, Chickasaw, Mississippi

Harmonious PARKER Murder, 1853

Enumerated 13 Sep 1850 by G. W. Murray

Family 115

- Edward Kellum, 24 [abt 1826], Alabama, Farmer
- Virginia C Kellum, 19 [abt 1831], Alabama
- Sydney F Hague, 23 [abt 1827], Alabama, Farmer

• **1853**

A Sunday evening in September 1853, allegedly killed Harmonious PARKER.

• **1860 US Census**

Sydney F. HAGUE

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Home in 1860: Division 2, Chickasaw, Mississippi

- *[Family 86 James Park [abt 1825], South Carolina, Wife Belinda, Children AJ, Presley, ME, Thomas, Bryant]*

Family 87

- S F Hague, 32 [abt 1828], Alabama, Farmer, Personal Value 125
- S A Hague, 24 [abt 1836], South Carolina
- M M Hague, 7 [abt 1853], Mississippi
- S R Hague, 5 [abt 1855], Mississippi
- J T C Hague, 8/12 [abt 1859], Mississippi

Thomas Hague, 35, [abt 1825], Tennessee [son of Hiram HAGUE]

Home in 1860: Division 2, Chickasaw, Mississippi

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Family 151

• **1865**

Military Service, US Civil War

• NEEDS VERIFICATION:

U.S., Confederate Soldiers Compiled Service Records, 1861-1865

[[Ancestry.com](#)]

Name: S F Hague

Enlistment Date: 1865

Military Unit: Eighth Confederate Cavalry, E-K

• **1870 US Census**

Sydney F. HAGUE

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Home in 1870: Northern Division Subdivision 3, Chickasaw, Mississippi

Post Office: Egypt

Family 324

- Sidney Hangrie, 42 [abt 1828], South Carolina
- Sarah A Hangrie, 30 [abt 1840], Mississippi
- Susan L Hangrie, 17, [abt 1853], Mississippi
- Madora Hangrie, 14, [abt 1856], Mississippi
- Jammie Hangrie, 10, [abt 1860], Mississippi
- Wesley Hangrie, 5, [abt 1865], Mississippi
- Walter Hangrie, 1, [abt 1869], Mississippi

• **1880 US Census**

[[Ancestry.com](#)]

Home in 1880: Starkville, Oktibbeha, Mississippi

Family 21

- Sidney F. Hague, Head, 53 [abt 1827], South Carolina, (Father SC, Mother SC), Farmer
- Sarah A. Hague, Wife, 43 [abt 1837], Mississippi
- Ellen Hague, Daughter, 24 [abt 1856], Mississippi
- Jimmie Hague, Daughter, 19 [abt 1861], Mississippi
- Wesley Hague, Son, 16 [abt 1864], Mississippi, Works in Brickyard
- Sallie Hague, Daughter, 13 [abt 1867], Mississippi
- Mattie Hague, Daughter, 10 [abt 1870], Mississippi
- Annie Hague, Daughter, 6 [abt 1874], Mississippi
- Charles Hague, Daughter, 3 [abt 1877], Mississippi

[end]