

DAVIS TAVERN SITE

LOCATION STUDY

CUMBERLAND GAP NATIONAL HISTORICAL PARK

KENTUCKY-TENNESSEE-VIRGINIA

DECEMBER 2, 1969

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by
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DIVISION OF HISTORY

OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION

DECEMBER 2, 1969



U.S. DEPARTMENT OF THE INTERIOR



NATIONAL PARK SERVICE

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Preface

Research on the Davis Tavern was undertaken to fulfill the needs set forth in RSP-CUGA-4. A preliminary historical report prepared by Frank B. Sarles in 1957 indicated that a Davis Tavern or Station on the Kentucky side of the Cumberland Mountain was an important stopping place for travelers of the late eighteenth and early nineteenth centuries. An archeological test done in 1958 failed to locate and identify the site. Since the tavern is believed to have been located somewhere near the portion of U. S. 25E that crosses the Park, its site might be located in the path of a proposed widening of that road by the Kentucky Highway Department.

A research trip was made to the State of Kentucky and the following depositories were consulted: Filson Club Library, Louisville (Isaac Shelby, Arthur Campbell, and the Draper Collections); Kentucky Historical Society, Frankfort (land grants, deeds, tax records, and Register of the Society); Lincoln County Court House, Stanford, and Knox County Court House, Barbourville (survey books, deed books, and order books).

In the National Archives the following sources were used: American State Papers; Census Records; Cartographical Division; Records relating to military affairs; Registers of letters received by the Secretary of War; Reports to Congress by the

Secretary of War; Letters sent by the Secretary of War; Letters received by the Secretary of War, and Records of the Cherokee Indian Agency in Tennessee. All these documents deal with military and Indian affairs during the early part of the nineteenth century. Particular interest and effort was concentrated on the voluminous and informative correspondence of Col. Return J. Meigs (1740-1823), who was the United States Agent to the Cherokee Nation and Agent for the War Department in Tennessee.

Detailed information on military and Indian affairs before November 8, 1800, is very scarce since on that date a fire destroyed all the correspondence and most of the other records of the War Department, then in charge of Indian affairs. For most of the information prior to the 1800s, therefore, we have to depend on personal correspondence, records of the County Court Houses, and the journals of travelers who passed through the Wilderness Road. Most of these journals are found in the Library of Congress.

The following report merely evaluates and clarifies some aspects of the 1957 preliminary historical research. Still unknown are the identification or description and the location of the tavern site. A copy of the 1957 historical report is enclosed. The archeological report, supposedly prepared by

Archeologist Jackson W. Moore in 1958, has not been located. What seems to be a brief summary of his report is also enclosed as an Appendix.

Most of the documents cited in this report were transcribed and will be sent to the Park for their value as a source of information for the historical interpretation of the Yellow Creek area.

Davis Tavern Site

Davis Tavern is a very elusive subject due to the vagueness of the source material available. Western frontier taverns were one of the most distinctive features of the Cumberland Road. Yet, of the many travelers who crossed the Cumberland Gap, and whose diaries and logs we have checked, only three mention the Davis Tavern or Station. One placed the "Station" on the "west side of the Cumberland Mountain;" another located the "tavern" just "down the mountain."¹ These general references could mean anywhere on the north side where the city of Middlesboro is now located.

The extensive correspondence of the Cherokee Indian Agent and the Secretary of War in connection with the settlers living along the Yellow Creek does not refer to the tavern, although the subject of stations and taverns was discussed quite frequently in these papers.² But even more strange is failure to find the name Davis among the list of original settlers who possessed land on Yellow Creek during 1803-1809, in spite

1. Filson Club Library, Mss. A 3278, Diary of David Barrow, 1795; American Historical Review, Volume v, p. 524, Diary of Moses Austin, 1796: Diary of Rev. Francis Asbury, 1800, note 11, Frank Sarles Report, 1957.

2. This correspondence is scattered through Record Group 75, Records of the Bureau of Indian Affairs, National Archives.

of the fact that the name was very common in the Lincoln County.³ Some persons with the name Davis operated taverns in and outside of Lincoln County, but the extant Court records do not specify their locations.⁴

Several survey plats (enclosed), however, tie in a Richard Davis--and later his widow, Elizabeth Davis--with the land at the foot of the mountain where the tavern was supposed to be located. Within the 200-acre land tract of Richard Davis, three of the plats show the location of a site. The Fleming survey (1797) has a "Davis Station" located between the foot of the mountain and the junction of Little Yellow Creek and Davis Branch; Myers' survey (1798) has the same site marked, but unlabeled and farther away from the junction; Craig's survey (1817) identifies the site as the house occupied by Mrs. Davis, her daughter and her son-in-law. Unfortunately the survey calls refer to specific features which at the present time cannot be located on the ground, like trees, foot of the mountain, adjacent land tracts, etc. Only the junction of the Wilderness Road and Little Yellow Creek and Davis Branch could be used as reference

3. Col. Meigs to Intruders on Indian Lands, February 15, 1804, September 23, 1809, Record Group 75, NA M 208-2; William White, Yellow Creek, to Col. Meigs, January 17 and March 24, 1805, M 208-3.

4. Lincoln County Records, Order Book 1805-1807, p. 148; "Journal of André Michaux," in Reuben Gold Thwaites, ed.,

for the location of the site. But both junctions were located in low marshy areas subject to major topographical changes and any possible physical remains of them have been obliterated.

In the interpretation of the plats, allowance should be made also for the discrepancies in distance between the "Davis Station" and the above mentioned junctions, and the differences in the trace of the creeks. Some of the plats have the junctions unmarked; others do not show the path of the Wilderness Road, especially the point where the road met Little Yellow Creek; one plat has the station on the right while another has it on the left of the Road. It is quite obvious that the creeks and the road had not been accurately surveyed at the time the plats were prepared, and this might account for the discrepancies. In those days it was not easy to attain a perfect knowledge of the geography of the Cumberland Mountain area because "the jealousy of the Indians was vigilantly alive to every movement of white people, especially with surveying instruments."⁵

Early Western Travels, 1748-1846, 32 vols., Cleveland, 1904-1907, III, 45, places Davis Station on the Tennessee side of Cumberland Gap; there was also a Davis Station at the Crab Orchard, Kentucky, about 52 miles from the Gap. Lincoln County Order Book No. 5, pp. 158-59.

