



ANCESTORS

Bartholomew County Genealogical Society

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President's Prose -by Becky Speaker

First, I want to send wishes that you and your families are healthy and weathering this crisis in good spirits. If you are on the frontline fighting COVID-19, thank you for your service!

If your life has been impacted by loss of any kind, our hearts are with you.

Although many of us have often wished for more time at home for our genealogy research, this is not how we envisioned it. But if you have time on your hands, there are many additional free resources coming online, including Ancestry.com for home use from the Bartholomew County Public Library! With the help of the US National Archives, Ancestry is offering temporary free access to millions of historical resources and images as well as many free tutorials. Check out local online resources like the Indiana Digital Archives or the Indiana Historical Society. In fact, the Indiana Historical Society has started a project to collect our stories about this "unique historical moment as we respond as a state, nation, and world to a pandemic."

(Follow this link: <https://indianahistory.org/telling-your-story-documenting-covid-19-in-indiana/>)

Unfortunately, BCGS has had to cancel our May 2 trip to the National Archives as well as our SKILLS session on cleaning gravestones. We will look for times in the future to reschedule these sessions. For now, our July 25 group outing to Shelby County is still planned, as we all hope to be enjoying the sun and fellowship by that point.

I recently saw a meme online that said "I'm about to do my census, misspelling my name and providing the wrong birthday, just so my descendants could have some fun in their genealogy research in 2092 !" But of course, we all know about the importance of an accurate 2020 Census! But the census is useful for more than just genealogy research! It helps determine how billions of dollars in federal funding flows into states and communities each year (fire departments, schools, public transit, etc.) The results also determine how many seats in Congress each state gets. So please help ensure that your family members complete their census!

In this time of social distancing, we all have the opportunity to forge closer bonds with family while empowering each other to keep in contact with those who are most vulnerable and practice kindness toward everyone.

If we have learned anything over the years, it is that we are all connected. We will get through this as a global family. We are all in this together.

Thanks, BCPL!

Many thanks to the Bartholomew County Public Library for offering ANCESTRY for home use during the Covid - 19 home shutdown. Be sure to take advantage of this offer and THANK YOUR LIBRARY !!

(temporary use only - library card needed)

Editor's Note: Many thanks to all BCGS Board Members for their time and articles to make Ancestors the "Voice of BCGS" ! As a courtesy, and to insure the personal communication with each of you, their columns are not edited. Hope you enjoy !



*The Evening Republican
Columbus, Indiana
Monday, March 4, 1957*

ONE SURE WAY TO BEAT THE RAP

Bartholomew County's Strangest 'Habeas Corpus' Action Really Produced a Body

(EDITOR'S NOTE: Speaking at formal opening of Bartholomew county's new superior court here Jan. 2, Hugh D. Wickens, veteran Greensburg attorney and former judge of the combined Bartholomew-Decatur circuit court, said present attorneys might not know that once a defendant killed himself in a courtroom here after the reading of a Jury verdict.

It happened in 1858, before the time of the 86-year-old Greensburg Jurist, but it was an oft-told story while he was on the bench here - from 1911 to 1916.

The suicide story was news to most of today's attorneys, but not to Carlos S. Folger, west of Columbus, a former city mayor and a historical fan. He had run across the case in old county court records and had obtained further information from the late George Pence, county historian, and William B. Treadway, also deceased.

The accompanying article by Mr. Folger was based on this information, but Mr. Pence apparently never knew that his father, Jacob Pence, was a member of the Jury.)

By CARLOS S. FOLGER

William Mewhirter told the judge and sheriff they could have the body -- then shot himself through the head in the old Bartholomew county courtroom Oct. 27, 1858, in dramatic climax to a trial, at which alleged creditors were trying to collect from the defendant.

Reasons for Mewhirter's financial problems remain unknown, though perhaps they were not too different from some of those today. But he was emphatic that no one was going to collect -- at least not by holding him in jail until he paid up.

Mewhirter was manager of a lumber yard and sawmill a few miles west of Taylorsville. It was one of a string owned and operated by the firm of Shrewsbury and Price, which had its headquarters at New Albany. The firm dealt in lumber and building materials through a large section of Indiana a hundred years ago. Its yards and mills stretched along high ground from the Ohio River to Marion county's southern boundary, carrying on lumbering operations.

Prominent Man

The manager of the mill and yards west of Taylorsville owned considerable real estate and became prominent in the community. He platted two addi-

tions to the town of Taylorsville, in 1851 and 1852, which bear his name. He had a large number of friends and one of the closest of these was Milton Treadway, father of the late William B. Treadway of Columbus.

Milton Treadway was summoned to the courtroom by Mewhirter before reading of the fateful verdict, but because of the big crowd he couldn't reach the defendant and never knew what Mewhirter wanted to tell him.

