

HENDRICKS COUNTY'S FIRST MURDER TRIAL

Hendricks County, Indiana, has had its share of famous persons... and its infamous ones too. The first to be accused and brought to trial for murder was Samuel K. Barlow, who is believed to have lived about two miles east of Belleville on the Old National Road (U.S. 40).

According to the grand jury indictment, filed on February 24, 1827, Samuel K. Barlow, "Not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil" on October 16, 1826, "with a certain axe of the value of two dollars ... in and upon the hinder and upper part of the right thigh of ... George Matlock, then and there feloniously, willfully and unlawfully did strike, giving unto him ... one mortal wound of the length of five inches and of the depth of four inches of which mortal wound, he the said Matlock did languish and languishly did live (until) on the twenty-fifth day of October ... he the said George Matlock of the mortal wound aforesaid, died."

The defense attempted through cross examination of Thomas Matlock, a prosecution witness, to establish that the deceased had "told the witness a few days previous to the day on which the wound was given ... that the deceased had just returned from the Southern country and that he had left his saddle bags at the house of his mother, some 8 or 10 miles from the residence of the family of the said deceased ... informing his mother that she must have his saddle bags ready at a minute's warning for that the deceased would probably have to leave the country in haste." When the court would not permit the prosecution witness to reply to this cross examination, the defense asked, "that the same might be sealed and signed and made a part of the record ... which was done."

The defense also tried to "justify" the blow which caused the death of the deceased by introducing testimony that the defendant had been summoned by the family of the deceased to protect them against "imminent danger of losing their lives and receiving some great bodily harm from the deceased." David Matlock and others testified that two days prior to the day the blow was given the deceased threatened to "drive his wife from his house (from which the said deceased had been absent for a year and had just returned to the country but not to his house) and if she would not leave he would whip her to the holler(?)."

According to the 1885 History of Hendricks County (p. 289) this was the first important criminal case tried in the County. It states that the verdict was guilty of manslaughter; the sentence was one year in the penitentiary ... also that the defendant was "respited" from the sentence until the first day of the next term, with Samuel Jessup, John Ballard, and Abel Stanley posting bond for his appearance in the sum of \$300.

Gibbon - Published by the Hendricks County Historical Society, Danville, Indiana

Samuel Kimbrough Barlow was given a pardon by the Governor of Indiana on December 6, 1827. You can read more about Samuel and this incident in the May 1996 issue of the Barlow of Barlow

Newsletter.

page contributed by John F. Barlow

• Oregon Index

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BARLOW of BARLOW



Spring Issue - May 1996

A. Maxim Coppage, Founder

Edson L. Barlow, Editor

840 East Gunn Road, Rochester, Michigan 48306-1905

Published quarterly in February, May, August and November. Queries are free and are welcome from all. Annual index included with the November issue. Subscriptions are \$10 annually. Please send all editorial material, queries and subscription requests to Edson L. Barlow, 840 East Gunn Road, Rochester, Michigan 48306-1905.

The Barlow Road

Samuel Kimbrough Barlow was born on December 7, 1795, in Nicholas County, Kentucky, and was a son of William Henry Harrison Barlow and Sarah Kimbrough. In his youth in Kentucky he learned the tailor's trade. In his early twenties, around 1818, he moved to Bloomington, Monroe County, Indiana, where he married and started a family.

In August 1827 Samuel Kimbrough Barlow was convicted of manslaughter in Indiana. According to the records on file, he struck with an axe and killed one George Matlock on October 16, 1826. Scores of citizens, members of the jury, and the dead man's brother, joined in pleading for Barlow's pardon and remission of his sentence of one year of hard labor on the ground that he struck Matlock in an attempt to prevent him from harming his own wife and children. On December 6, 1827, Governor Ray pardoned him [*Indiana Executive Proceedings, Pardons and Remissions*].

Later, at the end of the Black Hawk War in 1832, he moved to Peoria, Fulton County, Illinois. Subsequently he

pioneered where Chicago now stands and then in 1845 he started west across the plains.