5. Col. Meigs to settlers of Yellow Creek, September 23, 1809, NA, Record Group 75, M 208-4.

On the basis of survey plats alone, therefore, the location of the site can not be determined with certainty. There is no description which might help identify any physical remains with the site. As far as construction is concerned, all that is known about western frontier taverns of the period is that most of them were built of logs and that they were ordinary wilderness cabins, more often of but one or two rooms.⁶ The large fireplaces--common in all houses--were the only areas where most probably some stones were used as foundations. Some taverns were called "ordinaries" because they were ordinary houses with yearly licenses to charge for meals and lodging;⁷ others were nothing more than restaurants where meals were hastily served.⁸ Some stations had nothing to do with taverns, though both terms were used as meaning the same. Any family settling on a frontier point, and whose members strengthened themselves the best they could, was also referred to as a station. Some of these stations were simply a collection of farms whose members gathered at one particular point in dangerous times.⁹

6. Archer Butler Hulbert, "The Cumberland Road," Historic Highways of America, Cleveland, 1904, X, p. 157.

7. Lincoln County Records, Order Book No. 5, p. 83.

8. Historic Highways, p. 168.

9. Filson Club Library, Mss. 12 CC 58-61, Microfilm, interview of William Boyd, 1785.

It is not known how long the Davis Tavern or Station continued in operation and how long the building remained standing at the foot of the Mountain. The house was the residence of Elizabeth Davis at least until 1821 when she sold the property.¹⁰

The 1957 research report, citing an 1803 letter by Col. Meigs, states that in 1799 the homes of the settlers of Yellow Creek "were declared to be on lands confirmed to the Cherokee Indians by the Treaty of Holston, 1791, and a detachment of United States troops marched in to destroy their houses and crops." It is assumed in that report that the houses were destroyed and that the Davis Station was not spared. Since we did not have direct access to this letter in the National Archives, we do not know if it contains information about the specific instructions of the Army detachment from Southwest Point and what really happened in the Yellow Creek incident. If the Station was destroyed in 1799, why was it in operation by September of 1800?¹¹ If it was destroyed, was it reconstructed in the same site or somewhere else?

10. Knox Circuit Court, Knox County Court House, 1821.

11. 1957 Report, Note 11.

It is not quite clear if the houses were destroyed in 1799 and how, but the settlers were threatened and chased out by the Army troops. During several years the troops from Southwest Point kept removing the intruders, but they kept coming back and in some cases new settlers came in and occupied farms and houses of those who had left. At least after 1803, according to the Indian Agent, the policy of the War Department was to remove the intruders by persuasion or force but the destruction of their houses and fences was forbidden. Perhaps the policy before 1803 was different and the destruction of private property was not discouraged.¹² Some of the settlers who moved out voluntarily, later on filed claims for "damages." Elizabeth Davis filed a claim in 1819 in the amount of \$150.62 $\frac{1}{2}$ "for damage committed by the U. S. Troops to the private property of Richard Davis."¹³

12. NA, Record Group 75, Microfilm 208-2: William Robinson, Cumberland Gap, October 7, 1803, to Col. Meigs; Meigs to Secretary of War, December 27, 1803; Meigs to Secretary of War, December 27, 1803; Meigs to settlers of Yellow Creek, February 15, 1804, April 26, 1804; Meigs to Secretary of War, February 27, 1804; William White to Meigs, Yellow Creek, April 26, 1804; Meigs to settlers of Yellow Creek, September 23, 1809, M 208-4: Secretary of War to Congress, February 17, 1808, RG 107, vol. I, pp. 60-61.

13. Knox County Court Records, Deed Book C, p. 146, April 12, 1819.

Appendix A

Preliminary Historical and Archeological Reports

April 30, 1957

Memorandum

To: Regional Director, Region One
From: Superintendent, Cumberland Gap National Historical Park
Subject: Preliminary Orientation Report on Davis Tavern Site

Enclosed, in duplicate, is a preliminary orientation report on the Davis Tavern site, prepared by Historian Sarles.

This is not intended as a definitive report, but rather has been compiled from research data on hand as a guide to Archeologist Moore when he comes to Cumberland Gap. Research is continuing on the history of the tavern.

Millard D. Guy
Superintendent

April 30, 1957

PRELIMINARY ORIENTATION REPORT - DAVIS TAVERN SITE

Purpose of Proposed Archeological Project

The archeological project proposed for the Davis Tavern site at Cumberland Gap National Historical Park is planned primarily to pinpoint the location of the tavern. Secondary objects of the project are to find information on the appearance of the original structure and to obtain artifacts useful for interpreting the site.

Description of the Site

The Davis Tavern site is in the Kentucky portion of the park near the southeastern city limits of Middlesboro. It lies at the foot of the mountain near the junction of Avondale Avenue and U. S. Route 25-E.

The probable location of the tavern (See Below) is a low, rather marshy area near the junction of Davis Branch and Little Yellow Creek and bounded by those streams. The ground appears to be an alluvial soil with few rocks. Vegetation is mostly scrubby grass, with a few saplings scattered about.

The area appears to have seen subsequent use, both as a building site and as a dumping ground. The portion immediately in the aforementioned road junction was, until quite recently, the site of a service station and cafe.

Probable Location of the Tavern

Two survey plats prior to 1800 have been found which show the building believed to have been the Davis Tavern; on one of them it is identified as "Davis's Station."¹ Both of the plats show the building as being on approximately the same azimuth (108°) from the stream junction, but at different distances from that point.²

An examination of the ground indicates that a significant topographical change has occurred in the area during the past 150 years. Whereas Richard Davis' own survey plat shows an approximate distance from the stream junction to the foot of the mountain at its closest point of 1,200 feet, that distance now is only 600 feet.³ Assuming that the mountain has held its position, the stream junction must have undergone a marked shift. The actual tavern site, therefore, must be much nearer the stream junction than it is shown on the early survey plats.