The court story started however, when Mewhirter allegedly became indebted to his employers, so much so that a complaint for a judgment was filed in Bartholomew court by the Shrewsbury and Price

(continued next page)



(1957 Article continued)

firm. The Hon. A. C. Downey, who afterwards became a Judge of the Indiana Supreme court, was the presiding judge.

Mewhirter's attorneys were Herrod and Stansifer, (Simeon Stansifer was later judge of the court of common pleas in Bartholomew county. His home was on Mechanic street, now Lafayette avenue. The large brick residence, much remodeled, still stands, the second house south from Seventh street on the east side of Lafayette.)

Judgment was subsequently taken in favor of the employers, but Mewhirter apparently converted all his assets into cash before an execution was issued and a levy made. Then the plaintiffs, joined by a Nathan Powell, who also had obtained a judgment against Mewhirter, instituted proceeding to collect.

The first pleading in this procedure was on April 22, 1858, before Judge Downey. The records show three more pleadings in the same court term. On Oct. 19, 1858, "the second day of the October term," and before the Hon. John W. Spencer, special judge, further proceedings were held and finally on Oct. 21, 1858, trial was begun in the old courthouse which stood near the center of the present courthouse square.

Recorded as jurymen were: Bradford Stribling, Solomon Miller, R. H. McHenry (father of Frank McHenry and grandfather of Norris McHenry of the Azalia community, both former county commissioners), Elza Breeding, David Hodler (grandfather of James D. Hodler, 915 Washington street), James Cox, Jacob D. Pence (father of the late George Pence), Joseph Patterson, William Alexander, John H. Wonderly, John Richardson and Henry Bryant. They were seated "as 12 good and lawful men, freeholders or householders of the county, who are elected, tried and sworn, and a true verdict to give, according to the law and the evidence."

Trial continued daily and taking of testimony was completed Monday, Oct. 25, 1858. Arguments by counsel followed the next day and were completed on the 27th, with the jury retiring for its delibera-

tion.

When the jury announced to the bailiff that a verdict had been reached, the courthouse bell was rung, (This practice of ringing the court bell so all in town knew a verdict had been reached was continued until possibly in 1911 when the Hon. Hugh D. Wickens of Greensburg was judge.)

The courthouse was quickly packed and as Mewhirter was returned to the room, he told a deputy sheriff that should the jury find for the plaintiffs, he would not go to jail, to remain there until the judgment was paid. He then requested that his friend, Milton Treadway, be summoned.

The jury returned the following verdict: "We, the jury, find the issues submitted to us for the plaintiffs; we further find that the defendant had \$10,997 in money, which he owned and had in his possession at the time of the commencement of these proceedings, over and above the value of \$300 exempt from execution." The verdict was signed by Jacob Pence as foreman.

Milton Treadway, summoned at request of Mewhirter, had trouble getting through the crowd which was packed in the hall and reached the courtroom door as Judge Spencer asked the defendant whether he wished to speak before judgment was passed. Mewhirter asked if the verdict meant that the body of William Mewhirter would be taken in custody by the sheriff for imprisonment. Answered in the affirmative by the judge, Mewhirter declared as he drew a pistol from an inside coat pocket, "Here is the body."

As the story goes, Judge Spencer thereupon vacated the bench without dignities, while jury members started from their chairs and the crowd headed for an exit.

But Mewhirter calmly placed the pistol barrel to the side of his head and pulled the trigger, falling dead on the courtroom floor.

The body was moved from the courtroom on order of the judge. It was placed at the foot of a Sycamore tree on the west side of the courthouse and



(1957 Article continued)

covered to await arrival of the coroner. As this official lived near Azalia, it was late in the afternoon before the body was finally moved.

The clerk's record ended with the recording of the verdict, but Judge Spencer added a finishing note to the record: "Defendant, by attorneys, now moves the court for a new trial, pending which defendant deceased, and these proceedings are therefore abated.

But that didn't end the story. According to Mr. Treadway, concurred in by Mr. Pence, on the even-

ing of the day Mewhirter killed himself there was a terrific storm with rain, thunder, and lightning and three of the mills owned by Shrewsbury and Price were struck by lightning and burned, along with much of the lumber stacked around them.

The William Mewhirter case was still continued on the local court docket until Dec. 11, 1860, when Judge George A. Picknell of the Second Judicial circuit, dismissed the case without judgment ever being passed on the defendant, alive, or a decision on a new trial.