In May 1845 Samuel Kimbrough Barlow, his wife Susannah and their children, Jane Ellen, James, John and William, joined a "wagon train" that left Independence, Missouri, and arrived at the Methodist Mission at Wascopum (now The Dalles, Wasco County, Oregon) in early September. There they learned that the cost of a boat or raft trip down the Columbia was beyond their means, as well as not immediately available, so Samuel Barlow, William Rector and a few others decided to build a wagon road around the south slope of Mt. Hood.

On December 9, 1845, Samuel Kimbrough Barlow petitioned the Provisional Government of the Oregon Territory for a charter to build a wagon road from "the dalls Mission to valey of Clackamus," and he was so authorized in January 1846. The name

(continued on next page)

The Barlow Road (continued)

of the road as granted was the Mount Hood Road but it was called then, and still is, the Barlow Road.

The Barlow Road, which was about 80 miles long when completed, was a toll road and the authorized tolls were \$5 per wagon and 10¢ for loose animals. By the fall of 1846 part of the road was finished and in that October 146 wagons, 1500 head of cattle, horses and mules, and 13 head of sheep traveled over it. Work continued and by the fall of 1848 the road was passable over its entire length. Barlow and his partner operated the road for several years although it was never a great money maker. As the years passed, others took over the road until in 1919 it was deeded to the State of Oregon.

The complete story of the Barlow Road, including a record of the 1848 usage of the road kept by the toll keeper and showing the date, number of wagons, and tolls paid of each wagon train, is contained in a pamphlet called the *Barlow Toll Road 1846-1919: The Story of Two Men from Fort Deposit*, compiled by E. L. (Roy) Meyers and published by the Genealogical Forum of Portland, Oregon, Inc.

Samuel Kimbrough Barlow was a farmer at what is now the town of Barlow, Clackamas County, Oregon, and was recorded there at Milwaukie in the 1850 census. On October 14, 1854, he deeded his 639 acre farm to his son William and he moved to Canemah near Oregon City. He was recorded at Oregon City, Clackamas County, in the 1860 census. He died on July 15, 1867, at Canemah and was buried on the old Barlow homestead.

Samuel Kimbrough Barlow married first Susanna Lee on August 6, 1820, at Bloomington, Monroe County, Indiana [IGI, VR]. She was born on March 16, 1791, in South Carolina and was a daughter

of William Lee who was born in Ireland. She died on December 10, 1852, at Barlow in Clackamas County, Oregon. Their children were:

i. Sarah Barlow was born on April 30, 1820, in Marion County, Indiana [IGI]. She married Albert P. Gaines on February 17, 1839, in Fulton County, Illinois [Illinois Archives].

+ ii. William Barlow was born on October 26, 1822, ten miles west of Indianapolis, Indiana, in Marion County [IGI].

+ iii. James K. Barlow was born on January 28, 1826, in Marion County, Indiana [IGI, C1850].

+ iv. John Lawson Barlow was born in 1828 in Indiana [C1850,60], or on May 25, 1825, in Marion County, Indiana [IGI].

v. Jane Ellen Barlow, or Elizabeth Jane Barlow, married Absalom F. Hedges in 1847.

Samuel Kimbrough Barlow married second Elizabeth Sheppard on October 26, 1853, in Clackamas County, Oregon [IGI]. She was born on February 10, 1802, in New Jersey. She was recorded with her husband in the 1860 census. She died on March 16, 1871.

Second Generation

William Barlow was born on October 26, 1822, ten miles west of Indianapolis, Indiana, in Marion County [IGI] and was a son of Samuel Kimbrough Barlow and Susannah Lee. He was recorded at Oregon City, Oregon, in the 1850 and 1860 censuses. He died on June 13, 1904.

William Barlow married Martha Ann Partlow Allen on March 26, 1852, at Oregon City, Clackamas County, Oregon [IGI]. She was born in 1824

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Ohio Cemetery Inscriptions (continued from page 226)

Old Walnut Ridge Cemetery, Walnut Township, Gallia County, Ohio
Emily E. Barlow, wife of John Barlow, born Sep 11 1820, died May 12 1893.