Under the circumstances it was deemed unwise to try to mark a specific site, or sites, for excavation. Instead, the indicated azimuth of 108° has been staked out for the guidance of the archeologist. (See attached plat.)

History of the Tavern Site

Research into the history of the Davis Tavern has dispelled an apprehension that it might be anachronistic in the light of the main theme of the park story. It has a number of important ties with the pioneer theme. Richard Davis was one of the first, if not the first, to settle on Yellow Creek, and his tavern began to operate while Cumberland Gap was still a major gateway to the West.

The land on which the tavern was later built was part of a 2,000-acre entry filed by Thomas Fleming on July 18, 1782.⁴ Fleming's tract was surveyed on May 16, 1797,⁵ and a year later the tavern site included also in a survey of 995 acres made for Jacob Myers.⁶ Davis, though he had occupied the site for some four years previously, did not have his own survey made until January 14, 1799.⁷

The earliest mention of the tavern found thus far is that of the Rev. Davis Barrow, a Baptist minister, who passed through Cumberland Gap on August 2, 1795. In his diary, Barrow noted that he had passed "Daviess Station on the west side of the Cumberland Mountain."⁸ Another early visitor was Moses Austin, father of the Texas patriot, who found "very good accomodations" at the tavern on the night of December 15, 1796.⁹

In 1799, Richard Davis and a number of his fellow settlers on Yellow Creek suffered a cruel blow. Their homes were declared to be on lands confirmed to the Cherokee Indians by the Treaty of Holston (1791), and a detachment of United States troops marched in to destroy their houses and crops.¹⁰

Although the Davis Tavern apparently was destroyed along with the other structures on Yellow Creek, Davis was doing business at the old stand again by the fall of 1800. On September 28 of that year, the venerable Bishop Francis Asbury "came to Davis's to breakfast" on one of his innumerable trips to Kentucky.¹¹

How long the tavern operated is not yet definitely established. In August, 1802, the Knox County Court licensed

William Stewart to "Keep Tavern at the House occupied by Richard Davis" -- the only such instance in which Davis' name is mentioned.¹² Since the land along Yellow Creek was then (as now) unsuitable for farming, it is probable that Davis operated the tavern -- legally or not -- almost continually until his death in 1815.¹³

If tavern keeping was Davis' main occupation, it must have been a profitable business. At the time of his death he had accumulated property -- exclusive of "stud horses, jackasses & billiard tables" -- worth \$2,775.¹⁴ Among the items inventoried by the court-appointed appraisors were "5 Beads and Beading," a "Cupboard & Ware" valued at \$30, and \$40 worth of kitchen furniture.¹⁵ His land, rated at \$10 an acre, was exceeded in value only by the lands of two other tavern keepers; the average for the county of Knox was about \$2 an acre.¹⁶

Later owners of the tract included Samuel Mark, Isaac Dickinson, John C. Colson and his descendants, and the Cumberland (later the Brooks) Oil Company, from whom the property was acquired by the Kentucky National Park Commission for donation to the United States.¹⁷

Physical Appearance of the Tavern

Although no description of the original tavern has been located, a good clue is embodied in the report of the agent sent by the War Department in 1803 to evaluate the claims of the Yellow Creek settlers. He reported that some of the houses were "good houses of the kind -- logs hewed and well laid up --."¹⁸ It is possible that this building had two or three rooms, but more likely that it had only one.

Of the second tavern, nothing is known. It was probably a much more elaborate structure than the first, however. It may or may not have been of log construction.

Artifacts Likely to be Found

At present it is not known whether the second tavern was built on the site of the first, which is the one shown on the survey plats. If not, it is probable that nothing more than pottery and glass fragments and one or two household implements will be found. If both were on the same site, however, there should also be nails, hinges, bolts and other hardware, as well as small personal possessions.

