

Columbia Democrat.

"I have sworn upon the Altar of God, eternal hostility to every form of Tyranny over the Mind of Man."—Thomas Jefferson

II. WEBB, EDITOR AND PROPRIETOR.

Volume X.]

BLOOMSBURG, COLUMBIA COUNTY, PA. SATURDAY, JANUARY 30, 1847.

[Number 41

OFFICE OF THE DEMOCRAT
SOUTH SIDE OF MAIN, A FEW DOORS BE
LOW MARKET-STREET.

TERMS:

The COLUMBIA DEMOCRAT will be published every Saturday morning, at TWO DOLLARS per annum payable half yearly in advance, or Two Dollars Fifty Cents, if not paid within the year. No subscription will be taken for a shorter period than six months; nor any discountance permitted, until all arrearages are discharged.

ADVERTISEMENTS not exceeding a square will be conspicuously inserted at One Dollar for the first three insertions, and Twenty-five cents for every subsequent insertion. A liberal discount will be made to those who advertise by the year. LETTERS addressed on business, must be post paid.

COLUMBIA DEMOCRAT.

JANUARY 30, 1847.

Trial of Jesse Robbins,

Of Greenwood Township, Columbia County, for the murder of his brother.

COURT OF Oyer and Terminer.

Before Judge ANTHONY and his Associates.

TUESDAY MORNING, JAN. 19, 1847.

Commonwealth vs Jesse Robbins.—Indicted for Murder. True Bill.

The prisoner being arraigned, plead "not guilty," and for trial put himself upon the country.

CHARLES R. BUCKALEW, Esq. Deputy Attorney General, and GEORGE G. WALLER, Esq. for the Commonwealth; JOHN COOPER and JOHN G. MONTGOMERY Esqs. for Prisoner.

After a number of challenges the following Jurors were sworn—

Martin McAllister, Jonas Fahringer, Jacob Reynolds, William Morgan, Peter R. Russell, John Ziegler, Reuben Voris, Gilbert Fowler, Samuel Mulley, Jesse Coleman, James McNichol, Harman Lator.

Mr. WALLER opened for Commonwealth;

Ira Johnson, sworn.—Jesse Robbins and I were hauling cornstalks—went over the morning to Jesse's, we went into corn field, we had part of a load on. I looked down in the field saw John Robins and son trying to catch their horses. After a short time saw John and his son in barn yard, horses with them, we finished loading our stalks, drove to barn, or near the barn, there was a pole fence, Jesse laid it down to drive through. While we were there, John came from below the barn and began to talk to me about the horses, when Jesse got fence down Jesse told me to drive in. As I drove in John went on up toward Jesse's house. When we went into barn Jesse told me to go up on the mow and he would pitch stalks up to me. I got up and Jesse began to pitch up the stalks. After he had pitched up some, John came to the door and said "what are you pitching them up there for?" Jesse said "there's where I intend to put them." John said "you're not going to put them up there?" Jesse says "I will put them up there"—John told him he (Jesse) could get some rails and put them over the threshing floor. Jesse said "I'm not going to do it." John said "if you put them up there I'll throw them right down again." John then clambered up on the mow and stood where Jesse had been throwing the stalks. John said "now when you throw them up I'll throw them down again." Jesse told him "to stand back or he'd knock him down with the fork." John whistled at him. Jesse told him again to stand back or he'd knock him down with the fork, John whistled at him again. John then said he had some hay there he wanted to take out. Jesse said he did not believe he had any hay there. His mother came to the barn and asked John what business he had with any hay there. She said she thought if he had divided the hay right he would not have had any hay there. Jesse allowed he did not believe he had either. John said "his none of your business for I've got to keep you both any how." Jesse called him "an infernal rascal," told John that John had said he would not have anything to do with that end of the barn. Jesse said he had gone and got boards to fix that end to put his mother's hay in it, and that John had said when hauling hay that