Pine Street Cemetery, Gallipolis Township, Gallia County, Ohio
Anna Warman, died Jun 3 1857.
Samuel Barlow, died Apr 21 1842, age 66. Betsy Barlow, wife of Samuel, died Mar 19 1840, age 60y 2m 7d, a native of Fairfield County, Connecticut.
Rebecca Sanford Barlow, dau of Samuel and Betsy, died Oct 28 1824, age 8y 4m 22d.

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The Barlow Road (continued from page 224)

in Virginia [C1860]. Previously twice married, she brought one child by her first husband and two by her second. She died in 1901. Their children were:

i. Mary Susanna Barlow was born on April 19, 1853, at Barlow, Clackamas County, Oregon [IGI]. She was recorded with her parents in the 1860 census.

ii. Virginia Ann Barlow was born in 1856 at Barlow, Clackamas County [IGI] or in 1854 [C1860]. She was recorded with her parents in the 1860 census.

iii. Cassius Union Barlow was born on October 19, 1859, at Barlow, Clackamas County [IGI, C1860]. He was recorded with his parents in the 1860 census.

James K. Barlow was born in 1826 in Indiana [C1850,60] and was a son of Samuel Kimbrough Barlow and Susannah Lee. He was a farmer and was recorded at Milwaukie, Clackamas County, Oregon, in the 1850 census and at Oregon City, Clackamas County, in the 1860 census.

James K. Barlow married Rebecca Larkin on April 6, 1848, in Clackamas County, Oregon. She was born in 1827 in Ohio [C1850,60] and was a daughter of William E. Larkin and Rachel Reed. Their children were:

i. Caroline F. Barlow was

born in 1850 in Clackamas County [IGI, C1860].

ii. James Albion Barlow was born in 1855 in Clackamas County [IGI, C1860].

iii. John L. (or S.) Barlow was born in 1858 in Clackamas County [IGI, C1860].

iv. Emma J. Barlow was born in 1860 in Clackamas County [IGI].

v. George O. Barlow was born in 1863 in Clackamas County [IGI].

John Lawson Barlow was born in 1828 in Indiana [C1850,60] and was a son of Samuel Kimbrough Barlow and Susannah Lee. He was recorded as a merchant at Oregon City, Clackamas County, Oregon, in the 1850 census and as a farmer there in the 1860 census.

John Lawson Barlow married Mary Elizabeth Miller in 1851. She was born in 1834 in Maryland [C1860]. Their children were:

i. M. J. Barlow, a daughter, was born in 1854 in Oregon [C1860].

ii. J. A. W. Barlow, a son, was born in 1858 in Oregon [C1860].

iii. Frank Barlow was born in March 1860 in Oregon [C1860].

The Historic Barlow House



**GROUP TOURS OF THE BARLOW HOUSE
ARE AVAILABLE BY APPOINTMENT.**

*Call Virginia Miller at (503) 266-4375 for more information.
24670 S. Highway 99E, Canby, Oregon 97013*

MORE ABOUT THE BARLOW ROAD

**See the Fall 1996 issue of *Victorian Homes* magazine, pgs. 33-41
for a wonderful article about this home, its history and restoration.**

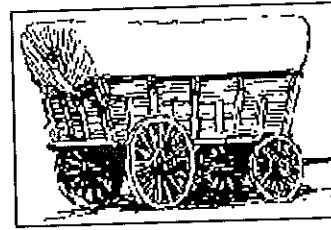


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*KindredKeepsakes, P.O. Box 41552, Eugene, Oregon 97404-0369
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The Barlow Family and Their Pioneer Toll Road



Some excerpts from "Barlow Road" published in 1975
by the Clackamas Co. (OR) Historical Society
and the Wasco Co. Historical Society

Introduction || Sam Barlow and the Barlow Road

Necessary Provisions || The Barlow House

Clackamas County Family History Society

INTRODUCTION

E.L. Meyers (Past President of the Clackamas Co. Historical Society) wrote:

There is no episode in the history of the West more dramatic than the discovery of the Columbia River by Capt. Robert Gray on May 11, 1792, who, with his crew, were the very first Americans to set foot in the Oregon Country. The expeditions of Lewis and Clark by land and water in 1805-6, and those sponsored by John Jacob Astor in 1811-12, no doubt were key factors leading to the all-important "Covered Wagon Era." Astor's projects included the maritime expedition led by Duncan McDougall and the overland party commanded by Wilson Price Hunt by land 1811-12.