A juror in the William Mewhirter Case:

Jacob Pence



Birth: 23 Apr 1793 Rockingham Co, VA
 Death: 30 Jun 1873 (aged 80) Dallas Co, IA
 Burial: Oakland Cemetery, De Soto, Dallas Co, IA
 Find A Grave Memorial: 14623917

A juror in the William Mewhirter Case:

R. H. McHenry



Birth: 5 Sep 1822 Adams Co, OH
 Death: 2 Aug 1909 (aged 86) Bartholomew Co, IN
 Burial: Sandcreek Cemetery, Azalia, Bartholomew Co, IN
 Find A Grave Memorial: 33365485



A juror in the William Mewhirter Case:

James Cox

Birth: 9 Oct 1803 Kentucky

Death: 14 Dec 1843 (aged 40) Bartholomew Co, IN

Buried: Daugherty Cemetery, Walesboro, Bartholomew Co, IN

Find a Grave Memorial: 104373204



James Cox married Rhoda East Dec. 9, 1824 in Adams Co., Ohio. They came to Indiana about 1838, where James Cox died in 1843.

Complete Record Probate, Book F, pp. 119-126

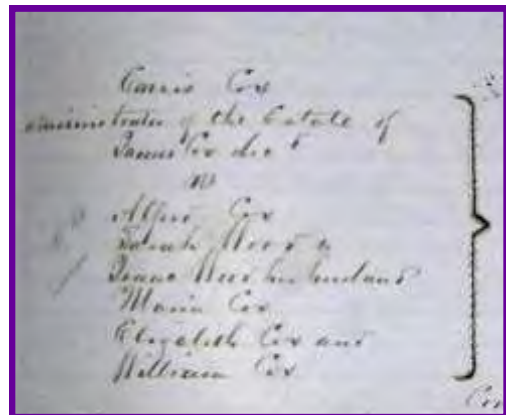
February 17, 1851

Ennis Cox, administrator of estate of James Cox, deceased, petitions to sell land to settle his estate. James' heirs are listed:

- Ennis Cox (the petitioner)
- Alfred Cox
- Sarah Cox Wood and Isaac Wood, her husband
- Maria, Elizabeth, and William Cox.
- (Maria, Elizabeth and William Cox were minors.)

Land was described as

Fraction C, containing 39.38 acres; also 14 acres of the south end of Fraction B in the northeast corner of the northwest quarter of Section No. seven (7), in Township No. 8, north of Range six (6) east.



Welcome to Our New Members:

Kim Powers, Columbus

Mary Bell Smiley, Flatrock

Wendy Dear, Columbus



A juror in the William Mewhirter Case:
Joseph Patterson



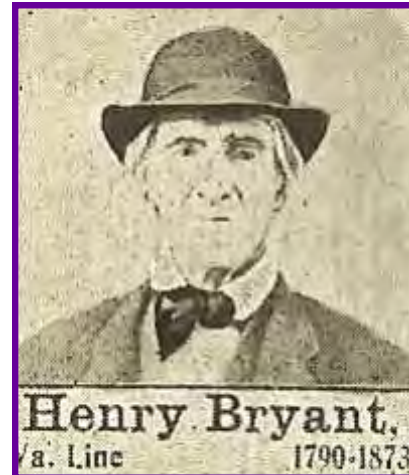
Birth: 29 Mar 1807 Pennsylvania

Death: 16 Jul 1901 (aged 94) Bartholomew Co, IN

Buried: Haislup Cemetery, Bartholomew Co, IN

Find A Grave Memorial: 89575553

A juror in the William Mewhirter Case:
Henry Bryant



Birth: 2 Feb 1790 Virginia

Death: 8 Oct 1873 (aged 83) Columbus, Bartholomew Co, IN

Burial: Columbus City Cemetery, Columbus, Bartholomew Co, IN

Find A Grave Memorial: 95865968

Private, Capt. Maston's Co, Col. Ball's Regt,
Virginia Militia, War of 1812



A juror in the William Mewhirter Case: Solomon Miller

Evening Republican
Columbus, Indiana
Wed, Nov 27, 1892

Obituary.

Solomon Miller was born in Stolkes county, N. C., Feb 20, 1810. In 1837 he came to Bartholomew county, Ind., and settled on a farm in Hawcreek township. He was married Jan. 22, 1842, to Mrs. Matilda Heron, and was the step-father to N. J. Herron and Mrs. M. D. O'Connor, both of this county.

Jacob H. Miller, his only son, had the pleasure of caring for his sainted parents, and did all in his power to cheer their declining years.

Mr. Miller united with the Methodist Episcopal church when a mere child, and was a faithful and consistent member until his death. He was richly endowed with spiritual graces, and enjoyed the society of the pure and refined. He held daily communion with his bible and his God, and although bowed with the weight of years his heart seemed to retain its freshness and he felt a lively interest in the prosperity of the church. In the community in which he lived he won the esteem and confidence of all who became acquainted with him. He was a prominent worker in the church and filled some of its most important offices. His sickness was of short duration, and he sweetly fell asleep in the arms of Jesus on Sunday evening, Nov. 6, aged 82 years, 8 months and 14 days.

