

# Legend and Lore of Whitley County

By Judge Pless Jones

The third Monday in April, 1818, dawned bright and clear. Trees on both sides the Cumberland were a resplendent array of green. Like mighty sentinels, they kept watch over the rising mist, and the ebb and flow of the river. The fragrance of blossoms of Dogwood, Service and Redbud trees wafted on a gentle breeze across the surroundings. Bowls of sunshine and abundance of bird song filled the air. There was a stir and bustle in the house

of Samuel Cox. His booming voice, as he called his wife Martha halted the happening of an important event. The first convening of a Court for Whitley County was to be at his house.

As Martha descended the stairs of the large two-story log house, Samuel said: "might good thinking, when I decided to add another story, as well as the dining room and kitchen. This large, down-stairs room will have to be used as the court room."

Samuel married his uncle Solomon's daughter, Martha. She was excluded from Cane Creek Quaker Church in North Carolina for marrying her first cousin. On June 1, 1771, Samuel had been excluded from the same church, for joining the "Regulators", an organization formed by the citizens to resist taxes and unreasonable lawyers fees.

So, they moved to Kentucky, and settled on the waters of Cumberland River at what is now known as "Downtown" Williamsburg.

Samuel received a military grant of 100 acres from the State of Kentucky in 1797, when all southeastern, south central, and a sizeable portion of Western Kentucky was a part of Lincoln County.

When Samuel, Martha and their children: Anna, Sarah, Samuel III, Nathan, Ruth and Jane left Cane Creek, North Carolina, they brought all their possessions. They traveled the Wilderness Trail through Cumberland Gap, then down Cumberland River some fifty miles, where they settled on the West Bank of the river. The house they built was located near where the branch bank of the Bank of Williamsburg is now located.

Other children born to Samuel and Martha Cox after their arrival in Kentucky were: Zacharias, born in 1798; Levi, born in 1800 and William, born in 1803.

As the sun arose an air of exuberance permeated the Cox household.

Martha, they're aimin' to meet here today and hold court. Ain't that somethin'? I ain't been to court since that time two years ago when I had to go to Barbourville as a witness in the Lumpkin murder trial. Martha was busy with her kitchen chores. "Samuel, I know you'll want to have all them Justices for dinner and I'm going to feed them the best we have. Who did you say that 'Gabe' Slaughter had named to be the Justices?" Samuel shifted his gait to the other jaw and said: "Well,

now, let me see. There's Ed Reilly, John Berry, Uriah Parks, Francis Faulkner, James Clark, myself and Ike King. I saw John Berry yesterday and he's really excited. They'll all be here and we'll have court. Just think, when we first came here 21 years ago, I had to go all the way to Stanford to pay my taxes. Then in 1799 when Knox County was formed, if we had to do any business we had to go to Barbourville, and now when we have court we can stay right at home." As Martha proceeded to prepare the morning meal, Samuel continued: "They way things are and the way they're coming in from North Carolina it won't be long before this country will open up. Since I'm lettin' them meet at my house, one of the first things I am to do is ask for a ferry to be established across the river right up there by that spring. Why, gal, we'll have it maded. There's old man Sanders who has a lot of follerin' down on Cumberland River. He told me he knew of eight or ten more families that were leaving the Holston Settlements and coming to these parts. Last week Henry Porch from Jellico Creek said that he knew of five families coming from North Carolina. There's going to be a good thing to be had in keeping a tavern, and with my pull with these Justices and the location we have here, it's an ideal spot for a tavern." Martha didn't say anything for several minutes, then the full impact of what Samuel had said seemed to hit her with full force. She straightened to her full height of five feet-five and pointed toward Samuel accusingly and said: "Now see here, Sam Cox, that's a big undertaking. There will be so much work a woman can't do it. Who do you think I am? Now if I had servants like Elizabeth Whitley it would be different." Samuel thought for a moment, and with a twinkle in his eye, said: "Now, Martha, don't you fret none. Why, with what we can make I can hire a dosen to do

the clesing. I can even get some to help with the cooking. John Berry has at least half a dosen wenches who are the finest cooks this side of Nashville." He said nothing further and awaited the convening of the first court.

