

Warrick County and the Northwest Territory

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I have taken some time to look over the old Warrick county records of 1813 to 1823 and cull the names of the men who were prominent in local affairs when the jurisdiction of our courts extended from the Wabash to the Blue river. An old abstract office accumulates quite a bit of historical junk, and it is a piece picked up here and another there that I am offering today.

A Japanese writer in the *Saturday Evening Post* began his article by saying, "History is a romance on a big scale. . . . The story of Abraham Lincoln will never cease to interest the millions in far off lands. It is a unique story, abounding in human interest, only possible in such a vast country as America." It seems to me that if the teacher and student read history in that spirit it would be an enjoyable play.

Ten years before Warrick was cut off from Knox, the first county organized in Indiana Territory, and two years before the government survey, John Sprinkle and his family settled on a beautiful piece of Ohio river front, now in Warrick county. In the month of June, 1807, General W. Johnston, who was a very prominent man in the early history of the territory and state, and known as the "Father of Freemasonry in Indiana," entered this land, and in the year 1812, John Sprinkle, as the assignee of Johnston, received a patent for it. At the time of Sprinkle's settlement, June, 1803, it was the site of an Indian village.

The first courts of Warrick county were held at the homes of Daniel Rhodes, Bailey Anderson and John Wilkinson. As the county records fail to show any land entry or conveyance of land to Bailey Anderson it seems evident that he was a squatter, or possibly a tenant; a tree that he lived in when he

first landed in Indiana territory was locally known as "Bailey's Roost"; the remains of this old tree stump may still be seen on the farm of George H. Vanada, near the Ohio river, in section 12 township 7 south, range 8 west.

At a court of common pleas held at the house of Bailey Anderson on October 18, 1813, Price McCallister, James Marrs and Bailey Anderson were the judges, N. C. Claypoole, clerk, and Samuel R. Marrs, sheriff. At this court William Prince and G. R. C. Sullivan were admitted as attorneys for Warrick county. At a court holden at the house of Daniel Rhodes on June 26, 1815, Isaac Blackford was the president of the court and Daniel Grass and Hugh McGary were the judges. At a court holden at Darlington on Monday the 23rd day of October, 1815, Isaac Blackford was president of the court and Daniel Grass his associate judge. These names are all prominent in the early history of the territory and state. Evansville, the county seat of Warrick from June, 1814, to October of the same year, was founded by Major Hugh McGary. In his *Winning of the West* Theodore Roosevelt names Hugh McGary as one of the pioneer town builders. The jurisdiction of the first courts of Warrick county extended from the Wabash to the Blue river—all south of Gibson county to the Ohio—a bailiwick about ninety miles long and forty-five miles in width, and including the present counties of Posey, Perry, Vanderburgh, Spencer and Warrick.

The circuit riding lawyers and court officials of that time rode horseback, following the old trails and bridle paths over the hills and through the forests. In one of the trials of that time there were twenty-two men impaneled on the jury. The complaints and indictments were usually actions for debt, trespass, larceny, adultery, challenging, slander, divorce, resisting process, and assault and battery. The lawyers appearing were a Mr. Triplet, John Pitcher, Thomas Fitzgerald, William Prince, Triplett & Griffith, Richard Daniel, Charles I. Battelle, Amos Clark, Samuel Hall, T. J. Evans, J. A. Brackenridge, G. R. C. Sullivan, and others. The early judges include James Marrs, J. R. E. Goodlet, Benjamin Parke, G. R. C. Sullivan and Isaac Blackford. I have considerably suppressed the names of the defendants—their descendants would not care to have their legal entanglements made public.

At one of the first courts it was ordered that a special court be held at Major Hugh McGary's on the first Monday of June,

next. This special court met at Hugh McGary's on June 7, 1813. The ferry belonging to the heirs of William McFadden, deceased, was taxed at four dollars for the year 1813; Jacob Weinmiller's ferry at four dollars. The license for this latter ferry was issued by Governor William Henry Harrison on November 6, 1805; I believe it is the oldest document recorded in the county of Warrick. Jonathan Anthony's ferry was taxed at six dollars; Hugh McGary's at three dollars, and John Sprinkle's at one dollar.