there would not be room for her hay at that end, that he had put some of her hay under an oak stack and put some of his hay in the same mow with hers. There were two parts to the mow, one part three feet higher than the other—John told me to get over on the highest part and we would put the stalks there. The two parts were separated by upright boards. Jesse called him an infernal rascal, he'd told an infernal lie about some walnuts he had let Ira Johnson have that John had told him he'd sold them to Ale's girls. Jesse told John that he belonged to the Baptist, that he had been dipped in the water and if he did not do better than he had done, he would never enter the Kingdom of Heaven. Jesse called him an infernal liar and a damned liar. Jesse said John had been used to haul away all loose boards about the barn, John said they had went out of the hind end of the oven, Jesse said there had been a pretty good door to the barn and that had been taken away. John said it had gone out of hind end of the oven. We got stalks unloaded Jesse threw stalks to John and John to me on this higher part of the mow. Jesse got down out of wagon and walked the floor. His mother came, Jesse had the fork in his hands she took it from him and started toward the house with it. Jesse told me to back the horses and wagon out of barn. John told me the same, I got down and backed them out. John was sitting up on the mow. Jesse stepped near the door and said now when you come down keep away from me or you may get a scalp yet. He repeated this 2 or 3 times. Jesse walked in about middle of floor, John clambered down and stepped toward Jesse. As he did so Jesse turned toward the door from John. John said now Jesse if you had a club, Jesse walked right on out toward the door. Jesse picked up a club, John stepped at hoghead, and Jesse struck him twice, the blows were as quick as he could strike them. John staggered in and fell on his back, the way the plank laid, I stepped in between them and said "oh Jesse you've killed John." After he struck stepped back and said "keep away from me, keep away from me, don't come at me again." John when he came to erect on his hands and knees across the barn and leaned against the wind-mill still on his hands and knees, he then crept the other way across the floor and lay down on the corn-fodder. His mother came to door and said must I be scared to death with such miserable wretches, took hold of Jesse by pantaloons and told him to come home. Jesse was on floor near the door then, they started to the house and just as they got outside of the door, the club was thrown down. I walked up to John and asked if he was hurt. He said he was not. His mother came with something to put around his head: He declined having it put on, she went back then took the club with her she examined his head. John walked across the floor and sat down on box near hoghead. He told me to fetch him his hat, I did so. He asked me if that was his hat, I told him it was, he put the hat on. He got up and began to look around, saw blood, he asked where that blood came from. I told him it came from his head. He asked me what had hurt his head. I told him Jesse had struck it with a club. He asked me where the club was. I showed him where the club laid. He started out of barn just as he got out stopped, I asked him if he would not get in and ride. He said he would not. He said he could walk home across the fields. He started home then and I drove off to Jesse's house.

While I was in the mow, I told Jesse not to get into such a passion, told him twice.—The club was about three feet long three inches wide and two inches thick. There was a splinter flew off when he struck John. He laid the club in both of his hands. They were close together. There was blood upon the floor. Jesse stooped before John did. That was the time when Jesse picked the club up. There was a small boy there eight years old. Nobody else was about there. The place over the floor could have been fixed for stalks with rails. There were no rails there. Jesse

lives close by, lives with his mother. John lived half a mile from this barn. When John lived he owned a small lot. John farmed the place where this barn was, he had used it several years. Saw John about sundown same evening. He appeared to be poorly, he was abed. He said nothing to me nor I to him. He said nothing except when they asked him. I was sent for a physician, started in the afternoon, for Dr. Parke.

The blows and death all occurred in Greenwood township Columbia county. The strokes were 13th Nov. last, I think between 9 and 10 o'clock in forenoon. He died next day in the afternoon. The corn and stalks belonged to John Robins and Jesse cut them up on shares. Jesse had nothing to do with farming the place. John appeared to be in an ill humor. They both walked fast. It was not like a run. John did not draw his fists at him had nothing in his hands when he came down from the mow. John made no threats that he would beat him.

Cross Examined.—John was the stoutest man of the two and was able to handle Jesse easy. I saw nothing in the hoghead but a ball-stuff. It was perhaps three fourths of an inch through at top, the small end, don't know how long, it was the usual size as far as I saw it of. At the time John was struck he was standing by hoghead his head leaning forward. I did not see where he had his hands. I think his head was rather over the edge of hoghead when struck. I stood furthest in the barn, John next to me sidewise, Jesse in front with his face toward me. As soon as John came down he came toward Jesse, then Jesse turned, neither of them had anything then in their hands. John appeared to be in a passion when he spoke to Jesse on floor. John walked from center of floor direct to hoghead, on his right temple, but without leaning over hoghead. I don't know what would the ball was of.