Promptly at nine o'clock all who had been commissioned by Lt. Governor Gabriel Slaughter, acting governor, assembled in the living room of the large two-story log house. As they gathered, Samuel greeted each one heartily and extended to them a gracious welcome. The first to arrive was Burton Litten, who the day before had come from Frankfort with the commissions of the various officers. He had his own commission as sheriff. Charles Rockhold was to be the first coroner. Joseph Eve was to be the first county court clerk.

When they first met, Edward Reilly opened the court. He said, "Gentlemen" this is a great day for us here. I suppose because I'm the oldest you have designated me

to administer the oath. I confess I don't know much about this law business but I had Joe Eve to write out the oath, and if you gentlemen will stand and be sworn, I will be happy to do the best I can." Thereafter Mr. Reilly administered the oath of office and fidelity to Samuel Cox, John Berry, Uriah Parks, Francis Faulkner, J.L. Clark and Isaac King. After Mr. Reilly performed this ceremony, John Berry then administered the oath of office and fidelity to Mr. Reilly and the first court was convened. Then Burton Litten produced his commission as sheriff and also produced a bond in the amount of \$3,000.00, with Samuel Cox, Francis Faulkner and Ed Reilly as sureties. The oath of office was then administered to him by Mr. Reilly and the court was open for the transaction of such business as might come before it. Thus, the first court of Whitley County, "open and holden at the house of Samuel Cox" was in full swing.

# Legend and Lore of Whitley County

By Judge Pleas Jones

Other matters of business conducted by the Gentlemen Justices, who met at the house of Samuel Cox, on April 20, 1818 follows:

"Charles Rockhold produced a commission from his Excellency Gabriel Slaughter, Acting Governor...as Coroner of Whitley County. Whereupon the said Charles Rockhold came into court and entered into bond in the penalty of \$1,000.00 conditioned as the law directs, with Thomas Laughlin and Samuel Steele as his securities and had the oath required by law administered unto him."

John Laughlin was appointed Deputy Clerk in and for the County of Whitley and had the oath of office administered unto him.

"On the motion of Angus Ross for a ferry to be established across Marsh Creek, at his house and it appearing to the satisfaction of the Court that the said Ross is owner of the lands on both sides of said creek where the said ferry is to be established. It is therefore the opinion that the said ferry be established. Whereupon, the said Angus Ross entered into bond with Joel Watkins as his security in the penalty of \$20.00 as the law directs and the said Court orders that the said Ross shall be entitled to 15 cents for every waggon (sic) and team carried over said river-12½ cents for man and horse-25 cents for a gigg & horse belonging to said gigg-6/0 cents for every person over 10 years of age and on motion of the said Ross, leave is given him to keep a tavern at said ferry without paying the state tax, the Court deeming said tavern necessary. Whereupon, the said Ross entered into bond with Edward Reilly as his security in the sum of \$100.00 conditioned as the law directs."

True to the words Samuel Cox had spoken to his wife, Martha, on the first convening of the Court, he arose, and said: "Gentlemen: I would like to have a permit to operate a tavern and a ferry right here, and I so move the court for such a permit. You see, I own land on both sides of Cumberland River. It's shallow up next to the ford, but I will build the Ferry about half-way from the ford and spring, where the water is deeper." John Berry seconded Cox's motion and the court voted unanimously to permit Samuel Cox to operate a ferry and tavern "at this place." The Court fixed the following ferry rates: \$1.00 for every wagon and team carried across the river; 12½ cents for a man and horse; 50 cents for ever (sic) gigg and horse, and 6 1/4 cents for ever (sic) person over 10 years of age. The Court also voted unanimously to permit Cox to keep a tavern and operate a ferry without paying the state tax.