On July 19, 1813, court was held at the house of Bailey Anderson and a grand jury impaneled, *viz*: Zedic McNeal, Jesse McCallister, Simpson Bullet, Clark McCallister, Wilson Bullet, William Vaughn, Samuel Tarrant, John Sprinkle, Joseph English, Henry Webster, Isaac Eledge, William Downey, Ratliff Boon and Edward C. Williams, "fourteen good and lawful men." Another special term of court was held at Evansville, August 16, 1813, and N. C. Claypoole and Henry Webster were licensed to sell spiritous liquors. Following this another special term was held at Evansville on September 4, 1813. On Monday, October 18, 1813, the regular term of court was held at the house of Bailey Anderson and election inspectors were appointed as follows:—George Tobin for Tobin township; Ratliff Boon for Anderson township; Daniel Grass for Ohio township; Thomas Casselberry for Pigeon township and Absolom Duckworth for Big Creek township. At a special term of court held at Evansville on November 15, 1813, twenty-one dollars was allowed to various parties for wolf scalps. Daniel Lynn was recommended to the Governor as a suitable person for justice of the peace. N. S. Claypoole was allowed \$30.00 for his services as the clerk of the court from April 17, 1813, until April 16, 1814; Samuel Marrs was allowed \$50.00 for his services as sheriff of the county for one year, and the following allowances were made for carrying the election returns to Vincennes: Peter Gray of Anderson township, \$6.70; Thomas Spencer of Ohio township, \$8.50; Joseph French of Big Creek township, \$7.00; Charles Carson of Pigeon township, \$6.50. John Johnson, prosecuting attorney for the year 1813, was allowed \$25.00; Hugh McGary was allowed \$4.22 for standing guard two days and furnishing provisions to John May, a prisoner. Aenas McCallister and James Marrs were each allowed \$22.00 and Bailey Anderson \$18.00 for their services as judges of the court for the year 1813. The town-

ships mentioned are now within the present boundaries of Perry, Spencer, Warrick, Vanderburgh and Posey counties, and probably extended from the Ohio river to Gibson county.

Think of the Honorable Isaac Blackford mounting his horse at Salem and riding the old trails through the forests to a log cabin courthouse at Evansville or Darlington. One of the oldest trails followed the Ohio river, in a general way, with detours around the bayous and to the fords across the streams and creeks that emptied into the Ohio. It became known as the "Road Leading from Fredonia to the mouth of the Wabash river." Other trails were from the Ohio river northwardly—one from the landing, or Sprinkle's ferry at Mount Prospect, later known as Sprinklesburgh and now Newburgh; this trail lead through Boonville and on to the mouth of Anderson creek. There was a distillery at Maxville which was on the opposite side of the creek from Troy.

Abraham Lincoln was employed as the ferryman at the mouth of Anderson creek when he was about seventeen years of age, and here he made his first dollar by carrying two passengers and their luggage out to a passing steamboat. And across the river, in Hancock county, Kentucky, he plead and won his first case before Squire Pate of Hancock county, in the suit of Commonwealth of Kentucky against Abraham Lincoln. John T. Dill, ferryman, was the complainant. West Main street in Boonville is the old trail surveyed in 1822, as "The Road Leading from Mount Prospect (alias Sprinklesburgh) through Boonville in Warrick county, to Petersburgh in Pike county"; this is the old Vincennes road. North First street in Boonville is the Miller's Mill road, originally called Anthony's mill, where the commissioners appointed by the General Assembly of the state in 1818, were ordered to meet and select a site for the county seat of Warrick county. Fourth street is the old Corydon road, East Main is the Rockport and Maxville road and Ninth street is the Yellowbanks, or Owensboro road. With so many trails converging at this point it is easy to account for the commissioners' location of Boonville.

As Warrick county increased in population it was reduced in area. In the year 1814 Posey county was cut off the west end and Perry county off the east end; then, in 1818, Vanderburgh and Spencer counties were cut off, and in 1825 four miles of river front were taken from Warrick and added to

Spencer county. The state constitution of 1851 gives the voters of Perry and Spencer counties the right to organize a third county out of their boundaries.

