

“Families are always rising and falling in America” - Nathaniel Hawthorne

History of the Hardin and Burch Families of North Carolina, Tennessee, and Texas

By Dustin Greene

Introduction: I have the privilege of being a direct descendant of two very fascinating, old Washington County families; the Hardin and Burch families of Brenham.

For several years I've been researching the family, from its arrival in America, involvement in the Revolution, and migration through the country as it expanded westward.

This search led me to some fascinating finds that resulted in large part from articles published in the Brenham Banner; in particular a series of articles spanning a 30 year period of time that chronicles the violent gun-related deaths of two generations of Burch men in what can accurately be described as wild west violence typically reserved for movie theaters.

SECTION I

The Beginning of an American Family

In 1678, Madeline Hardin gave birth to a son Benjamin; a name which would be used for generations by the Hardin family. Benjamin, the first Hardin born in America, was born in Staten Island, **Richmond County, of the British colony of New York**. Like his father, little record survives to lend insight into Benjamin's story. What does immerge, however, is the first intercontinental migration of the Hardin family; one which will play a major role in the history of generations to come. At an unknown date, **Benjamin Hardin** immigrated to the southern colony of **Virginia**, where he died in March of 1732, in the county of **Surry**, directly adjacent to oldest British colonial establishment in America; the settlement of Jamestown.

Becoming Southern

The Hardin family resided in the colony of Virginia for two generations. On the 31st of January 1698, another Benjamin was born in the town of [Richmond](#), in the county of [Henrico](#), roughly 60 miles north of Surry County. Like his father, little is known of Ben's life. Research indicates his marriage to Elizabeth Hooper took place in 1732. Benjamin's greatest contribution to the Hardin story may very well have been his son [Joseph Hardin](#), born April 18th, 1734. The birth and life of Joseph Hardin inaugurates a new chapter in the Hardin story coinciding directly with the birth of the American nation.

As is the case throughout the Hardin narrative, one man's decision to move his family further south and west plays a critical role in subsequent events. Sometime between his marriage to Elizabeth in 1732, and his death in 1764, Benjamin Hardin moved his family to [Mecklenburg County](#), in the colony of North Carolina. Little did Benjamin know that this move would christen new era for the Hardin family in which following generations, beginning with his son Joseph, would play an active role in the establishment of an independent American nation, as well as the States of [North Carolina](#), [Tennessee](#), and [Texas](#).

Revolutionaries

At the outset of hostilities between the British Empire and its American colonies in 1776, Joseph Hardin was 34 years of age, already an active participant among the revolutionaries of North Carolina. Joseph served as Congressman of the first Provincial Congress at Newbern in August 1774, a member of the Committee of Safety, [Tryon County](#), from 1773 to 1775, again a congressional representative of the Third Provincial Congress at Hillsborough in August of 1775, and finally a member of the Constitutional Congress of North Carolina in November, 1776. Notably, Joseph played an active role in the formal declaration of hostilities between North Carolina and Great Britain, serving as a signatory of the "Tryon Resolves" on August 14, 1775. It was the Tryon Resolves, produced by North Carolina's constituent assembly of which Hardin was a member, which freed North Carolina's delegate to the Constitutional Congress in Philadelphia to vote for Henry Lee's resolution for American independence.

Throughout the course of the Revolution, Joseph played an active role in the American cause both as a legislature and soldier. Harding served as Tryon County's Assemblyman to the

House of Commons of North Carolina, 1778-79, and [East Tennessee District](#) Assemblyman, House of Commons of North Carolina, 1782.

Joseph distinguished himself militarily in the Battle of Ramsour's Mill and King's Mountain in 1780, as well as during the expeditionary campaign against the Cherokee Nation in 1776. Joseph served as a major of the 2nd North Carolina Minutemen in the [Salisbury District of Tyron County](#). Following the Revolution, Joseph served as Colonel of the North Carolina Militia, overseeing the [Western Counties of North Carolina](#) in what became the State of Tennessee.

A passionate participant of the early governing bodies of the American nation, Colonel Hardin served as the District Assemblyman Washington County, East Tennessee, House of Commons of North Carolina, 1782, Washington County, Court Justice in 178,; and District Assemblyman to Greene County, East Tennessee, House of Commons of North Carolina, 1788.

Westward Expansion: Founding Fathers Once Again

By the late 1780's the North Carolina veterans of the American Revolution began looking towards the western wilderness of the territories with the intent of establishing a new state. Colonel Hardin was an active participant in the failed attempt to establish the [independent State of Franklin](#), where he served as Co-organizer of the State from 1784-1785; First Speaker of the House of Commons, [Franklin](#), 1785. Undeterred by the failure of the Franklin effort, Hardin continued to press for the establishment of a state beyond North Carolina's western borders. The efforts of Hardin and his contemporaries lead to the establishment of the sovereign State of Tennessee. Hardin, in theme with his active interest in public service, served as the First Representative of the Assembly Southwest Territory to [Knoxville, Tennessee](#) in 1794, as well as Justice of the Peace & State Elector of Greene Co., Tennessee.

For his services in the Revolutionary and Indian Wars, Colonel Joseph Hardin was granted 3,000 acres of land in 1775. Colonel Joseph Hardin died 4 July 1801 in Hardin's Valley, Tennessee, and is buried there. This land in the Middle District in the Tennessee River Valley,

now known as [Hardin County](#), was posthumously named after the Colonel at the insistence of his sons and by an act of the Tennessee Legislature on September 13, 1819.

In 1816, James and Joseph Jr., two sons of Col. Hardin, and a party of 25 immigrants from Greene County came to settle the Hardin Valley, subsequently followed by three more of Col. Hardin's sons and one daughter; Benjamin (called Second Ben or Ben II), Gibson, and Robert (Second Bob), and daughter name was Margaret. Hardin County was the first county carved out of the Western District. This was in 1819 and embraced the territory as far as the Mississippi River. It was placed under control of [Stewart](#) and [Wayne Counties](#). Notwithstanding its ample bounds at first, the county has been reduced from time to time, till it now embraces but 610 square miles. Its length from north to south is thirty miles, and its width from east to west is twenty-one miles.