The Gentlemen Justices had labored in the vinyard with business matters of the County, and were about to adjourn, when Edd Reilly said: "Gentlemen: We are about to adjourn this meeting. However, the most important thing we have to do is to fix upon a seat of Justice. Sheriff Litton, will you please notify the Commissioners to pick a site just as soon as is practical? We may have a spring tide, and since we will not convene another term until June 15, 1818, they might have time to select a site we can agree on and give Sam a chance to build a Ferry. It would be well if the Commissioners could give us a report at the next term of Court."

Sheriff Burton Litton assured the Court that he would notify the commissioners agreed on by the end of the week.

It was then ordered "that court adjourn until court in course"

s/Edward Reilly,  
Presiding Justice

The Commissioners appointed by the Gentlemen Justices to "fix upon" a seat of Justice (County Seat) met at the house of Samuel Cox, late Sunday evening, May 17, 1818. On Monday morning, the 18th they made another trip to the confluence of Wolf Creek with Clear Fork River. All of them agreed among themselves that this appeared to be the best site for a "seat of Justice".

Ambrous Arthur said: "Boys, Benjamin Parsons told me that there were some good locations down Cumberland River. He particularly wanted us to view the

region around Red Bird Church, which was established just a few years ago. So let's go down that way, and look it over."

They were impressed with the Red Bird site, because of all the level land on both sides of the river. They were able to ford the river at "Rough Shoals Branch", and then went on up the river to the mouth of Youngs Creek...Jim Chitwood, a very outspoken man, said, "Gentlemen, I know that none of the Gentlemen Justices recommended this site, but "By Gonnie's", I do believe this is the best place we've seen. There is so much level land here. Plenty of room for a town to grow."

"That's right," said James Renfro (Renfro) "but in the spring, old Cumberland goes on a binge-really wild. I live up at Cumberland Ford. With all these creeks a-runnin into Cumberland, water could get all over these bottoms. We have to consider that." "Ah, well," Arthur responded, "let's get back to Sam's place, and see if we can agree." The Commissioners returned to the house of Samuel Cox, who already had the tavern in operation. He had completed the Ferry the Saturday before.

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## Legend and Lore of Whitley County

(Continued)

The chairman, Ambrose Arthur, said: "Sam, we have completed our job, and I think we'll be able to make our recommendation to the Court when it meets in June. Wonder if we can meet out in the place where they hold court tomorrow morning, and we'll get Milton Eve to draw up a written report to be submitted to the Court which is to have its second session on June 15, 1818."

Samuel Cox's curiosity could no longer be contained. He said, "you fellows are tired. Let me pour you drinks. Everything is on the house. Martha'll get supper, you can have a good night's rest. By the way, have you fellows decided on a location?"

"Well, no," Arthur replied. "The nicest spot we might agree on is about six miles from here, where Wolf Creek flows into Clear Fork. There's enough level land out there, that a town could grow. Besides, its upland, and there's such a Pleasant View out there. Worst thing about it is that it's so close to the Tennessee line."

Samuel Cox poured another round of drinks. The Commissioners became more talkative. The drift of the conversation indicated that either the site at what is now known as Pleasant View, or the site near the old Red Bird Baptist Church, were the only sites the Commissioners had in mind. Sam poured another round of drinks as they continued to argue the respective merits of the two sites being considered. Cox saw that he was not in the running, and that if the location were to be at his place, something had to be done quickly. He poured another round of drinks and urged Martha to "get supper." By that time the Commissioners were feeling no pain. Cox thought it was the

proper time to act, and he said, "Boys, I own a lot of good level land here. I agree with you fellows that this place sets down in a hole, but you see, from here toward the mountains, there's a good deal of upland land. There's plenty of water and good rich land. If you fellows will agree to locate the seat of justice here, I will give to the Court of this County one-half the proceeds of lots necessary to build a small town."