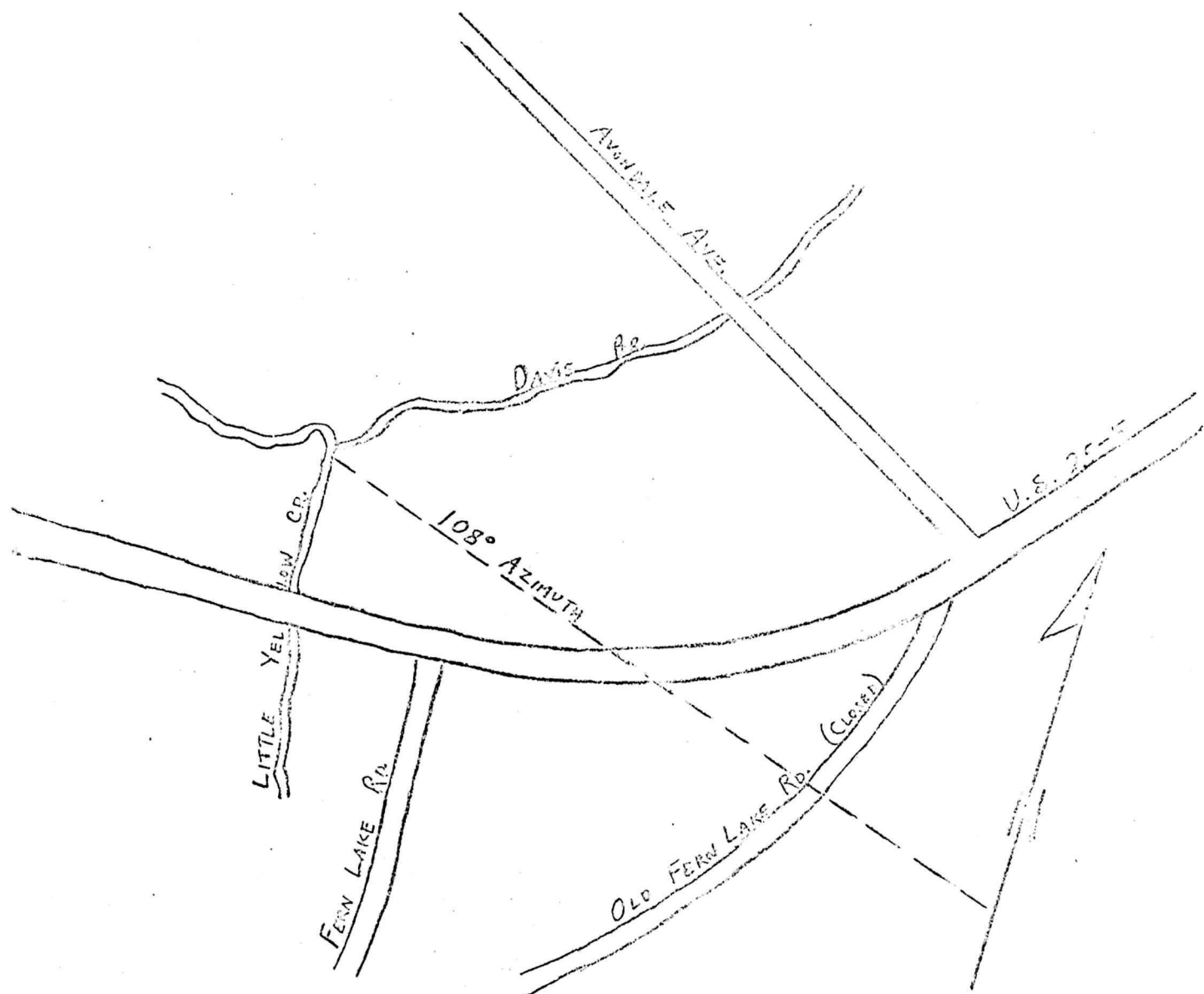
Frank B. Sarles

REFERENCES

1. Lincoln County Survey Book 4, pp. 56, 76. Located in Lincoln County Court House, Stanford, Ky.
2. The Fleming survey shows it to be about 600 feet, the Myers survey about twice that distance. Since the plats are on a scale of 200 poles to the inch, however, they cannot be very accurate.
3. Lincoln Co. Survey Bk. 4, p. 100
4. Lincoln Co. Entry Bk., 1779-____, p. 170. In Lincoln County Court House.
5. Lincoln Co. Survey Bk. 4, p. 56.
6. Ibid., p. 76. Dated May 22, 1798.
7. Ibid., pp. 100-101. A survey made for Nathan Fields on March 23, 1795, started "opposite Richard Davises on yellow creek." Lee County Survey Records, 1794-1814, p. 170. Located in Lee County Court House, Jonesville, Va.
8. Typescript copy in The Filson Club library, Louisville, Ky.
9. "A Memorandum of Moses Austin's Journey," in American Historical Review, Volume V, p. 524.
10. Letter of Return J. Meigs to the Secretary of War, May 5, 1803; in Record Group 233, Records of the U. S. House of Representatives, National Archives. Strangely enough, Richard Davis was not among those asking compensation; it was not until 1819 that his widow filed a claim in the amount of \$150.62½. Knox County Deed Book "C", p. 146. Located in Knox County Court House, Barbourville, Ky.
11. The Journal of the Rev. Francis Asbury, Bishop of the Methodist Episcopal Church, from August 7, 1791, to December 7, 1815 (3 vols., New York, 1821), Vol. II, p. 393. Asbury also dined at Davis' in October, 1805. Ibid., Vol. III, p. 179.
12. Knox County Court Order Book "D", p. 105. Located in Knox County Court House.

REFERENCES (Cont.)

13. In his letter of May 5, 1803, op. cit., Meigs wrote that "from the small quantity of good lands there, they can never be farmers -- the principal object of many of them was to keep poor houses of entertainment...."
14. Knox County tax records, 1800-1820. On Microfilm Reel 230, Kentucky Historical Society, Frankfort, Ky.
15. Knox County Will Book "A," p. 83. Located in Knox County Court House.
16. Knox County tax records, op. cit.
17. Bell County Deed Book 1, p. 95; ibid. 78, p. 142; ibid. 84, p. 463.
18. Meigs letter of May 5, 1803, op. cit.



13a

SCALE: $1'' = 167'$

DAVIS TAVERN

Excavations were carried out along an azimuth (see Historian F. Sarles's report) laid between the little Yellow Creek and the Davis Branch. The purpose was to search for evidence which would indicate the location of the Davis Tavern site. Two survey plats, made in 1797 and 1798 give conflicting distances between the Tavern and the juncture of the two streams.

The data is inconclusive. Of ten test pits excavated only two warrant further investigation. These are pit #4, which was expanded into five squares (#4-a,-b,-c,-d,-e) and nearby pit #10, which was expanded to three squares (#10-a,-b, and -c). These two pits are not on the original azimuth (taken from the present stream junction) but on a second azimuth (taken from the abandoned junction) some one hundred feet to the north.

Both pits #4 and #10, and their extensions, contained two thin, but regular strata of what appeared to be disintegrated iron. In and below the lower stratus were stones of varying sizes which suggested an eastwest wall turning a corner at the west and toward the north. Adjoining and parallel to this row on the south was a stratum of whitish soil some four feet wide. In pit #4-c this stratum contained square nails, some sherd, a small crude bead, and two pieces of charred wood. The pieces of wood are about six inches long, are side by side, and are parallel to the row of stones. The row extends the length of #4-a,-c, and

