



Brown County Journal

June 15, 2014

Events:

Brown County Historical
Society Dinner Meeting
July 7

Brown County
Genealogical Society
July 8

If you no longer wish to receive this
e-newsletter send an e-mail with the
word "unsubscribe" in the subject
heading to: rhonda@
browncountyhistorycenter.org

The material contained herein is
copyrighted.

Rhonda A. Dunn

Lawlessness in the 1800s?

It seemed that the law of the land was "take care of your own." In the far reaches of the hill country of Brown County it could often take days for a lawman to ride out to take care of problems. In the late 1800s it seemed there was a surge of lawlessness just for these reasons. Or maybe it was just that Brown County was trying to come out of its wilderness since its founding in 1836 and the word got around a little quicker that someone wasn't following the law. We also saw the creation of vigilante groups such as the Horse Thief Detectives and the White Cappers for these reasons.

The residents of Brown County were for the most part hill people that had come to this land from other states such as the hills of Kentucky and the Virginias. These people did what they always did which was "take care of your own." This was reflected in other incidents that occurred in the same time frame. We came across the first headlining incident reported in the Jacksonian about an ongoing trial in "The Death of Young John Cullen" in the 1870s. Other incidents in the late 1800s came to light after reading through the Coroner's Reports or browsing through old newspapers.

Jim Robinson ~ For My Sister's Honor

One of the lesser incidents which still proved worth a story in the local newspapers was that of the shooting of a man by Jim Robinson who was defending his sister's honor. The Republic, a Columbus newspaper, of Feb. 8, 1882 relates the story.

"A SISTER'S WRONGS - Avenged in Blood by Her Brother, Who Shot Her Traducer on Monday Evening Last.

Brown County is fast coming to the front and will soon rival the



Brown County Courthouse 1909

Western wilds in the matter of murders. On Monday last the Republic contained an account of the cold-blooded murder of a man named Painter, living on Little Salt Creek. That murder occurred on Sunday evening, and the weapon used was an ax. This morning the Republic reporter learned of another attempt at murder Monday evening in Brown County, in Jackson township, the northwest part of the county.

The facts are very meagre regarding the case, but the reporter learned that a man named John Black had been in the habit of making indecent remarks regarding the females in that portion of the vineyard. This disposition of Black to tamper with the fair name and fame of the women, it is said, has frequently gotten him into trouble heretofore, but it never amounted to more than a rough and tumble fight, until on Monday last, when a man named Robinson - no relation to the man who killed Painter on last Sunday - heard that Black had taken too great privilege with the name of his sister and brought her into ill repute by connecting her with some scandal, and attributing loose morals and character to her. As may be supposed this aroused a feeling of indignation in the bosom of Robinson, and shouldering his gun he visited the house of Black. Calling him out he asked Black if he had given currency to the reports and getting a reply which, it is supposed, was not satisfactory, he immediately raised his gun and fired, making an ugly but not necessarily fatal wound. Robinson, thinking he had completed his work and avenged the wrongs of his sister by slaying the traducer, coolly shouldered his gun and returned to his home, where he still remained at the time the Republic's informant left."

The incident was then reported in the Brown County newspaper, the Jacksonian of February 17, 1882. "Black who was reported to have been shot by Jim Robinson was not seriously hurt. Black was at church last Sunday and seemed to be doing well for a murdered man. So is the report at this writing. The shooting did occur, but no affidavit has been made against Robinson and no proceedings been had in the case. Either justice was asleep or nothing was done by Robinson that the law could notice."

The Killing of Jacob Painter

I first ran across this case a couple of years ago combing through some old Probate files. It seemed pretty simple, a rather sad case, of the death of the father of four children. As these types of court cases go back then whenever the father of a family died the children were appointed a guardian. The wife was not allowed to be the guardian of her own children unless she went to court and proved that she could support them. The courts made sure that another male was appointed guardian of any children to make sure they were financially supported until they became of age.

Most families in Brown were very poor so the court had to step in to make sure the children were taken care of. They tried their best to keep children out of the poor farm. Many times these children were sent to live with a family as an apprentice which could mean they had to work for this family on their farm or in the home. It wasn't one-sided though the host family had to make sure the child went to school and received proper nutrition. The courts kept track to make sure the adults did their part also. So what started all these court proceedings? It was the death of the father, Jacob Painter, leaving four children behind. As the case went on it became a lot more complicated. It seems that Jacob Painter was not a very good husband or father.

Jacob Painter was a Pennsylvania native, who had come to Brown County with his sister's family, the Stitts. In 1869 he was married to Hannah Bishop and they had three children: Sarah Elizabeth, George Charles, and Rebecca Jane Painter. By 1878 Hannah filed for divorced when she claimed he was a thief and a cruel man. Jacob had been caught stealing hogs in Bartholomew County and was sent to the State Prison in Clark County for two years. Hannah got the divorce while he was gone. When he came back Jacob married for a second time to Serilda L. Datan. They had one child, Mary Georgianna Painter in 1880. They were living out in the east central part of Brown County in Washington township.

Jacob starting causing trouble with his ex-wife and her new family and definitely with his new neighbors.



The Log Jail



Thomas Robinson's Civil War stone

Although a diligent search was at once instituted, Robinson had succeeded in avoiding capture up to the hour when Mr. Brown started for this city. The coroner of Brown County was notified at once and issued a warrant for Robinson's arrest. The people of the vicinity are thoroughly aroused and indignant at the cold-blooded murder, and will make it pretty hot for Robinson if caught, for they are becoming tired of having their county disgraced by so many murders."