"Well, now, said Richardson Herndon, "that does make a difference. We'll have to consider

that. It's the best offer we've had." "Yes, Ambrose Arthur replied, "We'll certainly consider that when we meet tomorrow."

The Commissioners were all in a jocular mood. After partaking of a sumptuous meal of baked ham, fried chicken, cornbread hominy and shuck beans, Arthur said,

"Sam, you may have started the wheels in motion for a small town right here—we'll meet tomorrow, and I am certain your proposal will be considered."

The next day, they procured the services of Milton Eve, who drew an instrument of writing, in which they agreed that the "seat of

justice" would be located on the west bank of Cumberland River, all the way to Benjamin Parsons grocery.

Then the question arose as to the name of the seat of justice. Chairman, Arthur, spoke, "Boys, it'll be a long time before we see another man like Colonel Whitley. I don't believe I've seen a more clever man around his house. Then, too, we're so much indebted to him for protection from those damn Indians. Neither will we forget his bravery at the battle of the Thames. I'll bet my last shilling that it was he who killed old Tecumseh. I was there when

the main engagement took place October 5, 1813, though I was not a member of the Forlorn Hope. Sam Theobald and Christopher Graham told me that Tecumseh was shot through the chest with two balls and that only Whitley and David King were the only ones that loaded their muskets in that fashion. I move, Gentlemen, that we call the town Williamsburgh (Williamsburg) in commemoration of the essential (sic) services of the memorable (sic) services of Colonel William Whitley." Richardson Herndon seconded the motion, and it was unanimously agreed to call the town Williamsburgh (Williamsburg).

After the agreement was completed by Milton Eve, the Commissioners took leave of Samuel and Martha. Samuel was so pleased that he directed his servant, George, to set them across the river in the Ferry. As they left, James Chitwood waved, and called out, "Sam, we'll see you in Court on June 15th next." After they were across the river

and out of sight, Sam embraced Martha and remembering their Quaker days in North Carolina, he said, Cousin-wife, Martha, I'm so happy. Just think! We'll have the "Seat of Justice" here. The good Lord has been good to thee and to me. Our good friend, the late Colonel Whitley would have been mighty pleased. Here we have the county named after him; the post office is Whitley Court House, and now, when the Court meets, and if they accept the recommendation of the Commissioners, we'll have the town of Williamsburgh (Williamsburg). Yes, dear." Colonel Whitley would have been mighty proud." Martha said nothing. She took a corner of her apron and wiped tears of sheer joy from her eyes.

# Legend and Lore of Whitley County

## JUDGE PLEAS JONES

The first meeting of the Commissioners was Monday, April 26, 1818, at Samuel Cox's house. Of course, Cox had begun the Ferry, but the Commissioners forded the river at the spring.

Ambrose Arthur from Knox County, said: "Samuel, the other Commissioners have chosen me as chairman of this Committee. We aim to visit each place that has been mentioned by the Court, and see if we can agree on the most desirable spot for the Seat of Justice. We can't finish our task in a day, but I believe we can reach an agreement by the middle of May. We certainly will have our report ready by the time Court meets on June 15, 1818. We'll give it our best effort."

Cox had already procured the lumber, cable, wheels and all materials necessary to build the ferry, and assured the Commissioners that the ferry would be in operation within a fortnight.

The Committee met on the following Monday, and proceeded to view the places that had been suggested by the Gentlemen Justices, as the members of the Court had suggested. Of course, as Ambrose Arthur, chairman, stated at their first meeting, they were not confined solely to the desires of the Gentlemen Justices. But, they felt it their duty to view each sight proposed.

The work of the Commissioners was a laborious task. They first visited Lynn Camp Creek, and the environs between where Corbin is now located, and where Woodbine is situated. It was the intention of each member to give due deliberation to all the sites proposed before they came to a final determination. Only five of the number named, were able to assume the task of fixing on a "Seat of Justice." They were: Richardson Herdon, Ambrose Arthur, Robert Baine, James Chitwood and James Rentfrow (Renfro).