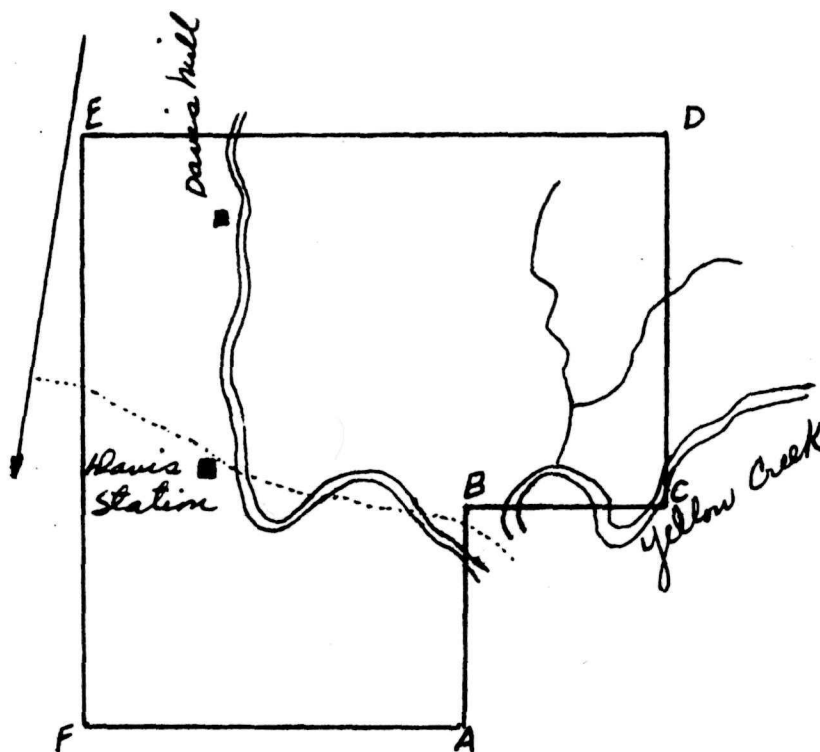
-b. Seven feet south, half in #4-b and half in #4-d, is a bed of charcoal 1.10'x2.00' at an elevation of 1134.475. Two iron artifacts found in this area at elevations of 1135.035 and 1135.395 have been identified as recent. The charred wood has an elevation of 1134.435, and the stone row varies from 1133.665 to 1134.935.

While not conclusive, the evidence is good that there was a structure located partly in pit #4, and possibly in pit #10. Unfortunately, the available data does not identify the structure. When all of the artifacts have been examined by experts, perhaps a time span can be inferred. The Davis holdings were the first to be set up along the artifacts prove to date around 1790 they would have to be associated with the Tavern. Further excavation will be necessary to confirm or eliminate pits #4 and #10 as the Tavern site.

(Note: Presumably this is a **summary of Archeologist Jackson Moore's** report. The latter has not been found.
Ricardo Torres-Reyes)

Appendix B
Survey Plats and Calls

Surveyed for Thomas Fleming 2000 acres of upon Two Treasury Warrants No 10496 and 10497 lying on the waters of Yellow Creek adjoining Jn Smiths Entry of 300 acres on the East and South East to Include the grindstone Quarry for the Quantity Entered 18th of July 1782 situate lying and being in the County of Lincoln on Yellow Creek waters and Bounded as follows to wit Beginning at two sweet gum trees standing in a large mash being the north East corner of John Smiths 300 acre Entry, thence SO, E 205 poles to the settlement Road in all 219 poles to two Beeches and a white oak at B thence S 81 W 219 poles crossing Yellow Creek three times to a double Beech standing on the most northerly Bank of said Creek at thence S 9 E 300 poles crossing said creek to two chesnut oak trees at D thence N 81 East 606 1/2 poles crossing Davises Mill Creek a considerable distance above his Mill two Hickorys and Dogwood standing on the side of Cumberland Mountain at E thence N9 W 310 poles to the settlement Road in all 607 poles to a stake at F thence S 81 W 387 1/2 poles to the Beginning. May 16, 1797. Variation 3 Degrees East.

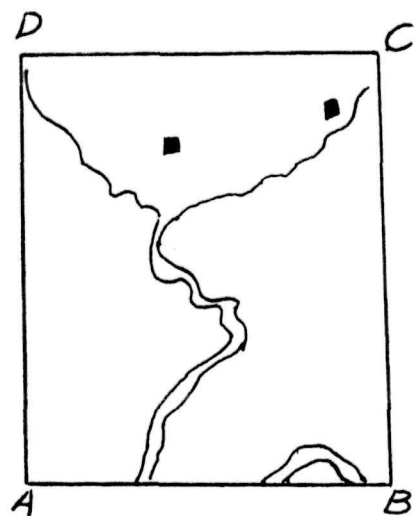


Tracing of Fleming Survey (1797), no scale, variation
of three degrees East, Lincoln County Survey Book
No. 4.

Cornelius Gatlif and William Davis- C. Men
Richard Billiew- Marker

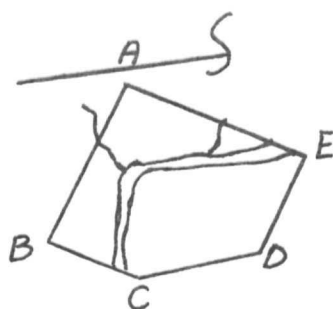
Surveyed for Jacob Myers 995 acres of land upon
a Treasury Warrant N 21270 Entered December 3,
1797 situate lying and being in the County of
Lincoln on a branch of Yellow Creek and bounded
as follows to wit Beginning on two sweet gums at
A thence S 15 W 344 poles to a Blac oak tree at
B thence S 75 E 464 poles to a stake on Cumber-
land Mountain at C, thence N 15 E 344 poles to
a stake at D thence N 75 W 465 poles to the
beginning.

Surveyed May 22, 1798.



Tracing of Myers Survey (1798), scale of 200 poles
to the inch, Lincoln County Survey Book No. 4.

Surveyed for Richard Davis 200 acres of second Rate Land by virtue of a certificate N. 100 situated lying and being in the County of Lincoln and on the waters of Yellow Creek Waters of Cumberland River Beginning on a white oak tree marked DD at the foot of Cumberland Mountain at A thence north 60 West crossing Branch 179 poles to two Red oaks at B thence south 30 West 100 poles to a Beech ash tree on the Indian Line at C thence south 3 East Bounding on said Indian Line 122 poles to an ash tree at D thence S 60 E 100 poles to a stake at E thence N 30 E 200 poles crossing Creek to the Beginning at A. Surveyed January 14, 1799 by scale of 200 poles to inch.