The club Jesse struck with I think was pine, the splinter that flew off was white. Jesse did not follow John after striking him. John said he was not much hurt. I have known Jesse Robbins ever since I can remember. Jesse is allowed to be a peaceable man among his neighbors and strangers as far as they know him. The whole of the mow where we put stalks was where stalks used to be. It was Jesse's share of stalks we were hauling in that day. Jesse, his mother and Joseph Robbins laid together some time. The mother is dead pretty well in years—I was there at Jesse's frequently, I suppose Jesse had the management of his mother's affairs—Jesse appeared to be in a wonderful passion when he struck John and all the time—Jesse stepped back as John came—As John came to hoghead they were in reach of each other—I think the club was a piece of pine plank—The blows were a very short time after John came down—it was as quick as they could walk across the floor—Jesse stood about the middle of the floor at the door when he spoke to John—John clambered down the legs at side—I had backed the wagon out before John came down—When Jesse said to John the words about getting a scalp yet Jesse had nothing in his hands.—The piece of plank was picked up at edge of floor—The hoghead was close in the corner of the door.

By Commonwealth.—The hoghead was common height—fan stuff was a little higher than the hoghead, the staff projected up—I did not examine in hoghead to know if anything else was in—I never made any close examination of hoghead about it, I never searched any for the club.—I have been so I could see where club laid—it was not there—As John came down out of mow he was back of the middle of floor—John in walking toward Jesse and hoghead was walking towards the door.—The whole door passage was open.—The barn floor was wider than the door, the hoghead stood in corner—Jesse was in a passion all the time till blows while John was there.—It was not a great while that John was there—Jesse Robbins is a single man.—John had a wife and six children—We put stalks on lower part of mow till John came, then on highest—Jesse did not strike with fork while pitching up.

Dr. Russel Parke, sworn.—About could have easily been arranged for a check—as though Jesse was to take hold of it, he said there about half an hour. Jacob Mannon, recalled.—[Witness produced the hat John had on at the time. There was some blood on it.] I got it at the widow Robin's, this is the hat he used to wear, my father fetched the hat last Sunday evening. Ira Johnson, again.—This looks like John Robin's hat he had on the day he was struck, I believe it to be the same hat, I picked it up and handed it to him at the time. Commonwealth here closed evidence in chief.

DEFENSE. J. COOPER, Esq. then opened on part of the Def. in a few appropriate remarks Def. then called— Sabrina Robins, sworn.—I lived with old Mr. Robins, father of John and Jesse; in his lifetime. I heard a conversation between the old man and John about the rent of his farm—grand father or was to have the third of all the grain, Grandfather was to have half of the barn and the other half belonged to John.—Grandfather was to have the part over the stable, and John that on the other side; and each to have half the overshoot, I lived with grandfather until his death; the old man had the whole time he lived, that part of the barn I said before; John never put anything over on that side after grandfather's death, John continued to occupy his own part as before, he put grandfather's share over the stable, and what it would hold he put in the stacks out of doors, I remained with my grandmother after last spring, John kept the grain and hay separate up to the time I left, Jesse was a peaceable man, I lived with him about 16 years in the same house, my grandfather died 3 years ago this winter, Jesse took care of grandmother's things, and had control of her end of the barn, she horse stable was at the same end of the barn all the time I lived here, the stable was on the left side of the barn from the house out.

Cross Examined.—John had a barn where he lived, not a large one, minding small, there was a place for horses. One end of the stable is taken away, and the mow goes down to the floor. This part was taken away about 3 years ago. It is 3 or 4 years before grandfather's death that the conversation took place between him and John of which I have spoken. I am 17 years next June; Jesse is my uncle and so was John. Jacob Stishler, sworn.—Jesse Robbins came to me some time in the fore part of the season, about moving time and got some half priced boards and said he wanted them to cover his haymow some time after his brother John came and hauled them for him, his brother John asked me whether I had any more I told him I had none of the same length he said any other length would not do he said he wanted to get the other part of the barn repaired, all wanted repairing. He got about a dozen or so, which he said were too short. I passed the barn and saw the same slabs on the barn on that part Jesse claimed.—I think it was on the west end of the barn,—said he at the house it would be on the right hand side of the barn, I have known Jesse Robbins about 3 years. He is a peaceable man. Cross Examined.—John hauled only 1 load, I charged Jesse 50 cents for the boards he got. It is not paid yet, it is about a mile or so from Jesse's from the place I live.