In the four days they worked, commencing on Monday, April 26 and ending on Thursday, April 30, 1818, they had visited the sites suggested by the Gentlemen Justices. Ambrose Arthur said, "Boys, we can't do justice in this quick survey, and I suggest that we meet again about the middle of May (1818), and we can view some other sites on our own. Frankly, I'm not so impressed with any I've seen except out there where Wolf Creek runs into Clear Fork River. There's upland and low land, and there's such a "Pleasant View out there."

Renfrow said, "In my view, there's so much rivalry between the Justices as to the location of a "seat of justice" I doubt if they will accept any of our recommendations. Did you ever see such a conniption as Francis Faulkner threw. Of course, I enjoyed the good eatin at his table, and I liked his brandy. But he just as same as demanded we fix the seat of Justice at Lot (Boston). But his place is almost in Tennessee. And that would not be practical. We need to agree on a more central spot for the benefit of those who live in this County, as well as those who will come into the county. If that Creek (Jellico) Creek didn't Circle Uriah Parks' place, I guess that would be about the center of the County.

As they rested in the shade at the Spring near Samuel Cox's house, James Chitwood spoke, "Men, Sam Cox is a very clever person. Not fractious, but in a quiet and gentle way, he'll try his dead level best to get us to fix upon his place, as the "seat of Justice," but look at those cliffs there across the river. Why this place is almost in a hole. Ah, well! We'll just have to wait and see."

Then Chairman Arthur said: "Let's adjourn until Monday, May 18, 1818. We will complete our work and report to the Court at the June 15, 1818 meeting."

# Legend and Lore of Whitley County

By Judge Pleas Jones

The first Circuit Court in Whitley County was "open and holden" at the house of Samuel Cox on May 4, 1818, with the Honorable Thomas Montgomery, judge.

A review of the records of the Circuit Court show persons charged with larceny and petty crimes, with several civil cases.

Many of the Circuit Court matters dealt with the approval and certification to the treasurer to those who kept idiots and orphans, proving wolf hides and approving pensions to Revolutionary War soldiers. The head of the household was allowed \$37.50 per year for the upkeep of orphans and idiots; the state bounty for a wolf hide was \$2.00 per hide.

Most of the settlers were busy with their crops in May, June and July, 1839. Most were law abiding and content.

On the first Monday in June, 1839, Circuit Court was in session, with the Honorable Joseph Eve, judge, presiding.

At approximately 12:30 p.m., on that day, Milton Eve, circuit clerk, came into Parsons Grocery and

announced to all present: "Eden Good has been indicted for the willful murder of Tobias McKeon. (McKeon was a cattleman from the Huntsville area of Tennessee). Good has been arrested and is now in jail. One of the grand jurors told me the evidence against him is pretty strong. You know as well as I do that Eden won't work—at least for long at any job. He drinks too much. He was down at the tavern last week, might nigh drunk, and flashing a large roll of cash and buying drinks for all and sundry that were present."

Parsons spoke: "Eden and his wife were in here on Saturday, and I thought they wux goin' to buy out the damn store."

Eve commented, "They say McKeon had about \$2,000.00 in cash, and that he was beaten to death by some blunt instrument. His body was found out near John Berry's place, and near where Eden lived. When Eden was arrested he had McKeon's purse, his watch and about \$1700.00. I shore hate it for his wife and childrea, but too much liquor will bring out the worst in any man."

Parsons asked, "Will Eden be tried this term?"

Eve responded, "I expect he will. The judge is going to arraign him day after tomorrow."

Just as the clerk had said, on the third day of the June, 1839 term of court, Good was brought to the bar in custody of the sheriff, and being arraigned, entered a plea of "not guilty." The sheriff was commanded to cause a venire (jury) to come. Thereupon came the following venire: James Chitwood, Bryant Patrick, Hugh Johnson, Isaac Mayfield, John Siler, William Criscillis, Matthew Johnson, Robert Johnson, Elijah Davenport, Saul Parker, S.C. Litten, H.B. Duncan and James Angel.