The survey of Darlington, the county seat, 1814 to 1818, mentions a road and Higgins old line fence—I wonder just how old that line was. Thomas Higgins was a lot owner in Darlington and was licensed to keep tavern; he was appointed a justice of the peace, April 19, 1813, and was fined five dollars for getting drunk while on the grand jury. Other property owners in Darlington were John Sprinkle, William Beatty, Ratliff Boon—he got lot 42 for forty-two dollars and paid it by clearing the timber off the public square—James G. Jones, Solomon Rhoads, Jacob Sever, Jesse Gay, Hugh McGary (I rather admire the Major for that—buying lots in a rival town), William Ross, Samuel Hancock, James Worthington, Solomon Sever, Daniel Rhoads, G. Wiggins, Minor Leewright, William Tarrant, John Barker, Jesse Richardson, Joseph Howard, John Meeks, James Houchins, Thomas Stoll, William G. Buckler, Lawrence Younts, Cuthbert Harrison, Jordan Vigus, H. S. Atwell, Solomon Vanada and Isaac Blackford.

The only lot owners in Darlington who exercised their privilege of exchanging their Darlington lots for lots in Boonville were Ratliff Boon, John Barker and Pinkney Anderson. The others probably thought Boonville too far from civilization and the Ohio river.

The marriage records of Warrick county begin with the year 1819, and I often wondered what kind of a record, if any, was kept before that time. People had been living here for fifteen or twenty years and there must have been marriages of some kind, prior to 1819. One day while hunting for some data I found in an old file case a bunch of marriage bonds, one of which I copied. An applicant for marriage license had to give bond.

Know all men by these presents that I, Matthias Whetstone, Jun'r. of Warrick County have this day made application to the Clerk of Warrick county for a license & for the true performance thereof I bind myself to pay unto the Governor of this territory five hundred dollars.

In testimony whereof I have hereunto set my hand and seal this 26th day of May, 1813.

MATTHIAS WHETSTONE, Jun'r.
MATTHIAS WHETSTONE, Sen.

It does not say whether it is ferry, retailer, dog or tavern keeper's license. Here are some marriage returns that I found:

January 4th, 1813, I married
John Stephenson & betsy Coal by a publication.

Jos. McDaniel, J.P.K.C.
(Knox County).

January 20th, 1813, I married
Demsy Summers and Pheraba Lamar by publication.

Jos. McDaniel, J.P.K.C.

June 22nd, 1813, I married
Jesse Ward and Sinthy Springston by a publication.

Jos. McDaniel, J.P.K.C.

I found marriage licenses endorsed by the magistrate with the words, "Executed as commanded." In those days they did not waste any paper; the certificates were torn off close to the writing, which was usually closely written. Here in these old bursting file cases are contained records of the early history of Warrick and the adjoining counties on the east and west, that are of inestimable value; these scraps of paper of two to four inches in width came from Knox, the old mother county, they were carried to Evansville, the county seat in 1814, and from there to Darlington; then in 1818 to Boonville, where they are now stored away and inaccessible in Warrick county's sixth courthouse. These papers ought to be filed and indexed in cases so they may become available and beyond the reach of the thrifty janitor who might at some future day plume himself on selling them for junk.

Inventories of old estates are interesting reading. What does the present generation with all its sophistication know about flails, hackels, broad axes, horn collars, linen wheels, spinning wheels, hooks, cranes, looms and other things of domestic necessity in grandmother's day? The inventory of Atha Meeks, the man who was killed by Chief Settedown, in the year 1811, lists the personal property at \$297.59¼. It was a big estate in those days, and Atha Meeks was regarded as a man of wealth. A few of the items will give an idea of what was required in a family of nine children: 1 bed and furniture, \$22.00; 1 bed and furniture, \$9.50; 1 bed, \$6.00; 1 broad ax, \$4.00; 5 narrow axes, \$6.00; 1 horn collar and backband,

\$1.25; 1 hackel, \$3.00; 1 spice mortar and Pestle, \$1.12½; 1 pair iron stirrups, \$.50; 1 linen wheel, \$1.50; 1 large candlestick and snuffers, \$1.00; 1 big wheel, \$1.50; 1 loom and furniture, \$8.00—that must have been an extra fine loom, the usual appraisement for a loom was six dollars—1 decanter, .37½; 1 pot and hooks, \$1.50; 1 bottle, .25; 1 vial, .18¾; 1 packet S. Bitters, .37½; 1 oven lid and hooks, \$2.50; 1 skillet and lid, \$1.75; looking glass, .75; 2 pair cards, .50; books, \$1.00; 3 spelling books and pocket books, .55¼; dish and 4 plates, \$3.00; 1 kettle, \$2.00; 1 horse, \$40.00; 1 bull, \$10.00; 1 truck wagon, .75; 1 gun in William Meeks hands, \$4.00—probably the gun that killed Settedown's companion, the Indian Big Bones—4 weaver's spools, .33; 2 beef hides, \$2.50: these are but a few of the articles appraised; much of the inventory was made up of hogs, shoats, pigs, barrows, gilts, yearlings, cows and calves. Dishes, plates, cups, knives and forks were appraised separately, not as now, "lumped off."