Tracing of Richard Davis Survey (1799), scale of
200 poles to an inch, Lincoln County Survey Book
No. 4.

Appendix C
Ejectment Suit

KNOX CIRCUIT COURT

Filed December 26th, 1815.

Green Clay

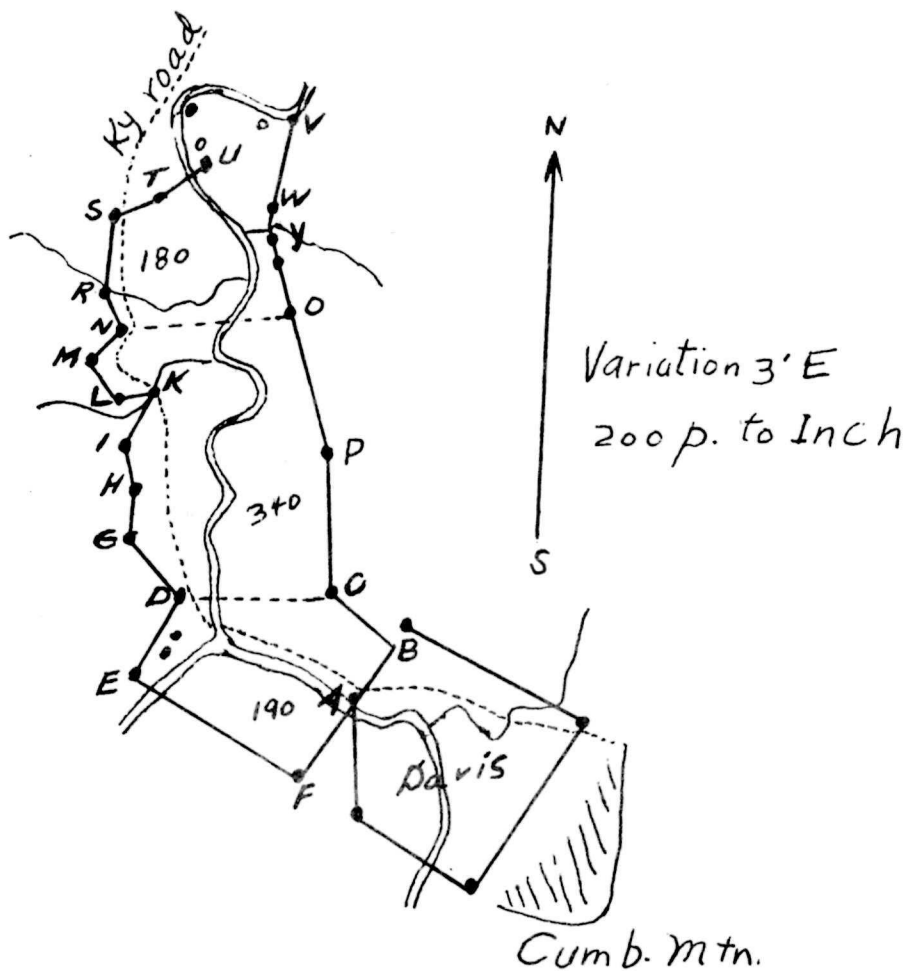
Complainant,

-vs- = March 8th, 1816 Andrew Craig filed answer.
 = " " " William Beard filed answer
 = Spa. endorsed "Executed on William Beard and
 = David Taylor before the 1st day of January
 = 1816, and on Andrew Craig and William Smith
 = afterwards by me" Deputy Sheriff for Sheriff
 = Knox County, Ky.

Andrew Craig, William Beard,
David Taylor, William Smith
William Perrell,

Respondents.

Bill avers that complainant made entry with the proper surveyor as follows. "November 9, 1781, G. Clay assignee of William Mayo, enters 1000 acres of land upon part of a Treasury warrant No. 7259. Beginning at Fort of Yellow Creek on Kentucky road, running up and down on both sides of said creek for quantity" and after he made explanation of said entry by way of amendment as follows: "May 28, 1785. Beginning at foot of Cumberland Mountain on Kentucky road: Along the foot of said mountain southward 200 poles; crossing said creek by running such a course or to the hills if within that distance - making right angles to extend down the creek bounded by the hills and mountains on each side thereof as will include the quantity by running across the creek will give the said quantity of 1000 acres." That said entry possesses sufficient specialty



Tracing of Clay survey (1806), Knox County Circuit Court Records, 1815.

and notoriety. That a grant has regularly issued to complainant thereon for 340 acres of date November 4, 1806. That a part of said entry hath been surveyed and caveated by a certain Arthur Campbell. That Complainant has been in peaceable possession of said 1000 acres of land for 20 years, and has made valuable improvements thereon. That Respondents under pretense of older and better claim entered in possession and procured some of complainants tenants to attorn to them, refusing to surrendered possession or to pay complainant for his improvements. That respondent's entries are youger than complainants and have been improperly surveyed as to location. That respondents grants are older than the orators.

General relief prayed for.

A copy of several surveys appear in files.

Knox County Kentucky, April 9th, 1806. Surveyed for G. Clay, 190 acres on above entries beginning (A) two beeches and ash tree corner to land of Richard Davis, standing on Indian line at foot of Black Mingo Mountain about 10 poles south Little Yellow Creek: running with said Davis' line N 31 E 72 poles crossing Little Yellow Creek and said Davis' field to (B), a white oak at the foot of said Mingo Mountain: N 54 W 80 poles to 2 black oaks hickory and post oak on east

side marshy ground having passed a place called the Gap at (C): West 190 poles crossing Big Yellow Creek to (D), a black oak and gum in a gap between two knobs: S 30 W 95 poles crossing the knobs to (E), 2 white oaks 2 sour woods, a beech and black oak on the sharp point of a ridge about 30 poles above the Cole branch on Yellow Creek: S 60 E 200 poles crossing Big Yellow Creek to (F) N 31 E 105 poles to Beginning.