The jury was sworn to well and truly try the issues and a true verdict render. Testimony for the Commonwealth and defendant was offered, but not being able to finish, the court was adjourned until the following day.

After the jury heard all of the evidence, the instructions of the court and argument for both the defendant and the Commonwealth, the jury was instructed to retire to the jury room and consider their verdict.

After some time of deliberation, it was announced that the jury had reached a verdict. The prisoner was brought from jail, and was placed at the bar in custody of the sheriff.

Upon inquiry by the court of the venire as to whether they had reached a verdict, the jury responded affirmatively. The court then asked the foreman to read the verdict, which was as follows: "We of the jury find the within named Eden Good guilty of the charge of willful murder, as contained in the within indictment; in manner and form as herein charged and set forth. And we further find that the said Eden Good in consequence thereof suffer death, by hanging by the neck until he is dead, dead. S/ Henry B. Duncan (one of the jury). The prisoner was remanded to the jail."

Thereafter, the court, after hearing all arguments on motions, and having denied defendant's motion, directed that the prisoner be brought before the court and the bar in custody of the sheriff. The court further directed the sheriff to cause a scaffold to be erected at some convenient spot on the courthouse square, and that the sheriff or one of his deputies, on July 29, 1839, cause the said Eden Good to be hanged by the neck until he was dead, dead, dead.

According to the evidence for the Commonwealth, McKeon and some of his cattlemen had driven his cattle from the Huntsville area to Caryville, Tenn. by the Jacksboro Road to Richmond where McKeon sold the large herd for approximately \$2,100.00. His workmen returned home, but McKeon visited his daughter in Lexington, where he stayed about two weeks. He was brutally murdered and robbed in the latter part of May, 1839.

The evidence against Good was mostly circumstantial, but could not be satisfactorily explained to the jury. The large amount of money, the ball-peen hammer found at his place, covered with blood, his testimony and demeanor all convinced the jury that he was guilty.

The execution took place at high noon, July 29, 1839. A witness to the hanging, talking to her daughter a few years later described the hanging as follows: "Child, it was a sight I'll never forget. I was just a strip of a girl. We arrived in town about 9:30 a.m. You never seen so many people. There were wagons, buggies, horses, mules, young men and women, old men and women. Seems might nigh everyone came to see the hanging."

"When the sheriff brought Eden Good out and he walked up the steps of the scaffold and stood on the trap-door, the sheriff said, 'Eden Good, is there anything you want to say?'"

Good replied, "Men and women, boys and girls, I am a goin' out into eternity for a crime I did not commit. As sure as God is in Heaven, he'll send a sign to show you I am tellin' the truth."

"Then the sheriff placed a black hood over the man's face and sprung the trap door."

"Child, it was the purtiest day you ever saw. The sky was blue. The sun shone brightly. But, the very minute the trap door was sprung, it got dark, the thunder rolled, the wind blew something awful. And it just kept on lightening."

"After this happened, I heard a number of people say, Eden Good must not have been guilty."

# Legend and Lore of Whitley County

By Judge Pleas Jones

"Court having met agreeable to adjournment on Monday, the 15th day of June, 1818.

"Present: Edward Reilly Samuel Cox, Francis Faulkner, Uriah Parks, Isaac King, J. John Berry, Gentlemen Justices.

"Ordered that the report of the Commissioners appointed by the Court to 'fix upon the Seat of Justice' for Whitley County be agreed to and committed to record, which is as follows:

Whitley County, Monday,  
June 8, 1818.