However, it remained for the Mountain Men, Fur Traders and Missionary groups to carry on the conquest of the Great Northwest Empire. Hall J. Kelley of Boston, who had been in Oregon in 1832, wrote articles of his trip for the newspapers, creating the urge for people to go West, and the "Oregon Fever" came alive. Nathaniel J. Wyeth in 1832 built Ft. Hall on the upper Snake River and Ft. William on Sauvie Island, returning East in 1833. In 1834 he again came west with covered wagons accompanying Rev. Jason Lee and party of five to Ft. Hall. Lee continued on by horseback, barge and canoe to Ft. Vancouver and established a Methodist Mission on French Prairie.

The Rev. Marcus Whitman and wife, Narcissa, with the Rev. Henry H. Spalding and wife, Eliza, and party of seven came west in 1836 by covered wagon and a buggy (the wagon was left at Ft. Hall and the buggy at Ft. Boise). The Rev. Whitman established a Presbyterian Mission "Waiilatpu" on the Walla Walla River near Walla Walla. Robert Newell and Joseph Meek, Mountain Men with Indian wives, were the first to bring wagons as far as Walla Walla in 1840. In 1841 Meek went East, Newell returned to Walla Walla and transported their wagons through to Oregon City. Joseph Meek led a wagon train from Independence, Missouri, consisting of 26 wagons and 111 people through to Willamette Falls in 1841. L.W. Hastings guided one of the 30 wagons and 113 persons to "Wascopam" (The Dalles) in 1842, and Peter H. Burnett headed the "Great Migration" with an estimated 250 wagons and 900 people in 1843.

The emigration of 1843 involved the first large wagon train to move west on the Oregon Trail, and a large number of its members chose to push beyond Ft. Walla Walla by land, opening the first wagon road as far west as The Dalles.

In 1844 Cornelius Gilliam, Nathan Ford and Meyer Thorp headed three trains with 210 wagons and 1100 people. The wagon trains of this period used the Columbia River from "Wascopam" to Ft. Vancouver with the loss of a number of lives.

More and more they came. IN 1845 six trains arrived at The Dalles, 289 wagons with 1765 people: 40 wagons led by Samuel Brown; 30 wagons by Lawrence Hall; 40 wagons by Samuel Hancock; 52 wagons by Hackleman; 61 wagons by W.G. TeVault; and in the one of 66 wagons led by Solomon Tethrow, we find the Barlow, Palmer, Rector party.

Upon arrival, finding the situation not to their liking, Samuel Kimbrough Barlow suggested they find a way around Mt. Hood. It was approved, and from this point on history was made.

The unmarked graves of hundreds of brave men, women and children along the Oregon and Barlow trails bear mute evidence of the price paid for freedom, and the conquest of the Oregon Country. We the living, must never forget our debt to those pioneers of long ago.

SAM BARLOW & THE BARLOW ROAD

By Evelyn L. Greenstreet

On the 9th of December 1845, Samuel K. Barlow petitioned the Provisional Government of the Oregon Territory (located at the time in Oregon City) for a charter to build a wagon road from "the dalls Mission to valley of Clackamas."

Events leading to this historic document started many years before, when a mother in Kentucky gave her boy baby her maiden name, Samuel KIMBROUGH Barlow. Moving westward, in the typical migration pattern, Sam met and married Susannah Lee in Indiana in 1820. They raised a family of five and when they all assembled in Missouri in the Spring of 1845 for that year's migration to Oregon, there were William, John Lawson, James K., Elizabeth Jane (all unmarried), and Sarah.

When William and James were tending the toll gate on the Barlow Road in 1847, they met their brides-to-be, Rachel and Rebecca Larkins, the pretty young daughters of William E. Larkins and his wife, Rachel Reed. Elizabeth Jane married Absalom F. Hedges in 1847 and John L. married Mary Elizabeth Miller in 1851. Romance also traveled the road!