The church has lost one of its brightest members, and his son and many friends are left to mourn his loss. Yet our loss is his gain.

Blessed are the dead who die in the Lord, yea saith the spirit, for they rest from their labors, and their works do follow them.

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A juror in the William Mewhirter Case:

David Hodler

Birth: 1834 Pennsylvania
Death: 13 Oct 1882 (aged 47-48) Bartholomew Co, IN
Burial: Roth Cemetery, Bartholomew Co, IN
Find A Grave Memorial: 89650971



A juror in the William Mewhirter Case:

Elza Breeding



*From: Biographical record of Bartholomew County,
B. F. Bowen (1904), pages 430-431,*

Elza Breeding Sr. married Susan Pile on 26 Oct 1843 in Johnson Co., IN.

Elza was a brother of Mary Breeding, Tabitha (Breeding) Runkle, Dicy Breeding, and his other siblings identified below.

In writing the history of this county and taking note of the many men who have been prominent in its public affairs or in its business interests it is necessary that we mention Elza Breeding, who died September 12, 1898, for he was long identified with agricultural pursuits and moreover was a man of such sterling worth that he aided in promoting the prosperity of the county. He was born in Adair county, Kentucky, February 11, 1821, a son of David and Mary (Hendricks) Breeding. The father was a native of Kentucky and when his son Elza was ten years of age he left the Blue Grass state and brought his family to Indiana, settling in German township, Bartholomew county, in the year 1831. He then began farming and continued to follow that pursuit, taking an active part in reclaiming the wild land here and making it rich and productive. In the family were seven children, Mary, Tabitha, Dicy, Elza, Alexander, David and John.

Reared in Bartholomew county, Mr. Breeding of this review continued to make his home in this section of the state throughout his entire life. From his early boyhood he assisted his father in the development and cultivation of the land and early became familiar with the arduous task of preparing the new farm. He worked in the fields and the practical experience which he gained proved of value to him when he began farming on his own account. Later in life he entered upon an independent business career and prospered in his undertakings. He cleared large tracts of land, and as his financial resources increased he invested more and more in property until his land possessions aggregated one thousand two hundred and fifty acres, the greater part being situated in this county, while the remainder is in Johnson county. He carried on general farming and also engaged in the raising of shorthorn cattle and Poland China hogs.

On the 26th of October, 1843, Mr. Breeding was united in marriage to Miss Susan Pile, a daughter of Richard and Margaret (Barlow) Pile, who were natives of Kentucky and removed to Indiana in the year 1824. They settled near Edinburg, in Johnson county, their home being near the division line of Bartholomew county. The father was a farmer by occupation and owned a good tract of land, bending his energies to its cultivation and improvement up to the time of his death, which occurred when his daughter, Mrs. Breeding, was only two years of age. Unto him and his wife were born only two children, the younger being Richard, who married Maria Anderson and is now living in Shelby county, Indiana.

The home of Mr. and Mrs. Breeding was blessed with twelve children: Richard, who married Matilda Downs, is a resident farmer of Bartholomew county; David, deceased; Mary, who is the wife of William Hartman, a farmer; Elza, who married Minerva Oaks and is living near Edinburg on the old Pile homestead; Susan, who died in childhood; John, who married Christie Cole and is engaged in the furniture and undertaking business in Edinburg; Joel, who married Norah Pence and lives on the old farm place with his mother; Isaac, who married Lulu Moore and is devoting his energies to farming; Alexander and Albert, who were twins and died in infancy; Anna became the wife of Fidelas King, and after his death married Fred Stein; Charles, who married Lillie Pile, is a farmer of Johnson county.

Mrs. Breeding still resides on the home farm, which is operated by her sons, who have shown excellent business ability in its management, and have added two hundred and thirty-three acres to the property, making in all nearly one thousand five hundred acres of land. All is well improved, there being a fine brick residence erected in 1871, occupying the same location as a similar one burned that year, and other substantial buildings, while the fields are richly cultivated and all indicates the careful supervision of the Breeding brothers.

In his political views Mr. Breeding was a Republican, active and earnest in support of the party, and at one time he served his fellow townsmen as supervisor. He belonged to the Christian church at Edinburg and lived a consistent life, in harmony with his professions. His business career was not only a successful one, but an honorable one as well, and the most envious could not grudge him success, for it was gained by the most straightforward methods. Hard work and good management proved the basis of his prosperity and made him a man of affluence. He leaves behind him a memory worthy to be cherished and revered, and his name should be enrolled along the representative men who have been valued citizens of the county.

Bartholomew County Genealogical Society

Membership year extends from Jan – Dec (includes 4 issues of ANCESTORS)

1 year Membership: Individual (\$10) Couple (\$15)

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