"We, the Commissioners appointed by the Worshipful Court of

said County, in obedience to an order of said Court and an Act of the General Assembly of the Commonwealth of Kentucky met at the house of Samuel Cox in said County on the day and date first above written for the purpose of pointing out the most eligible (sic) and central spot in said County for the purpose of erecting the public buildings therein being first sworn and directing our views alone to that of a public good, independent of personal or partial interest, after mature deliberation had on the subject do unanimously agree to point out the 'South bank of the Cumberland River between the

house where Samuel Cox now lives in said county and a cabin (sic) occupied at this time by Benjamin Parsons for a grocery' as the spot for the purpose above mentioned of erecting a courthouse and other necessary public buildings in said county.

"Given under our hand the day and date first above written.

S/Richardson Herndon  
Ambrose Arthur  
Robert Baine  
James Chitwood

James Renfrow (Renfro)

P.S. Samuel Cox agreed before us the Commissioners to give to the benefit of the county one-half

of the proceeds of the sale of lots necessary for the erecting of a small town if his land might be the site agreed on, and we, the Commissioners, beg leave to recommend to (the) Honorable Court to call said town by the name of Williamsburgh (Williamsburg) in commemoration of the escensial (sic) services of the memorable (sic) William Whitley."

S/R. Herndon

"Ordered by the Court that the following qualifying of the Commissioners be recorded, which is as follows:

Whitley County: Sct.

"This day Richardson Herndon, Ambrose Arthur, James Chitwood, Robert Baine and James Renfrow (Renfro) came before me, Francis Faulkner, a Justice of the Peace for said County and was duly sworn as Commissioners to point out the spot as directed by an Act of Assembly to erect a Courthouse for said County."

Given under my hand (this) 8th day of June, 1818.

S/Francis Faulkner

"Ordered by the Court that the name recommended by the Commissioners for the town of Whitley County be excepted (sic) and established as the name thereof.

"Ordered that Richardson Herndon, be allowed ten shillings per day for six days service in fixing the County Seat, and that Ambrose Arthur, Robert Baine and James Chitwood, be allowed 10 shillings per day for six days service each, and that James Renfro receive 10 shillings per day for four days service to be paid out of the County levie (sic).

"On motion of James Sears, he having produced credentials of his ordination and of his being in regular communion with the Chrystian (sic) Society, a license is ordered to be granted him by the clerk of this county upon the said James Sears entering into bond as the law directs, whereupon the said James Sears came into court

with John Berry, J. (and J. William Sears as his securities and acknowledged their bond to the Commonwealth in the penalty of \$500.00 conditioned as the law directs and had the Oath of Allegiance administered unto him."

Most of the court orders for the June term, June 15, 1818 were orders appointing surveyors of roads. At that time it was necessary to survey various roads in the county, as each road had to be built from "scratch," and the citizens living in the various settlements had to make the roads.

William Stephenson was appointed surveyor of the road leading from the shallow ford above the mouth of Laurel to the shallow ford above the mouth of Rockcastle.

Thomas Laughlin, (and Sen. Archibald Jacoway, John Meadows, Hiram Jones and Thomas Hodge were appointed reviewers to review the road leading from this place (Williamsburg) to intersect the road leading from Jacksborough to Barbourville "and to review same the nearest and beat way for the convenience of citizens and travelers and make their report at our next court."

Ordered that Thomas Cox be appointed surveyor of the road from the North side of Cumberland River opposite Williamsburgh to the mouth of Brown's Creek and he together with all the hands from the mouth of Brown's Creek including John Meadows at the mouth of Red Bud; thence including all the settlers on both sides of Cumberland River living on the river to this place (and

shall keep the same in repair including both banks of the river."

Thomas Laughlin was appointed surveyor of the road leading from the mouth of Brown's Creek to the ford of the creek at Rockholds...

Charles Rockhold was appointed surveyor of the road from the bend of the creek by said Rockhold to the corner of G.W. Craig's field. James Mahan was appointed surveyor of the road from the lower corner of G.W. Craig's field to the county line and "he together with the hands on Meadow Creek so as to include Watkins & Perkins to include Joseph Comstock and Hessler on the head of Lynn Camp (creek) and keep the same in repair.