One of the first white men to press the soil of Hardin County was Col. Joseph Hardin's son James and his crew, who came to the county in 1816 from Roane County, Tenn., to locate a land warrant of Col. Hardin amounting to 2,000 acres. This was located a little above Cerro Gordo on the east side of the river. After the survey had been made Col. Hardin cut his name in the bark of a birch tree at the mouth of Swift Creek and returned home.

SECTION II

Origins of the Hardins of Texas

[Benjamin II Hardin](#) was born on 28 February 1780 to [Colonel Joseph Hardin Sr.](#) and [Jane Gibson](#). He was named after an older brother (Benjamin Hardin I) who was killed by Indians in 1778 and was known throughout his life as Ben Two. He moved to Tennessee with his parents. On 7 December 1801, Benjamin II Hardin took out a marriage bond in Knox County, Tennessee to [marry Martha Ann "Patsy" Barnett](#). Benjamin II Hardin and Martha Ann "Patsy" Barnett were married on 10 December 1802 in Knox County, Tennessee.

While living in Tennessee, Benjamin II Hardin was a Justice of the Peace and first Sheriff of [Wayne County, Tennessee](#). In the years of 1825 – 1827, he was a Tennessee General Assemblyman (legislator), representing the counties of Wayne, Fayette, Hardeman, Hardin, McNairy, Shelby and Tipton. In the years of 1831 – 1833, he was a Tennessee General Assemblyman, representing [Wayne, Hardin and Lawrence counties](#).

In May of 1839, Benjamin II Hardin, his wife and most of his family moved to what is now Polk County, in the independent Republic of Texas. He applied for a land grant of 640 acres and received a warrant from the Commissioners of the Land Board for the Liberty Land Survey. He died in on 25 November 18459 in Polk County, Texas and his land warrant and land he inherited when his oldest son, George Washington Hardin died, passed to his wife, Martha Ann 'Patsy' Barnett Hardin. In 1848, she transferred this warrant and land to her surviving children.

Martha Ann 'Patsy' Barnett Hardin died in the year 1863 in the midst of the American Civil War. On 26 December 1861, she made out her will, which was filed on 3 April 1863 at the Polk County Courthouse. In this will she specifically refers to her then living children and specifically names her youngest son, James Gibson Hardin, the father of notorious Texas outlaw John Wesley Hardin. This is in reference to her loaning him \$300 and that his share of her estate will be deducted by that \$300. Children of Benjamin II Hardin and Martha Ann 'Patsy' Barnett also included Robert Echison Hardin, born 11 April 1808 in Roane County, Tennessee, died 06 February 1881 in Brenham, Washington Co, TX. R.E., as records frequently refer to him, married Nancy Brinson Dixon.

Realities of Slavery

The following is a transcribed copy of the last will and testament of Martha Barnett Hardin. The dispositions of slaves are a part of this will and testament. I've included the will as an objective look at the realities of life in the American South prior to the 13th amendment in 1865. Martha died in what was the Confederate States of America in 1863.

30 Apr 1863, Polk County, TX

I, Martha B. Hardin, being of a sound and disposing memory in view of the uncertainty of life do make and publish this, my last Will and Testament.

Item 1st: It is my desire that all my just debts be paid out of the first monies coming to the hands of my executors.

Item 2nd: It is my will that all of the property, real and personal which I may own at the time of my death shall be equally divided between all of my children in the and subject to the provisions and mentioned giving to the children of each of our children as have already died or who may die before I do the share to which the parent of such child or children would have been entitled had parent survived me.

Item 3rd: It is my will that my executors, hereinafter named, immediately after the probate of my will, select three disinterested and competent Commissioners whose duty it shall be, after being sworn to appraise all my estate at its cash value and distribute the same as directed in item 2nd of this will, it being my desire and direction that said commissioners shall in making said divisions give to my daughter Easter Mary Hooker, if she desires it, my Negro woman, Sylvia. The said Easter Mary paying to my other heirs, whatever amount, if any, that the said Negro Sylvia's appraised value may exceed the share to which the said Easter Mary will be entitled in the equal distribution of my estate and receiving the deficiency, if any, and I also desire that my daughter, Martha B. Clemmons shall in said division receive my Negro woman, Clara Ann in the same manner and in subject to the same provisions governing the gift of the woman Sylvia to my daughter, Easter Mary. And my son, James Gibson Hardin being indebted to me in the sum of three hundred dollars money loaned by me to him, it is my will that in said division of my estate, my said son James Gibson account to my other heirs for said sum of money and that the sum be deducted from his share subject to these special provisions. I desire my property divided as recited in Item 2nd of this Will.

Item 4th: I give to my daughter, Martha B. Clemmons, one of my feather beds and suitable bed clothes to furnish it.

Item 5th: My slave, Bet, having been a family servant and desiring that she shall be well provided for during her life, I exempt her from the general division of my estate and desire that the Commissioners dividing my estate shall offer her without placing any value upon her to the one of my children she may elect for her owner at the time of the division.

Item 6th: It is my will that the County Court take no action in relation to my estate further than having my estate inventoried and this will probated and registered.

Item 7th: I appoint my son William B. Hardin and my son-in-law, Robert Hooker, Executors of this Will and having full faith in their integrity, I will that they shall not be required to give any bond.

The testimony of all which I sign at my hand, on this 26th day of December, 1861.

(signed Martha B. Hardin)

Subscribed and sworn to me on the 30th day of April A.D. 1863 in testimony I have hereunto have set my hand and official seal the date above as such.

R. W. Cubby, Clk. C.C.Polk.

The Hardins Arrive in Brenham

From 'The History of Brenham and Washington County' by Mr. R.E. Pennington. 1915

“The municipality of Washington embraced a large territory'. The county of Washington, one of the oldest and most historic in the State, was created March 17, 1836, and organized December 14, 1837. It has been occupied for nearly ninety-four years, the first settlers being Austin's colonists, who arrived in 1821-22. The average body of land on its whole surface is, very likely, better than any other county in the State. The men who owned its soil originally were among the first Texans to do valiant work for the cause of civilization. In the early history of Texas, the town of Washington stood as one of the leading centers of business, politics, education and social culture.

After the Republic of Texas was established, and a constitution had been adopted, the Mexican plan of government was discarded, and counties were organized. The municipality of Washington was organized in July of 1835; and of this territory the counties of Washington, Montgomery, Brazos, Burleson, Lee, Grimes, Madison, Walker and San Jacinto were created.