By Defendant.—Jesse's part of the barn is on the west end from the house. Sabrina Robins, called again.—The stable was on the left hand of the barn from the house, there was no floor in John's part of the barn.

Cross Examined.—The widow's share of the grain was generally put in that end of the barn, where the corn stalks were put; Joe. Robins' another brother, lived also with the mother, Jesse took care of the old woman's share of the farming produce; Jesse is the youngest of the family; John was a great deal stouter man than Jesse; the ball-stuff was common size, the hoghead was perhaps 4 feet high. I have known Jesse since he was a boy of one year's age; always been neighbors, he is a peaceable man, and bears a good character in general. Catharine Thomas, sworn.—I saw John Robins the same day he was hurt in his house; he was lying on the bed; I said till dark, then went home for half hour, and then came back and found he had died the next day; he complained of his head and eyes, he said he was badly hurt, he was on the bed, he would get well, he said "no, never better." [Counsel for Prisoner objected to receive in evidence the declaration of the man, insisting that there were no affidavits under belief of impending disqualification. Court overruled the objection.] He said to his wife, that he wanted her and Jackson (his son) should keep the children, for he couldn't live or couldn't be with them, I saw the wounds on the back part of his head, he was cut open 2 or 3 inches, and on his right temple there was a bruise, and it had a black eye, it was swollen, the skin was open on back of head; it looked bad, he was in great misery, he jerked & threw his arms about, he ate nothing but a few pieces of stewed peaches, about 4 or 5 pieces; they offered him food to eat but he refused, it was before sun down the first day, it was then believed that he would not get well, he said "I was had hurt him."

Jessiah Johnson, sworn.—I saw John Robins about 2 hours after he was hurt, I said a little bit, and then saw him about 2 hours after that again, about 1 o'clock; then saw him again in the afternoon; I was there again about 4 o'clock the next morning, on the day he died, I talked with him when I first went, I saw a bruise on his temple, which looked considerably swelled, the next time I saw him he was lying back and the stove on a bed, he did not talk about his head or wounds at that time. In the forenoon he vomited, he said he had about his stomach, and his head and eyes.

Cross Examined.—I have known Jesse Robbins ever since he was a child, his character in the neighborhood is generally peaceable, Jesse was at John's house before his death, Jesse was very much distressed, he came there early in the morning the next day, he went to John, he spoke to him he called him his dear brother and wanted him to give him his hand, John threw his hands about at the same time, [The prisoner seemed to be very much agitated, the tears rolling down his face.]

Cross Examined.—The skin was bruised or grazed on the temple but not cut. Can't say whether the skin was broken on back of head. There was every evidence of a bruise on back of the head if would have been better if he had had open wounds.

TUESDAY AFTERNOON, Commonwealth called, Jacob Mannon, sworn.—I saw John Robins the evening he received the injury; he appeared to be in great misery on his head, I looked at the bruises, one was just above the right ear, and the other on the back part of his head; he said O, how my head hurts me. He twitched and jerked his arms and legs. I was there till he died, he sweat when he stood on his forehead and his breast with spells, when he was asked questions he made out answers; he did not talk otherwise; I did look for the club about the middle of the next week, but could not find it; I saw blood on the barn floor near the edge of the barn floor; I got a pitch-fork from the house that day when hauling corn; I saw John Robin's son bring the fork from the old woman's house. The little boy, Ches. R. Johnson, who was by at the time of the blows, seems to be about eight years old. The were boards dividing the parts of the mow; I did not speak to John Robins on his bed; over the bare floor there were three or four poles laid across; there

check—as though Jesse was to take hold of it, he said there about half an hour. Jacob Mannon, recalled.—[Witness produced the hat John had on at the time. There was some blood on it.] I got it at the widow Robin's, this is the hat he used to wear, my father fetched the hat last Sunday evening. Ira Johnson, again.—This looks like John Robin's hat he had on the day he was struck, I believe it to be the same hat, I picked it up and handed it to him at the time. Commonwealth here closed evidence in chief.

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