Previous to 1817 the settlers obtained their cornmeal from Kentucky; but in emergencies they were able to crack their corn in home-made mills made of rocks or wood. Pounding out a grist of cornmeal was a slow and laborious task of the pioneer, who veritably earned his bread by the sweat of his brow in the process. The preëmption of water power sites began with the first settlers, and these land entries were several years in advance of the entries for adjoining lands.

The procedure for locating a mill seat is shown in the circuit court entry following:

Warrick Circuit Court,
Darlington, June 23, 1817.

On motion of David Laurence, proprietor of the Sw Qr. section 11-5-9, 160 acres, it is ordered that a writ of ad quod damnum do issue to the Sheriff of Warrick County to summon a jury as the law directs, and inquire into the situation of the stream of Pigeon whether it will work a public or private inconvenience to erect a saw and grist mill on said stream on said land, and if any damage, what and how much, and to whom, which writ must be executed on the second day of August next.

The erection of the mill was authorized in the following entry: "Report of sheriff received and the applicant, James Anothony, be allowed to build said mills, provided he does so within the time proscribed by law." This mill was on Big Pigeon creek, where Millersburg is now situated. Similar mill seat entries are found in the court records showing activity

along that line at an early day. Similar court entries for mill seats were made during the year 1817; one by Solomon Vanada, October 27, 1817, for the north east $\frac{1}{4}$ 1-7-8, on Little Pigeon creek, on the Yellowbanks road, dam 10 feet high, another by Stephen Rogers on October 27, 1817, south east $\frac{1}{4}$ 10-7-8, on Little Pigeon creek, on the Rockport road, dam 13 feet high; this mill was about twelve miles by land, or eighteen miles by the creek, from the Lincoln farm. John and Charles Powers in May, 1819, applied for a mill site on Otter creek, in section 12-5-8; and Moses Matthews for a mill on the north east $\frac{1}{4}$ of section 1-7-8. Other mills, presumably horse power, were operated in various parts of the county; Gentry's mill in the eastern part of the Corydon road district was a voting precinct at an early period. The Little Joe Phillips mill, north of Little Zion Baptist church was where Abe Lincoln went for his grists. The Chester Elliott mill was on the Newburgh "dirt road" in section 6-6-8. As these mills were all within the present boundaries of Warrick county, it would seem that the settlements on the east and west did not justify the erection of water power mills in the year 1818, in the territory now occupied by Posey, Perry, Vanderburgh and Spencer counties.

An abstract of title to land in the Northwest Territory usually begins with the grant, or patent, from the United States; it does not show the transfer from Virginia, how Virginia acquired title by conquest from Great Britain, how Great Britain acquired title from France, how France acquired title from Spain, and that Spain claimed title by right of discovery. The United States was not satisfied with its title acquired by the surrender of Post Vincennes, and by various quitclaim conveyances, called treaties, with many tribes of Indians which obtained the relinquishment of their hunting grounds. The Indians were holding it by tribal possession, and the hunting grounds of each tribe were defined and recognized by the others. A complete chain of title to real estate in the Northwest Territory would show: (1) The proclamation of discovery; (2) the grant of the king of Great Britain and his council to the original Virginia patentees; (3) the treaty of peace, whereby the colonists were confirmed in their rights; (4) the act of Virginia of 1783, authorizing the Virginia delegates to cede the Northwest Territory; (5) the Ordinance of 1787; (6) the treaties of the United States with the Indians whereby they vacated; (7) the government survey which de-

fined the boundaries; (8) the act of congress which placed the land on the market; (9) the certificate of the receiver of the land office; and (10) the patent from the government. When technical title examiners require the above information in abstracts of title it will add about ten dollars to the cost, but nothing to the value thereof.