Washington County was created March 17, 1836, and according to records in the capitol at Austin was organized December 14, 1837. The first county seat was Washington on the Brazos. In September, 1841, the county seat was removed to Mount Vernon.

The plan of incorporation became very popular in 1858, and on May 29th of that year an election was held to determine the question of incorporating the town of Brenham, the same being one square mile, the lines running due north and south, east and west, with the court house for center. Fifty one votes were cast for the incorporation and fifteen against. Claudius Buster, Chief Justice of Washington County, opened the returns, and ordered an election Saturday, June 19th, 1858, for a mayor, constable and five aldermen. A count of the votes disclosed the fact that W. H. Cammack and H. C. McIntyre had tied for the office of mayor, with 15 votes each. Adrian Testard was elected constable, and the successful aldermen were William Davis, A. H. Rippetoe, J. P. Pressley, Jeff Bassett and Hugh McPhail. The next city officials were elected August 2nd, 1858, and were W. H. Cammack mayor, James F. Estes constable, and William F. Jarrell, John P. Key, G. M. Buckhanan, James L. Dallas and Sam Lusk aldermen.

On the 21st day of August, 1859, Sam Lusk received 80 votes and was elected mayor, **R. E. Hardin constable**, A. G. Gilder, H. Levinson, J. A. Wilkins, O. P. Carrington and E. F. Ewing constituted the board of aldermen. E. D. Tarver, chief justice, approved this election.”

John Wesley Hardin

Infamous Nephew and Cousin; Notorious Texas Gunfighter

John Wesley Hardin (1853-1895) was a notorious and deadly Wild West gunslinger. He died as he had lived, in a gunfight, and letters written in his hand are extremely rare. Presented is a twice-signed letter written by Hardin from his jail cell in Austin, Texas, to **his uncle R.E. Hardin** (with a postscript to his cousin Mat) dated February 21, 1878. The four-page letter has been penned on two sheets of 5" x 8" paper and is signed "J.W. Hardin" and again, at the postscript, "John W. Hardin" (both grading "9"). With spelling left uncorrected, the text of Hardin's letter reads, in full:

"As I have not heard from you in some time, I now seat myself to write you a few lines to let you know that I am enjoying good health, though the Blessing of all ruleing power above. I am doing as well as could be expected. Am still treated well by my keepers. They are very kind and attentive to me allthough there has been many (lies) told by my friends, some of whom would like to lay their crimes on me. but My Dear Uncle, my load is heavy enough without being made a scapegoat for others to ride on. It is true that I am convicted for 25 years, but nevertheless I have never took that which I could not give, without first being in imminent danger. But you bet I have always tried to protect my life and person when imposed on, alltho the chances have often times been against me, which I hope you are well aware. But uncle its every___ on its own to me but Dear uncle I have wrote you 2 or three Letter and sent you 4 or 5 Scots as S.H.R. letters. I have never heard whether you got them or not but Scot says that he has wrote to my uncle Thomas Hardin at Brenham inquire for that name Scot and Rennick thinks that they will reverse my case as for Hil C the diff Sha has been to see me. he says the evidence is good that there is no evidence there but John Colins who is James Poses Son in Law and as for my Southwest Troubles (the) I have plenty of assistance there do not dread them the Least. But if posible deliver me from commanchee if my case is sumonded I Believe That I Will Yet Be Free. Dear Uncle the time is coming on and I do hope that you wil see that my case is properly attended to in the apelit court if posible. Joe C says he will be here and will asist in any legal way. Joe wil do all because M. Clements tries for bond to day in Gonzales I think he wil be allowed bond he wil be able to give bond he staid here with me 6 wk waiting to go to Gonzales on charge of murder in 72. Just to come to the long and short of it they have Got no case against him in the end. I have received thre letters from him Since the 4th of this month. Says he has yet got some friends there besides Jim & Gip are there. He says that if he is allowed bond that he wil be by to see me as he goes up to Sansabee if he gets out all right he wil allso be here and help me in the Appelit Court they wil assist me in council.

I think but uncle you know that al depends on the Appelit Court now. Remember me to all of the Family. Give my love to all. Jane has left Florida for Texas left on the 13th cant tell where she is at this time. Maybey you know, ma said that she would be to see me on the next month if she comes by your house tell her to come and form the acquaintance of Mrs. Corwin the Shariffs wife and then make known her busines. You had better write to ma (I mean you wil write) Please

uncle I would like to here from you once a week if possible. I hop this wil reach you in due time and find you all well. I remain your Nephew."

Hardin adds the following, in full, "*Please forward Dear cousin Mat. I have not heard from you in some time would be glad to here from you any time and read with pleasure cousin. I got the Bass letter the other day it was from Bil Langley of Gb he says it is true he never formed my acquaintance but that he sympathizes with me besides he says there is hope for me but for himself that he is gone up but wil die game it is well composed cousin write me at once let me know the news love to all good by. I remain you cousin."*

The people mentioned by Hardin in this letter were very significant in his life and travels. Hardin came from a well-respected Texas family and he had close relationships with his relatives. His father was a Methodist circuit preacher, and his grandfather was a state representative and a judge.

When "Wes" was two, his family moved to southeastern Texas. There, he learned to handle guns as a hunter. At the age of 11, he stabbed a boy in a knife fight - the boy lived. At 15, he shot a former slave to death and soon after he ambushed and killed three soldiers. His father moved him to Navarro County under the wing of his relatives, and young Wes taught school for a season. The following year as a cowhand, he befriended another fugitive, Bill Longley. (Longley, mentioned by Hardin in this letter, was in prison in Giddings awaiting his death sentence for murders. Longley complained to the governor that his punishment was unjust, because killer John Wesley Hardin had merely received a long prison sentence. Longley was hung in October, 1878, just eight months after this letter.) After meeting Longley, Hardin killed another man and fled to **his uncle's farm [R.E. Hardin] near Brenham**, also mentioned in this letter. After farming at his uncle's, he was arrested, then escaped to safety at the ranch of other relatives, including Mannen Clements and his brothers, near Smiley, Texas. Hardin was a gambler, cowhand, and drifter who continued to kill. He eventually married Jane Bowen from Smiley.