Another newspaper account from the Fort Wayne Daily Gazette of Feb. 11, 1882 had a few more details on the story. "Brown County has added two more bloody butcheries to her already bloody history. Jake Painter went by the residence of Thomas Robinson's house 2 or 3 times each time quarreling with Robinson. Painter was a notorious character and boasted of having killed three men

Jacob paid a visit to Thomas Robinson's home and began an argument in which he made several negative statements about Robinson's wife. This must have stirred in Robinson a rage that resulted in his violent actions against Jacob Painter. This is when the incident of his death occurred.

From a newspaper article in the Columbus Daily Republican of Feb. 6, 1882 the incident unfolds. "MURDER - Tom Robinson Kills Jacob Painter With An Axe. The news of a cold blooded murder reached this city about half past two o'clock this afternoon. From Mr. Jim Brown, who was at the place this morning where the murder was committed, the Republican reporter learned all that is at present known regarding the affair. Mr. Brown said that about dark last evening two men named Jake Painter and Tom Robinson, living on or near Salt Creek, in Brown County, became engaged in a quarrel regarding a female of loose morals, and that in a short time Robinson, raised an axe and struck Painter twice in the head therewith, killing him instantly.

during his life, and had many difficulties here. He often tantalized Robinson and claimed to have been intimate with his wife. Painter's first wife divorced and remarried by this time, but when he returned from a stay in prison for stealing hogs he visited her and finally ran off her husband. He always had plenty of money, and had \$400 on his person when killed, but absolutely starved his family, refusing to buy them food. Robinson fled, and has not yet been arrested."

Thomas Robinson was finally found and arrested by Sheriff Lafayette Percifield ten days later. Bail was denied and he was brought on trial.

When the case came before the court a statement was made by Cyrus Stitt, a neighbor of both of the men. "Cyrus Stitt being duly sworn on his oath says that on the 5th day of February 1882 one Thomas Robinson did then and there unlawfully feloniously willfully purposely and with premeditated malice assault, and in a rude and insolent manner beat, strike, bruise, wound, and injure one Jacob Painter with a certain dangerous and deadly weapon, to wit an ax, which he welded against the said Jacob Painter giving him mortal wounds. He further swears that one Henry Pruitt did then and there aid, assist, and encourage the said Thomas Robinson to give him the mortal wounds."

Henry Pruitt was later acquitted so he could be a witness for the prosecution against Thomas Robinson. There were many witnesses that appeared in the case who were probably neighbors and family members such as: Joseph Starr, Thomas Pruitt (Robinson's wife's family), Richard Sparks, Rhoda Robinson (Thomas Robinson's wife), Serilda Painter (Jacob's wife), George Painter (Jacob's son), William Allison, Dr. A. J. Ralph and Dr. Arnold S. Griffitt who examined the body, Julia Fox, and little Liza Jane Robinson (Robinson's daughter). Thomas Robinson ended up going to State Prison in Clark County and appealed his case to the Supreme court.

After Serelda Painter and her daughter, Georgianna, were left without a man in



A Stitt Family Reunion



Alice Ann Robinson-Gates' family - Cora Gates-Pruitt, William D. Gates, & Ethel Gates-Milnes

formerly was a Pruitt also. Cyrus Stitt who made the initial statement on the incident was married to Jacob Painter's sister, Elizabeth. Jacob Painter's first wife, Hannah Bishop married again to Holland Richardson and all these families lived within walking distance to each other. So suffice it to say tensions probably ran high between Jacob Painter, Thomas Robinson's family, and the Pruitt's as well. Jacob Painter was always stirring up trouble between the men and their wives. It was a sad, but inevitable end for Jake Painter.

Thomas Robinson the accused in this case was a Kentucky native. He served in the Civil War for Kentucky and has a veteran's tombstone in Powell Cemetery. He was first married to Rhoda's sister, Virginia "Jenny" Pruitt and they had two children,

the house the court appointed a guardian, George W. Pruitt, over the little girl. Serelda ended up marrying the Pruitt and she was able to keep her daughter with her. These families were a tangle of interrelations. Jacob's children by his first wife had their share of troubles as well. They were sent to live with other families or forced out of necessity to get jobs with neighboring farmers. The only bright spot in their lives was that their grandfather, Jacob Painter Sr., back in Pennsylvania left them a little money being the only heirs of their father, Jacob Painter Jr. Their aunt, Elizabeth and her husband Cyrus Stitt seen to it they were taken care of with him being appointed their guardian.

Thomas Robinson's wife, Rhoda Ann,



Gatesville Store

Bird S. and Eliza Jane Robinson. If you'll recall little Eliza Jane was called as a witness in the case. His first wife must have died. As for Thomas Robinson and Rhoda Ann they had one child, Alice Ann Robinson who married into the Gates family. William D. Gates became her husband and they were the progenitors of a big family around Gatesville. Their children were George Gates, Bertha Gates, Ethel Pruitt, Cora Pruitt, Wilma Milnes, Hazel Gates, Hattie Smith, Walter Gates, and Earl Gates. Many of the Gates family of Gatesville are descendents of the same Thomas Robinson who killed Jake Painter. Thomas Robinson had a veteran's burial in Powell Cemetery. It is not known if poor old Jacob Painter has a proper burial place.



Gatesville Valley - Gatesville Store in the distance

(Photos used may have come from the Hohenberger Collection, the Brown Co. Historical Society, Ralph Pruitt, and Julia Ottenweller.)