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Mr. McCarver, on December 12, reported a bill to the Legislature to authorize Samuel K. Barlow to open a road across the Cascade Mountains. Second reading was on December 16. After the third reading on December 17, the bill passed 8 to 2. Yeas: Messrs. Foicy, Garrison, Hendrick, Hill, Lee (probably Barton Lee of Champoeg), Smith, Straight and Speaker. Nays: Gray and McClure.

The notice in the SPECTATOR, August 6, 1846, page 3, gives further details. The Speaker, pro tem, was H.A.G. Lee; approved, Oregon City, December 18, 1845; signed by Geo. Abernethy, Governor. Authorization was given for two years -- January A.D. 1846 and ending January AD 1848 at the following rates, to wit: for each wagon... 5 dollars. For each head of horses, mules or asses, whether loose, geared or saddled... 10 cents. For each head of horned cattle, whether geared or loose... 10 cents.

The name of the road as granted was Mount Hood Road, but it was called then, and still is, The Barlow Road. Sam acquired a partner in Philip Foster of Eagle Creek, and they both signed an agreement to share and share alike in the expenses and the proffits (sic). John Ramage helped them post the necessary bond.

As soon as the weather permitted in the spring of 1846, men and oxen started to build the road, continuing on from near Philip Foster's place, up to where they had left the wagons and their plunder (as they called their goods) the previous fall. Sam remembered something he had neglected to mention in his application -- bridges! For here was the Sandy to cross and the Zigzag! Not much could be done about Laurel Hill except figure out ways to lower the wagons down the steep mountain slope, which they did because they had to. The wagons, with their contents, finally reached their destination, and they were the vanguard of many years of emigration over the Barlow Road.

Each year winter would obliterate much of the evidence of their passing, as the road builders found out.

Samuel K. Barlow and Philip Foster terminated their partnership on November 29, 1848. It had not been a financially profitable venture, but it was a very large step forward in the development of the Oregon country.

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In 1850 Samuel K. Barlow received a commission as a Justice of the Peace for Clackamas County from the Acting Governor of the Territory of Oregon, Kintzing Pritchette. And that was a lot of territory, as a glance at a map of that time will show.

However, other men applied for charters to continue to operate the toll road, and it remained in service until 1915. It was a two-way road, with emigrants coming and going. Many Central and Eastern Oregon settlers looked over the Willamette Valley first. No complete record of these travelers has been found, but if one had been kept, what a roster of names that would be.

WAGON PROVISIONS

As men traveled to the Oregon Territory before the departure of the first wagon trains, they sent back letters of recommendations for emigrants.

"Travel in companies of 40 to 50 wagons and continue together the whole route, don't race your oxen."

FOOD

- 140 to 200 pounds flour per person (flour and meat in sacks or light barrels)
- 40 to 140 pounds bacon per person
- 10 pounds salt per person
- 20 pounds sugar per person
- 20 pounds coffee per person
- dried fruit per person
- rice
- beans
- corn, meal, plain and parched
- raw corn
- peas
- milk cows
- beef cattle or fat calves to kill on the way for meat

LOADING & SUPPLIES

The loading of the wagons should consist mostly of provisions. Do not burden yourselves with furniture or many beds. Bring a few light trunks or very light boxes to pack clothes in. No heavy articles except a few cooking vessels, coal shovel, pair of pot hooks, water keg, tin canister to hold milk, a few tin cups, tin plates, tin saucers, butcher knives, and one small grindstone in the company.

CLOTHING & BEDDING

Bring clothes enough to last one year, including several pair of strong heavy shoes to each person. Bring but few bedclothes, for they will wear out by the time you arrive here. Blankets can be purchased here or exchanged for labor or commodities.

GUNS & AMMUNITION

You will need rifles, shotguns, pistols, 6 pounds powder, 12 pounds lead for each man and shot. For killing buffalo the best size bore for a rifle is 40 to the pound, but a smaller caliber will be better suited for game west of the mountains. Large flintlock guns are good to traffic with the Snake Indians.

TRADING GOODS

Bring plenty of cheap cotton shirts to trade with the Indians. Also bring blankets, red and blue cloth, tobacco, butcher knives, fish hooks, flints, lead, powder, beads, bells, rings, mirrors and rice.

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