Killing some more and placed in jail, Hardin was rescued by Clements. In 1874, he killed Deputy Sheriff Charles Webb, and Texas placed a \$4,000 dead-or-alive reward on Hardin's head. The Texas Rangers were assigned to find him. In 1875, Hardin fled with his wife and daughter to Florida. They became parents to a son and another daughter. For three years, Hardin remained anonymous until he was captured in a bloody battle and was arrested by the Rangers, near

Pensacola, for the murder of Deputy Webb. Hardin stood trial before a jury of people who he recognized as his enemies. Although evidence of self-defense was admitted, Hardin was sentenced to twenty-five years in jail. In this letter, Hardin tells his uncle about his forthcoming case in the Appellate Court. He lost his appeal in 1878 and was sentenced to the penitentiary in Huntsville, Texas.

Hardin also mentions Samuel Bass in this letter. Bass pursued many occupations, including those of bank and train robbery. At the time of this letter, Bass was forming a new band of robbers. Bass was shot and killed in Round Rock, Texas, just five months after this letter. While at the penitentiary in Huntsville, Hardin studied law and wrote his autobiography. (Entitled *The Life of John Wesley Hardin as Written by Himself*, the book was published posthumously, by his son, in 1896.) In 1894, Hardin was pardoned. He first opened a law office in Gonzales, Texas, and then opened another in El Paso. The following year, Hardin was killed by a not-too-upstanding lawman named John Selman, Jr., who had argued with Hardin and shot him in the back of the head. It was alleged at the time that Hardin had originally hired Selman to kill the husband of a woman with whom Hardin was having an affair. John Wesley Hardin finished his life as a boastful, hard-drinking ex-gunfighter with little to do but drink, play poker, and, once in a while, show off his speed with a gun. He once said that he "never killed a man wantonly or in cold blood," but that credo was doubtless of small consolation to the families of the estimated 44 men who were exterminated by Hardin in gun fights or ambushes between 1868 and 1877.

James Hugh "J.H" Burch of North Carolina

I've yet to find anything on [J.H. Burch](#) prior to his Civil War service, to include parents. Burch first began to appear in records upon immigrating the Brenham in 1869. Following the death of her first husband, [Mr. Newton Edney](#), Elizabeth Jane Hardin, daughter of R.E. Hardin and great-granddaughter of Colonel Joseph Hardin, married J. H. Burch. Born in [Rocksboro, North Carolina](#), Burch, a Civil War veteran and non-commissioned officer of the 24th North Carolina Infantry Regiment, Confederate States of America, immigrated to [Brenham, Texas](#) shortly after the conclusion of the War in 1869.

Among their children were **James T Burch**, deputy superintendent of the **Washington County Prison Farm**, **Robert Hardin Burch**, long-time constable of Brenham Texas, and **Willie Newton Burch**, graduate of Brenham College and eventual wife of **Charles Henry Jaynes** of Waco, Texas.

SECTION III

Tragedies

NOTE: The following stories are a compilation of 3 independent and equally tragic murders that took place over the course of 30 years, leaving an entire male line of the Burch family wiped out. It was this series of stories that initially drew my attention to the Hardin-Burch story. Tragic though they are, the stories are taken straight from the pages of Wild West history. The fact that all three stories involve the same family is even more amazing. The following is the first in what would become a series of articles ranging from 1879 to 1914 involving Burch, his in-laws, his sons, and gun violence.

Serious Shooting Scrape (Hardin-Burch shooting)

Brenham Weekly Banner Newspaper, July 25, 1879

Saturday morning about ten and a half o'clock the whole business part of town was thrown into a feverish state of excitement by the rapid discharge of a pistol on the public square. The cause of all the commotion was the shooting of Mr. **J. H. Burch**, a farmer living **about 6 miles east of town in the Morgan settlement**, by Mr. **Jos [Joseph] Hardin**, his brother-in-law, who lives with his father, **R.E. [Robert Echison] Hardin**, two miles southeast of the city.

It appears that Jos Hardin was standing in front of the **Graber Building**, on the west side of the square talking to some friends, when Burch passed by scrutinizing him very closely, but saying nothing. (*NOTE: A tear in the paper produced a gap in the reporting roughly three sentences long*).

Within a few minutes Burch approached from the north with his eyes intently fixed in Jos Hardin, and his hand in the vicinity of his trousers pocket, whether the hip or front pocket

eyewitnesses differ. When Burch was within a few feet of him, Hardin drew his pistol and opened fire, shooting four times in rapid succession. Two of the balls took effect, the first entering the neck just to the left of the windpipe and immediately above the chest, the other took effect in the arm near the wrist breaking the bone. The first intimation of any difficulty was the report of the pistol, several parties rushed up and discovered Mr. Hardin's father trying to prevent him from shooting anymore. The wounded man was taken to [Pennington house](#) where he was attended by Dr. J.T. Norris. The ball entered the chest; the doctor regards the wound as very serious, but not necessarily fatal. By the time the shooting was over a large crowd had gathered, Hardin made his way through it and ran around the square pursued by Doran, of the police force, whose statement is appended. Arriving at the south side of the square and a short distance east of the gate someone had unhitched a horse and had it ready. Hardin mounted and pistol in hand galloped out [Sandy Street](#) east going through [Camptown](#) and making good his escape.

As Hardin rode off people stood amazed and wondering why somebody didn't stop him. Ineffectual pursuit was made. The cause of the difficulty grew out of family troubles. Mr. R.E. Hardin says that Burch mistreated his daughter [[Elizabeth Jane Hardin](#)], who is Burch's wife, and sister to Joseph Hardin. That he had been remonstrated on several occasions, and that one or more times his wife had left him and he had made derogatory remarks concerning her in the neighborhood. That he had said he didn't care for the whole Hardin family. He had sent word to Joseph Harding that he wasn't afraid of him, as he, Burch, was "heeled." [carrying a pistol]

Mr. Hardin says his son will come back and surrender when the excitement cools down a little. The determined look of Burch and the threatening messages communicated to Hardin lead him to believe that Burch was bent on mischief. Such occurrences are much to be regretted as they are calculated to give our town and county a very bad name abroad. The Banner simply gives the particulars of the affair as near as they can be learned with no disposition to influence the case one way or the other.