Also 340 acres on the same warrant and entry adjoining said survey on the lower side. Beginning at (C) 2 black oak hickory and post oak corner to above survey, with a line of same West 190 poles crossing Big Yellow Creek to corner at (D) a black oak and gum: N 35 W 80 poles to (G) a white oak: N 2 E 37 poles to (H) a white oak and black oak: N 6 W 58 poles to (I) a dogwood and white oak: N 22 E 53 poles to (K) a white oak near a branch by the State road below William Lain's field: N 79 W 30 poles to (L) two white oaks called William Robertsons corner: N 44 W 42 poles to (M) a white oak on hill above Bauchman's house: N 37 248 poles to (N) a white oak and sweet gum on the State road: East crossing Yellow Creek 175 poles to (O), a black oak and hickory near the top of hill below Henry Rains' plantation: S 17 E 158 poles to (P) a white oak and sweet gum on a small branch near the edge of the creek bottom: S 4 E 120 poles to Beginning.

Also 180 acres on same warrant and entry. Beginning (N), white oak and sweet gum corner last survey standing on State road just above Four Mile Creek: N 27 W 35 poles to (R), beech, corner to a 50 acre survey made this day on Four Mile Creek, branch Beg Yellow Creek: N 6 E 80 poles crossing said Four Mile Creek near State road with line of said 50 acre survey to (S), white oak and sourwood on hill: N 66 E 45 poles crossing State road and Pine Ridge to (T), white oak: N 46 E 52 poles crossing Yellow Creek to (W), white oak beech, and black oak on east bank said Creek: running down binding on meanders Yellow Creek N 29 W 19 poles: N 3 E 65 poles S 69 E 85 poles S 57 E 21 poles to double poplar and two maples standing at the foot of hill at the upper end of the narrows (T): S 14 W 90 poles to (W), white oak on point of a ridge below a branch: S 27 poles crossing branch to (X), beech on east bank Yellow Creek at narrows below Henry Rains' house 1/4 mile: Up with meanders said creek S 17 _____ 21 poles to large chestnut on bank of creek below said narrows the course continued 68 poles to (O), black oak and hickory corner to 340 acre survey above mentioned: running with a line of same West 175 poles crossing Big Yellow Creek and State road to Beginning.

COMMONWEALTH OF KENTUCKY

County of Knox, Circuit to-wit:

John Doe, complains of Richard Roe, in custody &c, of a plea of tresspass and ejectment. For this that the said Thomas Fleming on the 1st day of May, in the year 1798, in the State of Kentucky, and the county of Knox had granted, demissed and to farm, let to the said John Doe, a certain messuage or farm and containing two thousand acres of land with the appertenances lying and being in the County and state aforesaid: to have and to hold his tenement aforesaid with the appertenances unto the said John Doe and his assigns from the 1st day of May, then last passed unto the full end and term of twenty years thence next following; and fully to be complete and ended; by virtue of which demise the said John Doe, into the tenement aforesaid with the appertenances entered and was thereof possessed until the said Richard Roe afterwards, to-wit; the 2nd day of May, in the year aforesaid with force and arms into the tenement aforesaid with the appertenances in and upon the possessions of him said John Doe entered and the said John Doe from his tenement aforesaid (his term aforesaid not being then nor yet ended) ejected, expelled and amoved; and him from his possessions aforesaid held out and still doth hold out and other enormities then and there offered him against the peace and dignity of the Commonwealth of Kentucky and to the damage of the said plaintiff \$500.00

and therefore he brings suit &c.

Letcher, for Plff.

Mrs. Elizabeth Davis and James Simms.

You may perceive by the foregoing declaration in ejectment that I am sued for the premises therein mentioned they being or some part of them in your possession and to which I have no title; if therefore you claim any thereto and intend to defend it you must appear the first day of the next April Term of Court, to be holden in and for the Circuit of Knox County, in the town of Barbourville, and then and there by rule of said Court make your defense otherwise I shall suffer Judgment to pass against me by default and you will be turned out of possession.

Yours &c.,

Richard Roe

Indorsed.

A true copy delivered to James Sims and Elizabeth Davis, on the 29th of March, 1816, by me.

David Hogan, D. S.

For A. Ross, S. K. C.

July Term, 1816

John Doe, on demis of Thos. Fleming, . . . Plaintiff.

)
Vs - In ejectment
)

Richard Roe, Defendant.

This day came the plaintiff by his counsel, and it appearing to the satisfaction of the court, that a copy of the writ of ejectment herein filed was served on Elizabeth Davis and James Sims, tenants in possession and having failed to appear and enter themselves defendants thereto, it is ordered by the Court that unless the said tenants in possession or some other person for them do appear here on or before the 3rd day of our next October Term and cause themselves to be made defendants plead the general issue, confess lease entry and ointer in the declaration mentioned and agree to rely on their title only the Judgement will be entered up against the said Richard Roe and the default and the tenants turned out of possession.

Elizabeth Davis)
)
 Advs -
Thomas Fleming,)

And the defendant come and defends the wrong and injury when and where &c, and says the plaintiff his action

against her ought not to have been made because she says she is not guilty in manner and form as the plaintiff herein hath alledged; and of this she presents hereself upon the county.

Quarly, Att'y. for deft.

And the plaintiff likewise,

Letcher, for plaintiff.

October Term, 1816.

John Doe, on demise of Thos. Fleming,Plaintiff.