Edmund Steele was appointed surveyor of the road leading from Charles Rockholds to the head of Steel Fork.

John Wells was appointed surveyor of the road from the head of Steel's Fork on to the county line, "and he, together with all hands living within one mile and a half of said road so as to include William Steel shall keep the same in repair.

Nehemiah Sumner was appointed surveyor of the road leading from the forks of the road above Charles Rockholds to the place where the Spruce road intersects the same..."

Christy Grubbs was appointed surveyor of the road leaving the shallow ford above the mouth of Laurell (sic) to his own house, "and he, together with all hands from the shallow ford to said Grubbs own house to include all the waters of Spruce (creek) and so as to include John Rogers (and) shall keep the same in repair."

# Legend and Lore of Whitley County

By Judge Pleas Jones

The June 15, 1818 term of the Fiscal Court (Gentlemen Justices) lasted three days. Much of the work done as reflected by the Court Orders was the appointing of Road Reviewers, to find the best way from "this place" (Williamsburgh) to the various settlements within the confines of the county.

When the best site had been selected all able bodied persons were required to construct and maintain the roads to the various settlements.

Then, too, it was necessary not only, to lay out the town, but select a suitable spot for the erection of the courthouse and other public buildings.

The court "Ordered that Edward Reilly, Thomas Laughlin,

Benjamin Parsons, J. Isaac King and John Sharp be appointed trustees to lay out the town of Williamsburgh (Williamsburg) and the Publick(sic) square of erecting the courthouse and other necessary buildings, and that 20 acres of land be allowed the trustees to lay off said town and to proceed until completed and to make returns at the July Court. (1818)

Then there were a number of cases to be heard, and after the court heard the matters as a body, a determination was made and orders entered.

"Ordered by the court that Reese Gatliff take the child formerly sworn to him by Nancy Cadwell, by the name of Charles and keep the same by his entering into bond with C. Gatliff as his security, and acknowledged their bond payable to the commonwealth in the sum of \$200.00 as the law directs.

Also, it was the duty of the court to take care of the orphans.

"Ordered that Elijah Prewitt be summoned to attend our next July Court to show cause why the orphan child living with him should not be bound."

"Ordered that Robert Seag be summoned to attend our next July Court to show cause why the orphan child living with him should not be bound."

"Ordered that John Gibson be summoned to attend at our next July Court to show cause why the orphan child living with him

should not be bound."

If the maltreatment of an orphan by the person to whom it was bound, was brought to the attention of the court, then a jury was summoned to hear the evidence as to whether an orphan need be bound. Practically, it seems that this was nothing more than the practice of indentured servants. But, for that court of that day it was the only means an orphan could be cared for.

At a county court held for the county aforesaid, on Monday the 20th day of July, 1818.

Present: Edward Reilly, Isaac King, Francis Faulkner, and Samuel Cox, Gentlemen Justices.

The twenty acres to comprise the town and public buildings lay along the river (Cumberland) from Samuel Cox's house in a northerly direction to Benjamin Parson Grocery, and encompassed all that land from River Street in a westerly direction to Third Street (Benjamin Parsons Grocery) where the new Bank of Williamsburg now stands.

It was "Ordered by the court that the following report be admitted to record, to-wit:

"Agreeable to an order of Whitley County Court at their June term, the undersigned trustees appointed by said court to lay off the town of Williamsburgh, proceeded to lay it off in the following manner, to-wit:

"Beginning on the river below Samuel Cox's at a stake; thence S

45 East 57 poles to a stake above Samuel Cox's dwelling house on the river; thence South 54 West 57 poles to a stake; thence N 45 W 57 poles to a stake; thence North 54 East 57 poles to the Beginning, according to a plot made by Joseph Gillis, hereunto annexed

thus, there were 45 lots and approximately one acre where the courthouse and grounds are now located.

The county, town, public buildings etc. were laid out in what is now referred to as the lower part of "Downtown" Williamsburg.