Doran's Statement [*witness to the shooting*]

[I] was standing in vicinity of Wood's drug store about 10:30 o'clock and heard two pistol shots in quick succession; looked east towards Abbott's building and saw a man with

*silver mounted pistol in hand making from sidewalk to middle of street; did not know who the man was; I took my pistol from my pocket holding it in my hand and gave chase for the man who ran at a rapid rate around the corner to Main street, thence west on Main street and when about opposite Healy's store he stumbled and fell. I then made a rush forward when someone caught me by the arm and said "hold on, I'll catch him, let me have your pistol." I looked around and saw it was **John Hardin, formerly deputy sheriff**, and gave him the pistol; I was really out of breath and told John to catch him. He then rushed forward and I did not know the fugitive was [his] brother until after they had left town. My pistol, a valuable one, is gone, but will probably be returned to me.*

Burch's Statement

The following is Mr. J.H. Burch's statement in regard to the shooting of himself on Saturday last. The language is his own:

"I came to town about 9 to 10 o'clock on Saturday morning the 19th instant; was doing some trading; starting from Luhn's drug store to McFarland's bookstore, when arriving in front of Couch's store Mr. R.E. Hardin, Joe Hardin, John Hardin, and William Morgan were there. Joe Hardin and William Morgan were squatting down on the walkway and R.E. and John Hardin were standing up. I hadn't met John in eighteen months before, he looked up and I said good morning John. He said "You damned son of a bitch I don't speak to such men." I said "John whats the matter?" Old man Bob Hardin drew his stick and said "don't you put your hand in your pocket." I said, "Mr. Hardin I have got nothing in my pocket but a barlow knife"; At that time John and Joe both drew pistols. Joe presented his pistol to my face, I warded it off with my left arm, he firing and wounding my wrist; my foot slipped and I fell to the sidewalk, John firing as soon as I was down the ball taking effect in my neck. Joe fired again, then stepped off and putting the pistol right over my head and firing, but never touched me. I had no hard feeling toward either of the boys or the old man. I had a family difficulty but thought it was satisfied and settled. When I came to town I had no idea in the world that I was going to have any difficulty with any one and was getting ready to leave town. I have been in the county for 10 years and have in all that time never had a pistol in the corporation of Brenham.

The Shooting of J Hugh Burch by his Brother-in-law Joe Hardin

Brenham Weekly Banner Newspaper, March 26, 1880

Friday – The case of the State vs. Joe Hardin, charged with assault with intent to murder, occupied the court all day and into the night. It will be remembered that last summer, Joe Hardin shot his brother-in-law J.H. Burch, on the public square of this city. Much interest was manifested in the trial and the court room was crowded all day. Messers Breedlove and Ewing appear for the defendant. Hon. J.D. McAdoo and county attorney Shutze appear for the State. *Saturday*- The argument in the case of the State vs. Joe Hardin was concluded this morning and the case submitted to the jury, who after a brief absence returned with a verdict of not guilty.

A Burch Marries into the Jaynes Family of Waco: Leaves Brenham

Waco News, 26 May 1892

A posting in the Waco News on Friday, 26 May 1892, notes that “**Miss Willie Burch**, of Brenham and Mr. **C.H. [Charles Henry] Jaynes** of this city [Waco] were married at Brenham Wednesday night [24 May 1902]. The bride and groom came to Waco yesterday and are living at 51s South Fifth Street.

Bloody Sunday Night: Bob Carter Murders James Burch and Is Shot to Death by A Mob - Had Surrendered and Was on the Way to Jail When Overtaken by Retributive Justice

Brenham Weekly Banner Newspaper, October 14, 1897

There were two funerals in Brenham Monday afternoon, at least there were two burials. At the [City \[Prairie Lea\] cemetery](#) a large concourse of sorrowing friends assembled to pay a last tribute of respect to the memory of [Mr. Jas. \[James T.\] Burch](#) who met a tragic and untimely death at the hands of an assassin Sunday night.

The other burial was that of [Bob Carter](#), colored, whose murderous aim sent Jas. Burch into eternity and who in turn met swift and terrible retribution by being riddled with bullets, while being carried to jail. The story is a long and tragic recital, hard to relate in detail. The motive that prompted Bob Carter to assassinate Jas. Burch, whether revenge or malice, died with the two principals, and can be guessed as easily by the reader as by the reporter.

The tragedy occurred on [Quitman Street](#) on the north side of [Sutor Brothers](#) establishment at a few minutes past seven o'clock Sunday evening. Jas. Burch came to town in the afternoon from the county farm [[Washington County Convict Farm](#)] where he has been assistant superintendent for some time. Probably half an hour before the tragedy he dropped in at [Harrison's corner](#) and borrowed a sheet of writing paper on which he wrote a note in pencil. From this place he went to [Sutor Bros.](#) and the next time his friends saw him he was weltering in a pool of his own life blood with the drizzling rain bathing his death set features. A ghastly wound in the temple told the story of violence his mute lips were powerless to utter. A match was stuck and the features of the dead man examined. His face was blackened and discolored by the charge of the powder and disfigured by the frightful wound in the side of the head, and it was only after looking closely that the friends of the dead man recognized Jas. Burch. Clenched in the stiffening fingers of the dead man was a Colt's pistol of 45-calibre with one chamber freshly discharged. No other weapon was near and the theory of suicide was indulged until an examination of the wound at the hands of physicians revealed the fact that it had been made with a shot gun.

Then followed the search for the murderer. Different parties both white and colored had seen Bob Carter with a gun and in company with Ed Brown in the vicinity of where the shooting occurred. Others had seen him running away with the murderous weapon in his hands. Jim Mile Watkins and Policeman Burkhead saw him pass the Union depot gun in hand. When accosted by the former he confessed he had killed Jim Burch, and continued in the direction of Watrousville, going at a rapid pace.

When these facts were related Bob Carter at once became a much wanted man. Sheriff Teague secured the permission of the Santa Fe [railroad] management to use the switch engine in going to the county farm after the blood hounds with which to track the murderer.

Superintendent Robertson, a brother-in-law of the dead man, accompanied the party on the return trip.

In the meantime the town was being searched high and low for the murderer. Searching parties went to the residences of his father and brother and to his usual haunts, but failed to find him. The city was very much excited and more than a hundred men joined the search actively and incidentally. Shot guns, six-shooters and Winchesters were considerably in evidence and it was apparent that Judge Lynch would hold court as soon as the prisoner could be arraigned for trial.

At about ten o'clock one branch of the searching party got a message from the fugitive. How and by whom the message was delivered is not known, but the purport of it was that the murderer was willing to surrender to Mr. R. S. Farmer, provided the other officers and citizens would return to town. This armistice was agreed to. Taking the negro up behind him Mr. Farmer approached the jail by a circuitous route, his idea being to approach the jail from the rear entrance and avoid probable trouble. He reached the intersection of **Clinton and Compress Streets** and traversed the last named thoroughfare a distance of half a block with his prisoner in safety. The lights of the jail streamed out across the moonlit street. Everything was quiet and apparently peaceful, and the officer doubtless congratulated himself on getting rid of a disagreeable responsibility. But Brenham was to see another and a bloodier sight before the drop curtain went down on the final act in a bloody drama. In sight of security and safety swift and terrible retribution overtook the slayer of Jas. Burch. The moon that shimmered through silvery bars of clouds glinted on the gleaming barrels of bristling guns in the hand of determined men who were watching the rear approach to the jail. Terrified by the sudden appearance of the avengers the negro rolled from the horse and started running south across the street toward a small brick warehouse. The report of a heavily charged shot gun shook the air and Bob Carter bit the dust shot through and through just beneath the arms. Those near enough heard him groan in dying agony as a second charge tore its way through his prostrate form. A fusillade of bullets from Winchesters, shot guns and pistols riddled the body. Some twenty-five or thirty shots were

fired and the mutilated body of the victim bore evidence to the deadly accuracy of the marksmen.

Mr. Farmer made a gallant effort to protect his prisoner, but was speedily overpowered and disarmed. A short time the street was filled with people attracted by the terrible shooting. Under circumstances of this kind the crowd seems to be endowed with intuitive knowledge which is said to teach newspaper men instinctively where hell will break out next. Representatives of the Galveston, Houston and St. Louis papers as well as the local papers were on the scene before the echoes of the death dealing shot had died away. The negro was lying face downward in the street bleeding from a dozen wounds, any one of which was sufficient to cause death, and a stream of brains from a great hole in the side of his head showed where a Winchester ball had plowed its way. Someone in the crowd proposed to hang the corpse to a telephone pole, and a rope was procured for this purpose, but the officers refused to allow the hanging to proceed.

The corpse lay in the street until taken charge by relatives about midnight. The dead negro was about twenty-five years old, and was regarded as a bad man by his own people, as well as the white population. The weapon with which he killed Jas. Burch was an old cap and ball musket which had been converted into a shot gun. After the shooting the murderer carried the gun to the residence of Harry Key, and told Kay of the killing. Carter had served several sentences on the county farm for misdemeanors while Burch was a guard in the institution, and it was doubtless to avenge a fancied wrong that he committed the murder. While the citizens of Brenham deprecate the necessity that prompted the action of the mob, they are prone to admit that the negro's death was retributive justice.

The Inquest

Justice W. R. Ewing held an inquest Monday morning to enquire into the killing of Jas. T. Burch and rendered a verdict in accordance with the facts below stated.

William Price, colored, testified: I saw Bob Carter pass my door on the west side of St. Charles street about seven o'clock last night; he carried a gun under his arm; Ed. Brown was walking about six steps behind him; I spoke to Bob but he made no answer; I then walked behind them to Sutor Bros. saloon; when I reached the billiard hall door which is next door to the saloon

I heard two shots fired in quick succession. Bob Brandtly, who was standing in the saloon door, said "He is dead, whoever he is."

Otto Gurdeman testified: I was at Felscher's last night about 8 o'clock; saw two negroes pass going down the Central railroad; they turned into St. Charles street; the negro in his shirt sleeves had a gun; the other was a short stumpy negro who wore a light colored coat; the negro with the gun said, "G—d—n him I kill him;" they turned the corner at Meyer's beer saloon; the stumpy negro wanted to go up Ant street, but the other objected; in about four or five minutes I heard two shots fired; in a few minutes after the shots I saw the negro with the gun go back up the track; he was running and the stumpy negro was not with him; I saw the dead man, but didn't know him; one side of his face was blown off and the other black with powder burn; I did not know him.

Fritz Meyer testified: I was standing in the southeast corner of my saloon last night about 7 or 8 o'clock; I saw two negroes, one carrying a gun, pass going down on the sidewalk parallel with the Central railroad; they turned the corner and went up toward Sutor Bros. on St. Charles street; I locked the door and followed them; the man with the shot gun said to the other, make haste, hurry up; before I reached Sutor Bros. I heard the shots around the corner on Quitman street; I hurried on and found James Burch on the sidewalk with one side of his face shot off; the other side was badly powder burned; he died in a few moments from the effect of the wounds in his face; I saw no pistol there.

Robert Brandtley testified: I was standing at the north front door of Sutor Bros. last night about 7:30 o'clock and saw the shooting on Quitman street; Bob Carter came into the front of the saloon and drank a glass of beer; James Burch was sitting in the back of the saloon; he went out of the side door opening on Quitman street; just then Bob Carter whirled and went out the front; as Carter passed the side front door I stepped to the door and saw him meet Mr. Burch about half way between the two side doors; as they passed each other they whirled and went to shooting; Carter fired first, and by the light of the gun I saw Mr. Burch fall, and discharge his pistol as he was falling; the two shots were close together; Carter stopped a few moments after the shooting, and then walked down the sidewalk toward Ant street; as he passed the side door I saw the gun he was carrying; there was no one with him. An inquest to enquire into the killing of Carter at the hands of the mob will be held today.

**Charged with Murder: Constable R.H. [Robert Hardin] Burch Placed Under \$1000 Bond
As Result of the Bob carter Inquest**

Brenham Weekly Banner Newspaper, October 14, 1897

The inquest on the death of Bob Carter, who was shot to death in the rear of the county jail Sunday night, was held behind closed doors in Justice W. R. Ewing's office Tuesday. As a result of the enquiry Justice Ewing rendered a verdict that the deceased came to his death from gunshot wounds received at the hands of R. H. Burch. Sheriff Teague filed an affidavit against Constable Burch, charging him with murder. The defendant waived an examining trial and gave bond in the sun of \$1,000 for his appearance before the grand jury with the following securities: F. Haubelt, W.E. Dwyer, W.A. Wood, D. C. Giddings, Jr, Ed. Amsler, Joe Geick.