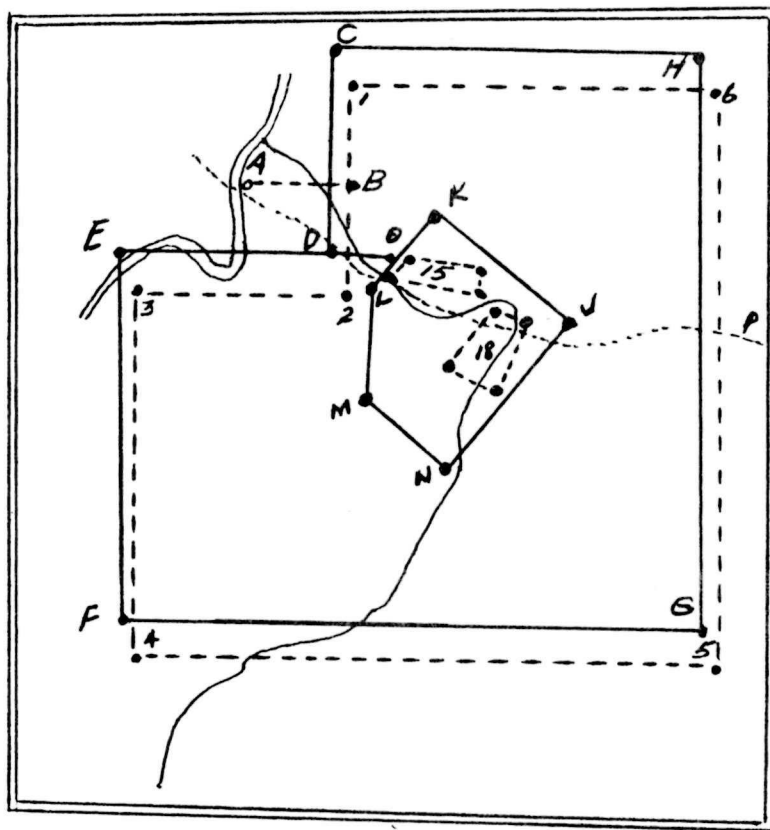
)
against - In ejectment.
)

Richard Roe, Defendant.

The Sheriff in this case returned the Common Order awarded at last Court executed on Elizabeth Davis, and James Simms, the tenants in possession, whereupon the said Elizabeth Davis for herself and James Simms by T. Quarly, Jr., her Att'y comes and defends the force and injury where &c., pleads the general issue, to which the rejoined confesses leond entry and omta and agrees to rely on her title only at the trial and on motion it is ordered that the surveyor of this County do go on the land in controversy and lay off the same as either party may direct, having due regard to all deeds and other evidence produced and report all matters of fact specailly; And make out three fair plats and certificates thereof and return the same

to our next Court, and the Sheriff is ordered to attend and remove force if any should be offered and this suit is continued till next Court.

In persuance of an order of the Honorable Circuit Court of Knox County to me directed to survey the land in controversy between plaintiff, and Elizabeth Davis and James Simms defendants. I attended at the Ford of Big Yellow Creek, on the 19th Day of March, A. D., 1817, when I began at Letter A, where the State road crosses said Creek; Thence N. 81 E. 109 1-2 poles to B. I then proceeded to C. a sweet gum tree in a large marsh, which appeared to be accurately marked as a corner tree. From thence I proceeded agreeable to a copy of the original survey, S 9 E 153 poles to the line run from A to B and crossing the same 90 poles from A, course continued in all, 192 poles to the State road in all 219 poles, stopping in cleared land in David Taylor's field or corner found at D. Thence S 81 W 219 poles crossing Yellow Creek three times to E on the North Bank of said Creek, No corner found. Thence S 9 E 388 poles crossing said Creek at the start to F. No corner found. Thence N 81 E crossing little Yellow Creek above Davis mill seat and top of Cumberland Mountain at 584 poles in all 606 1-2 poles to G. No corner found: Thence N 9 W recrossing the said road at 300 poles



Tracing of Craig Survey (1817), probable scale of 200 poles to the inch, Knox County Circuit Court Records, 1817.

in all 607 poles to H. No corner found: Thence S 81 W 387 1-2 poles to the beginning and black lined figure C. D. E. F. G. H. represents Fleming survey, and letter C, the beginning corner of the same. James Simms then directed me to survey a 200 acre tract of land claimed by the late Richard Davis, Dec'd. agreeable to the patent by beginning at a white oak at J. which white oak stands near the foot of Cumberland Mountain, and is marked as a corner tree and was showed to me by James Simms and Preston Davis to be the beginning corner of said survey:

Thence agreeable to the calls of said patent N 60 W 190 poles crossing several high points of ridges and following a plain marked line to two red oaks one plainly marked as a corner tree, the other being dead, and the bark fallen off. It only appeared to be marked on one side, at "K;" Thence S 30 W 100 poles crossing little Yellow Creek to beech and ash stump on the Indian line showed by Preston Davis to be another Corner of said survey at "L."

Simms then directed me to lay down the balance of said survey by protraction agreeable to the calls of said patent: Thence S. 5 E. with said Indian line 122 poles to an ash tree at "M": thence S 60 E 100 poles to a stake at "N": Thence N. 30 E 200 poles crossing Little Yellow Creek to the beginning, which last line I run.

Simms then directed me to lay down by protraction Fleming's 2000 acre survey from "B", agreeable to the courses and distances called for in his said Fleming's patent; And the dotted figures 1, 2, 3, 4, 5, 6, represents the same. The Black line figures, J. K. L. M. N., represents said Davis' 200 acre survey and the Black line O, D. shows the way it is connected with Fleming's survey.

The crooked dotted line from A to P. represents the State Road. The single Black crooked line represents Little Yellow Creek.

The double crooked line represents Big Yellow Creek.

Given under by hand, at office this 1st day of April 1817.

George W. Craig, S. K. C.

June 10, 1817.

I attended to lay down by survey the improvement of Elizabeth Davis and James Simms. The small dotted figure No. 18

represents 18 acres of cleared land on the South side of the State road. No. 15, represents 15 acres of cleared land on the North side of said road, and this ☐ marked the dwelling house of said Simms.

George W. Craig, S. K. C.

Thomas Fleming,

To the Surveyor of Knox County Dr.

To 2516 poles actually run at one cent for three poles
\$8.35.

To one half for connecting laying down, and
recording one copy, 1.25
\$9.60

James Simms,

To 290 poles actually run, .96

To one half for connecting, laying down 1.25
and recording one copy \$2.21
George W. Craig, S. K. C.

July Term, 1817.

John Doe, on demise of Thomas Fleming,Plaintiff
vs)
- In ejectment.
)
James Simms & Elizabeth Davis,Defendants.

This day came the parties aforesaid, by their att'ys
and on motion it is ordered that a Jury do come &c, to recognize
&c and thereupon came the Jurors of a Jury, to-wit:

