

### Lesson 5.3

#### ROBINSON VS. BARLOW AND THE WHITE INDIANS: A TRIAL

**Objective:** Students will judge the actions of Nathan Barlow and the White Indians by putting them on trial in the classroom.

**Materials:**

- **Sheet 5.3A:** Robinson Vs. Barlow and the White Indians: Preparation Sheet
- **Sheet 5.3B:** Robinson Vs. Barlow and the White Indians: Facts of the Case

**Timing:** Four to five class periods

**Background Reading:** Chapter Five, Section One

**Procedure:**

1. Review with students the material from Chapter Five, Section One on Nathan Barlow, the White Indians, and their complaints.
2. Discuss how public opinion can change based on the time. Take a class-wide vote: if you were judging them today, how many people feel the White Indians were justified in what they did? How many feel they were not? What would have been different if you were living in the early 1800s? Would you have felt the same way?
3. Tell students they will have an opportunity to find out: they will put the White Indians on trial in the nineteenth century. Assign students roles, or have them choose. Any of these parts can be played by boys or girls. The following roles should be represented:
  - Nathan Barlow
  - Several other citizens of Fairfax who have been arrested as White Indian suspects
  - Moses Robinson
  - Daniel Brackett
  - Wealthy proprietor of the land in question
  - Fairfax citizen who witnessed the White Indians in the tavern
  - Jury members
  - Judge
  - Lawyer(s) for the plaintiff, Moses Robinson
  - Lawyer(s) for the defense, Nathan Barlow and the other "White Indians"
4. Give students one to two class periods to prepare for the trial. The groups should meet as follows: 1) Nathan Barlow and the White Indian suspects, 2) Moses Robinson and the wealthy proprietor, 3) Fairfax citizen from the tavern, 4) the lawyer(s) for the plaintiff, 5) the lawyer(s) for the defense, and 6) the judge and the jury. Visit each group to check on their progress. See student trial preparation sheet for details. Each group must receive your approval of their preparation before the trial can begin.

**\*Note:** the lawyers have the most preparation work, so you may want to assign more than one person to that role. The jury has little prep work, so you may want to assign them other work during class time while others are preparing. Alternatively, they can help the judge prepare the courtroom rules. They will have to meet outside of class after the trial, however.

5. On the day of the trial, have students enter the room- (in 19th century costume, if possible). The room should be set up as a courtroom. The judge should begin by explaining the rules of the courtroom to all who are gathered; he or she has the authority to keep the court in order.
6. The trial begins with each lawyer's brief opening statement. Afterwards, each witness must take the stand and respond to the lawyer's questions in character.
7. After each witness has spoken, the lawyers make their closing statements. Then, the jury will convene at their scheduled time to discuss the case and come up with a verdict. Give them an afternoon to meet, discuss the trial, and come up with a unanimous verdict.
8. After the judge asks for the jury's verdict, and it is announced, debrief with the students.
  - How did it feel to be the defendant/plaintiff/lawyer, etc?
  - Was your case represented well?
  - How long did it take the jury to come up with its verdict?
  - Do you feel the jury's verdict was just? Why or why not?
  - If you were on the jury, what would your verdict have been?
  - Did you feel the trial was a just process?
  - Do you think violence is ever justified when someone's freedom is threatened? Why or why not?
9. **Portfolio Option:** Have students write an opinion piece in response to this question:  
Does a threat to freedom justify violence?

**Evaluation:** Grade students based on their preparation, their performance, and their final opinion piece. Have them grade themselves according to your standards as well.

**Follow-up Activity:**

- Study another time in history when people protested restrictions to their freedom, like the Black Panthers, the Boston Tea Party, or Nat Turner's slave rebellion. Ask students to judge--were these groups justified in defending their freedom?

**\*Note:** The facts of the attack against Moses Robinson are based on a report he sent to the Massachusetts General Court in 1809. The trial itself is fictional. For more information on this issue, see Alan Taylor's book *Liberty Men and Great Proprietors*.

**Alignment with Learning Results:**

Grade Level: **6<sup>th</sup>-8<sup>th</sup>**

Content Area: Social Studies: **HISTORY**

Standard: **Historical Knowledge, Concepts, Themes, and Patterns**

Students understand major eras, major enduring themes, and historic influences in the history of Maine, the United States, and various regions of the world.

Descriptor **E1b**: Analyze and critique major historical eras, major enduring themes, turning points, events, consequences, and people in the history of the United States and world and the implications for the present and the future

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Role: \_\_\_\_\_

Trial date: \_\_\_\_\_

**ROBINSON VS. BARLOW AND THE WHITE INDIANS: A TRIAL  
PREPARATION SHEET**

Follow the instructions according to your role:

**Nathan Barlow, Daniel Brackett, and other White Indians, Moses Robinson, Henry Knox, and Fairfax town citizen:**

Read over the facts of the case. Prepare a statement that explains the case through your eyes. The facts must remain as they are listed, but your understanding or justification of them may vary, depending on what you believe. When you testify, you will use this statement to help answer the questions put to you by the lawyers.

**Lawyers:**

Read over the facts of the case. Prepare a series of questions to ask each witness and a brief closing and opening statement. You must have a good idea of what the witness will answer to each question. When you are preparing your questions, make sure you are thinking of the best argument that will support your case.

**Jury:**

Do not read the facts of the case. Instead, schedule a time when all jury members can get together after the trial to discuss the verdict--either during a free period or after school. You will have to come up with a unanimous verdict--one you all agree on. You must listen to the facts of the case as they are presented, and must base your verdict of guilty or not guilty only on those facts.

**Judge:**

Read over the facts of the case. Write a list of courtroom rules. You will see that order is maintained in the courtroom, that the trial proceeds fairly, and that the jury judges the case based only the facts presented. After the jury has decided the verdict, you will have an opportunity to state your own opinion of the verdict and to sentence the defendants if they are found guilty.

3. Make sure you get your teacher's approval of your trial preparation before the day of the trial.

4. On the day of the trial, come dressed in costume and ready to play your part. Follow the instructions of the judge and your teacher.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Role: \_\_\_\_\_

Trial date: \_\_\_\_\_

**ROBINSON VS. BARLOW AND THE WHITE INDIANS: A TRIAL  
FACTS OF THE CASE\***

1. On April 18, 1808, Moses Robinson, the Fairfax town constable, arrested Daniel Brackett, a local settler who was in debt to the Kennebec Proprietors. Brackett is known around Fairfax as being a leader of a band of men who dressed as Indians and threatened local land agents.

2. According to Robinson, he was returning with Brackett to the Fairfax debtors' jail when eight men dressed as Indians and armed with muskets attacked him. These men shot at Robinson's horse, who threw him to the ground. They then stole his pocketbook, removed his papers and his clothing and tore them all to "atoms," then beat Robinson "in a merciless manner, with sticks prepared for that purpose."

3. A citizen of the town has overheard a group of men, one of whom he identified as Nathan Barlow, discussing the injustice of the Kennebec Proprietors in serving "writs" on local settlers, arresting them for debt for land that they rightly settled and claimed as their own. He said he heard one man say something like: "We've done more for this land than any proprietor ever has. We fought for it during the Revolution, and we'll fight for it again, if we have to."

4. One Kennebec Proprietor has said that the land that Daniel Brackett has settled on belongs to him. He has submitted as evidence the royal British grant given to his ancestors in the 1600s, which he states includes the land Daniel Brackett occupies.

5. Moses Robinson has charged Nathan Barlow and several other citizens of Fairfax with attempted murder. They have pleaded not guilty.

\*Information based on a report sent by Moses Robinson to the Massachusetts General Court in 1809.