The following lawyers have volunteered to conduct the defence: Searcy & Garrett, Rogers & Herbst, Campbell & Pennington, W.C. Henderson and J. M. Mathis. Only two witnesses were examined at the inquest with the following testimony:

R.S. Farmer being sworn testified as follows: "My name is R.S. Farmer; I live in Brenham, Texas. Jim Rankin telephoned to me at my home Sunday night, and told me that Jim Burch had been killed. I came up town and was told who did the killing. They said Bob Carter was the man who did the killing. I went on up to his house and found that he had been there. His brother, Simon Carter, told me that he was going to make him [Bob Carter] surrender to me. Simon Carter started off to look for him and told me if he found him he would let me know. He sent word that he had found him, and I went and got him. I took him [Bob Carter] up behind me on my horse and started to take him to the back door of the jail. My intention was to avoid being seen as I was afraid some person would try to do the prisoner harm.

I rode up about 20 steps of the gate back of the jail, and saw a man sitting there on his horse and started towards me. I pulled my pistol and told him to halt. I asked who it was and he replied Dick Robertson. He said, "Have you got him?" I said, "Got who?" and he said Bob Carter, and I said yes. As soon as I saw who it was I lowered my gun. Mr. Robertson had his gun in his hands and he also lowered his. Mr. Robertson said "Get down." By that time Mr. Robertson was close enough to touch me. Bob Carter up to this time was holding on to me with both hands, and while Mr. Robertson and I were talking I felt him turn me loose. I looked

around and he had slipped off and ran about 15 or 20 feet and Bob Burch shot him. I saw no one there when the gun fired but Bob Burch and Dick Robertson. I saw no one else shoot but Burch. I guess there were 15 or 20 shots fired at least. I am not a deputy sheriff. I was only one of a number of citizens trying to catch Bob Carter. I understand that Bob Carter was the party who killed Bob Burch's brother, Jim Burch. I think Alex Simons and W.H. Lockhart were the first persons I met after the shooting, and were the first persons I saw after the persons I have already named. I have stated all I know about the killing of Bob Carter. Bob Burch is a brother to Jim Burch, and Dick Robertson is a brother-in-law to Jim Burch."

Abe Guyston being sworn, testified as follows: "My name is Abe Guyston. I live in Brenham, Texas. I know Bob Carter. He is dead. I saw his dead body yesterday (Monday) morning. I saw where one ball had entered his head near the left ear, one in the back of his head, and one wound under his right arm, and looked like it had been made with buckshot. This is all I know about it."

The Death of Elizabeth Jane Hardin Burch

Frontier Woman of Texas

NOTE: *The following was taken from two obituaries published in the Brenham Banner following the death of Elizabeth Jane Hardin Burch on 29 July 1911.*

Died at the family residence in this city [Brenham] at 7:50 o'clock last Saturday afternoon, after an extended illness, Mrs. Elizabeth Hardin Burch, aged 75 years, 1 month and 2 days. Deceased was born in Wayne County, Tennessee, June 27th, 1836; came to Texas with her parents in 1841, stopping in Polk County; in 1848 the family removed to Washington County, locating in Brenham, Where she has since resided.

In 1856 she was joined in marriage to Mr. Newton Edney, a farmer residing 6 miles East of Brenham. In 1868, her husband died leaving her four children, to wit: Mrs. Lara Riggs, Mr.

Sam Edney, Mrs. JW Brown, and Lizzie Robertson, all of whom are dead, save one, Mrs. M.L. Davis of Waco.

On the 9th day of August, 1870, she was married to Mr. J.H. Burch and into this union were born five children; Mr. Robert H Burch of Brenham, **Mrs. C.H. [Willie Newton Burch] Jaynes of Waco**, J.T. [James] Burch; Mrs. J.R. Robertson of Coleman, and Mrs. Daisy Boynton of Brenham, of while are living except one, Mr. J.T. Burch.

She was a consistent member of the Baptist church. Thus another of the old landmarks of the early settlement of this county has passed from among us, seriously regretted by everyone on the older citizens of this city and county who had known her from early childhood, and held her in high esteem. She and the writer were schoolmates in Brenham in 1853 and can testify to the fact that no young lady in the school at that time was more popular or held in higher esteem by both teachers and students than was Miss Lizzie Hardin, hence it is with poignant regret that we chronicle her untimely demise.

To the surviving husband and children we tender our sincere sympathy in this sad hour of their inconsolable bereavement. The funeral took place from the family residence at 3:30 o'clock Monday afternoon and her remains were laid tenderly to rest in [Prairie Lea Cemetery](#), Rev J.H. Meyers officiating.

The honorary pallbearers were Messers John Ralston, B Eldridge, Oscar Seward, HK Harrison and John Dunlap. The active pall bearers were: Messers NE Deber, John Rankin, Jesse Wallace, RS Brooks, James Wilkins, and C Wiebusch.

NOTE: A second obituary described her as "*one of the oldest residents of Washington County. She belonged to the old school of women who toiled and labored in Texas while it was yet a wilderness and when all modern comforts and facilities were still unknown.*"

**Facing Murder Charge R.S. Schmitt Awaits Examination Next Tuesday into Shooting of
James H. Burch**
***Self Defense Probably will be Plea of Defendant Who Claims That Burch Tried to Pull a Gun
on Him - Homicide Makes Third Tragedy in Home of Dead Man***
Brenham Weekly Banner

Charged with the murder of James H. Burch, 75 years old, local pound keeper, as a result of a quarrel arising over a demented negro R S Schmitt, 45 years old, formerly in the bakery business here, was locked up today in the county jail to await a preliminary examination before Judge John M Chapell, probably next Tuesday. Self-defense probably will be the plea of Schmitt, who claims that Burch attempted to draw a pistol on him as he stood in front of his house on Washington Street yesterday afternoon about 5:30 o'clock when the shooting occurred. Schmitt fired five shots from a pistol at Burch as the aged man rode on horseback, on his way home, a few doors away. Two of the shots took effect. One shot, which caused the death wound, lodged in the abdomen, severing two internal arteries. Another shot passed through the fleshy part of the right arm, lodging in the left side, just above the hip. Burch's horse carried him 50 yards from the scene before the wounded man dropped insensible to the ground. He was taken to the Brenham hospital where he died from an internal hemorrhage, at 8:50 o'clock last night.

