

# 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.

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OFFICE OF THE DEMOCRAT  
SOUTH SIDE OF MAIN, A FEW DOORS BELOW 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 OAKS  
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 Muffley, Jesse Coleman, James McNinch, Harman Lator.

Mr. WALLER opened for Commonwealth; Ira Johnson, sworn.—Jesse Robbins and I were hauling cornstalks—went over the morning to Jesses, 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 clumb 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 in 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 asked 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 waggon 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 waggon out of barn. John told me the same, I got down and backed them out. John was still 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 clumb 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 walked right on out toward the door and stopped down, John followed. Jesse picked up a club, John stopped 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 cloth 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 Robbins 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 staff. 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 of it. 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, I saw him 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 stable 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 old 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 clumb down the legs at side—I had backed the waggon 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 at the door.

By Commonwealth.—The hoghead was common height—fin 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—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 Robbins, sworn.—I lived with old Mr. Robbins, 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, the 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 mows go down to the floor. This part was taken away about 3 years ago. It is 3 or 4 years before grandfather's death (at 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 Stisher, sworn.—Jesse Robbins came to me some time in the fore part of the season, about mowing 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 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 to Jesse's from the place I live.

By Defendant.—Jesse's part of the barn is on the west end from the house.

Sabrina Robbins, 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.

Nov. last, I saw John Robins at his house. He was in bed. He was club around in the barn and upper side breathing with difficulty. I examined of the barn, I looked no where else for his head. On right side, over the ear, and upon the temple was a bruise it was considerably tumefied and discolored—it had turned black. Could not discover that the temporal bone was fractured or depressed; there might have been a fracture. On examining the back part of the head, I thought there was a slight depression of one or two inches—but came to the conclusion that there was no fracture there. I felt no wound there. He lay upon his back. I put a few drops of water in his mouth, and thought he would almost strangle. I felt his pulse, it was irregular. There were many people about the house. I thought that he must die and would die I did nothing for him, I thought he was beyond aid. I observed spasmodic actions in muscles of hands. Compression of the brain, I believe, would produce the symptoms he was afflicted with. It was my opinion that he must die from compression of the brain. Such blows might produce it. I think the blows produced the compression of the brain in that case. I said till he died. Dr. Scott came about noon. He agreed with me that we could do nothing. I considered that blows upon the temporal may be more fatal than upon the parietal bones of the skull. The inner bone of the skull may be broken, without the outer one being fractured.

Dr. David N. Scott, sworn.—I found John Robins as Dr. Parke has said. I found bruises upon forehead, on his right temple, but without depression; there was some external swelling on the posterior part of the head. I found a bruise, which I felt, and discovered a yielding softness which I believed was a depression of bone. A strong pressure upon the part produced signs of suffering in the patient; I was there till about one o'clock P. M. on that day I felt him in the state described. Did not think the man could live, I believe the cause of his death to have been these wounds on the head; such external injuries as those I examined would produce a compression of the brain. Compression of the brain is fatal unless relieved.

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 juked his arms and legs. I was there till he died, he sweat when I was there off his forehead and his breast; 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 house before his death, Jesse was very son being the fork from the old woman's house. The little boy, Chas. 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 barn floor there were three or four poles laid across; there

Dr. Russel Parke, sworn.—About could have easily been arranged for a check—though Jesse was to take hold of it, he said there about half an hour.

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