Made Dying Statement

In a dying statement to LE Raseberry, county attorney, Burch stated that he had heard that Schmitt had threatened to kill him, as a result of a quarrel the two men had had over Will Preseley, an aged, demented negro. About 3 o'clock yesterday afternoon, Burch said he encountered Schmitt in front of the [Buckhorn saloon](#) and told him that he had heard of his threats. Schmitt, he said, made no reply and went into the saloon. Leaving the scene, Burch said he went about his business in town, bought some loaves of bread and road home. As he neared the Schmitt house, he said he saw Schmitt standing in front of the house near the street. He declared that Schmitt fired at him without warning He was holding the reins in one hand and the bread in the other, Burch said, and could not draw his revolver.

Sheriff Burney Parker arrested Schmitt yesterday afternoon on a charge of assault with intent to kill. He was released shortly after on a \$590 bond. Later, when Burch died from the effects of the bullet wounds, Schmitt was re-arrested and a complaint of murder was made against him today by Sheriff Parker.

He was permitted to go to his home today to see his family after holding consultation with Mathis, Teague and Embry, attorneys. Judge Mathis warned him not to talk about the shooting. Up to a late hour this afternoon, Judge Mathis and his associates had not decided to defense Schmitt.

Judge Mathis said today that he had been called to try a case in Austin Monday and probably could not arrange to attend the examination of Schmitt that day provided he took over the case. Examination probably will be made next Tuesday. In the meantime, Schmitt will remain in jail.

Marks Third Tragedy

The killing of Burch marks the third tragedy in the Burch home within the last ten years. The aged man's son, James Burch, was shot about ten years ago by a negro, who was lynched later. Another son, RH Burch, constable, was shot to death January 2, 1914, by Policeman Lockett.

When Mr. Burch was taken to the Brenham Hospital yesterday afternoon, Dr. TJ Pier, Dr. JW Tottenham, and Dr. JR Williamson attended him. At first it was thought that the wounded man would recover but his wounds were bleeding profusely. Early in the night he began sinking rapidly and later he suffered a severe internal hemorrhage. He died shortly before 9 o'clock. Crowded around the bedside of the dying man were two of his daughters, Mrs. Daisy Boynton and a step-daughter, Mrs. ML Davis, of Waco, who was visiting in Brenham and a number of the wounded man's small grandchildren and great-grandchildren. County Attorney Raspberry and Judge Chappell took down the dying man's statement and the testimony of the physicians. At the post mortem that followed, will be used at the examination

Quarrel over Negro

Conflicting stories circulated around yesterday as to the cause of the shooting. Judge Chappell and County Attorney raspberry assert that the shooting grew out of a quarrel the two men engaged in over the negro, Presley, several days ago. It is claimed that Mrs. Boynton had had a dispute with the negro over a trifling affair and that the negro had been impertinent to her. She told her father, who, it is said, threatened to punish the negro. This resulted in a quarrel between the two men and Schmitt is said later to have threatened to kill Burch.

Schmitt came to Brenham, from Austin about twelve years ago and started a bakery which he sold eight months ago to Franklin Ruetz. Since then he has been organizer of the Woodmen of the World. He is well known in Brenham.

Burch was born seventy five years ago in Rocksboro, North Carolina and had been a resident of Washington county for 46 years. Forty five years ago he married Mrs. Edney [Elizabeth Hardin], a widow. He is survived by three daughters, Mrs. CH Jaynes, of Waco, Mrs. JR Robertson of Hearne, and Mrs. ML Davis of Waco is a step-daughter. He is also survived by numerous grandchildren. His wife died about 4 years ago.

Arrangements are being made for the funeral which will take place Sunday afternoon at the house at 5 o'clock. Rev WR Brown of the First Baptist church, officiating. The body has been embalmed and is at the family residence.

R.S. Schmitt to Have Preliminary Trial on Tuesday – Verdict as result of Inquest over Burch's Body will also be Rendered Tuesday

Brenham Weekly Banner Newspaper

R.S. Schmitt, who shot and killed J.H. Burch, local pound keeper late Friday afternoon as a result of a quarrel over a negro, will be given a preliminary examination Tuesday morning at 10 o'clock before Judge John M. Chappell. R.E. Pennington, who has been retained as counsel for Schmitt, will endeavor to arrange bond for the defendant tomorrow. Until bond is arranged, Schmitt will remain in the county jail where he has been since the shooting.

As the grand jury does not meet until the first Monday in next September, Mr. Pennington does not believe he will encounter any trouble in securing bond.

Assisting County Attorney Rasberry in the prosecution will be Mathis, Teague, and Embry, who announced they are ready to go ahead with the case.

At Tuesday's examination the verdict as a result of the inquest held over Burch's body will be announced. Dr. T.J. Pier, Dr. J.W. Totenbam and Dr. J.R. Williamson, who attended the dying man, are expected also to testify at the examination. Roy Schmitt, son of the defendant, who is said to have been seen the shooting, also may testify.

Will Preseley, the Negro over whom the man quarreled, was convicted of lunacy years ago, and will be sentenced to the county asylum as soon as there is room for him at the institution.

Schmitt will plead self-defense; Mr. Pennington says he will produce evidence to show that Burch threatened Schmitt's life with a gun at the time of the difficulty over Will Preseley, the demented Negro.

NOTE: Over the course of a multi-decade career in law enforcement Constable Robert Hardin Burch appeared throughout multiple Texas newspapers, from Galveston to El Paso, as a participant in some gun-related law enforcement-styled event or altercation. Ironically, little can be found regarding the last chapter in Robert's storied career as a peace officer in the Wild West; his untimely death. The events surrounding his murder are bizarre in the extreme. Below is a small article from the Brenham Banner regarding the murder of what appears to be Washington county's most storied peace officer of the Frontier West.

Brenham Constable Killed
Brenham Weekly Banner

Brenham, Texas, Jan 22-Constable R. H. Burch was shot and killed here tonight. John M. Lockett surrendered to the Sheriff shortly after the shooting. Mr. Burch, who was about 43 years of age, was shot in the back of the head. Just below the left ear. The bullet made its exit through the right jaw. The man was almost instantly killed. A widow and three children survive. Mr. Lockett is a city policeman and a man about 60 years of age.
