

the first court house, as follows: "Ordered, that Daniel May is authorized and permitted to build and put up a house, which he has now ready all the timbers to put together upon the public square in the town of Hubbardsville, the seat of justice in and for the county of Clay, at any time he may think proper, for the purpose of holding a court in and keeping the Clerk's office in. On conditions that the said May raise, weatherboard and put doors and window shutters to the said house, and lay plank on the lower and upper floor, and make a partition across the said house, so as to make two rooms to the same."

A road was ordered cut out on the most eligible route from James Elliott's house to George Goble's mill on the Little Wabash, and from thence to the Fayette County line to Asa Ledbetter's. To this work was assigned James Leavitt, William Daniel and George Goble. Another road was ordered opened from Hubbardsville, to pass by the house of Enoch Wilcox, and thence to the line dividing Clay and Lawrence Counties in the direction of Mt. Carmel, and this was to be attended to by Levi Jordan, William Binion and James Embrey.

A tax of one half per cent was fixed upon the taxable property of the county above specified, and a portion of this money was to go to making county roads.

Willis C. Osborne was appointed to sell the lots in Hubbardsville.

At the June term of this court, same year, the first act was to order "Willis C. Osborne to pay to the Sheriff the sum of \$8, the amount which he received as County Treasurer, and that he personally appeared in open court and resigned his appointment as such."

Then appears this order:

"Ordered, that the seat of justice of Clay County be and hereby is named Maysville,

and that it shall and is hereby recognized by that name."

And from that time, and for many years, the place that from March, 1825, to June of the same year had been named and called Hubbardsville, became Maysville, in honor, no doubt, of Daniel May, the man who donated the twenty acres of his land and built the court house for the seat of justice.

Benjamin Bishop was appointed Road Supervisor of that part of the county embracing Bishop's and Goble's settlements, and Joseph Brimhall was appointed for that part including Smith's settlement, and Philip Devore for the Jordan settlement.

At the June term, 1825, the court received and accepted the new court house that had been built by Daniel May.

Daniel May was ordered and commanded to build upon the public square an office for the County and Circuit Clerks.

Willis C. Osborne was appointed the first County Assessor, and he was also appointed at the same time Recorder.

Peter Kinney was recommended to the Governor for County Surveyor.

For the October Circuit Court, 1825, the following were designated as grand jurors: Isaac Brady, Isaac Elliott, Ephraim Haines, Benjamin Campbell, William Hargis, Basil Daniel, William Daniel, Levi Sceif, Francis Harman, Levi Daniel, William Smith, Isaac Romine, Andrew Evans, James Richerson, Seth Evans, John Jeffries, C. D. Worthen, James Leavitt, William Nash, Elisha Anglin, William Binion, John Miller, Sr., and Jacob Perkey.

Traverse jury—Benjamin Bishop, George Goble, John R. Taylor, William Lewis, Levi Jordan, James Embrey, Abraham Robeson, Bennet Robeson, Enoch Wilcox, Alexander Rogers, Samuel G. Weatherspoon, Jacob Dean, Mathias Meisenheimer, Daniel May,

Solomon Sherwood, Philip Devore, John Goble, Leonard Melton, John McCawley, Daniel Speaks, Thomas Elliott, George Faris, John H. Lacy and John Mathis.

Daniel May had so far constructed all the public buildings, the court house, Clerk's office, etc., and he had been paid in all \$200 in notes that were given for town lots at the sale.

In December, 1825, the Sheriff settled with the court for the year's tax, and the following is the total amount, \$84.70½. Thomas McCracken was allowed for his year's salary as Sheriff and Treasurer \$27.50.

At the sale of lots in Maysville, Daniel May purchased lots numbered 28, 37, 31, 26 and 23. John H. Lacy purchased Lots 16 and 33. Jonathan McCracken bought 32, James Bird 40, and William Lewis 4 and 13.

The grand jurors for the April term, 1826, of the Circuit Court, were as follows: Levi Jordan, Enoch Wilcox, Ephraim Haines, Alexander Rogers, John Goble, Leonard Melton, William Melton, William Daniel, Benjamin Bishop, William Hargis, Francis Harman, John Bishop, James Leavitt, Isaac Romine, Joseph Brimhall, William Smith.

In March, 1826, the final payment was made to Daniel May for all the county buildings, making a total of \$325.

William Hargis, William Smith and Alexander Rogers were appointed to lay out that part of the State road commencing at the Wayne County line and extending to the Marion County line.

All voters residing north of Hurricane Creek, and northwest of Muddy Fork and northeast of William Smith's were authorized to hold their elections at the house of Samuel G. Weatherspoon, "formerly occupied by George Goble, it being at or near Goble's Mill," and Thomas Leavitt, George

Riley and Basil Daniel were appointed Election Judges.

W. C. Osborne resigned the office of County Clerk, and July 8, 1826, the court appointed John R. Taylor County Clerk.

At the August election, 1826, Thomas Elliott, John McCawley and Levi Jordan were chosen County Commissioners, and they held their first court in September following. The first act of the new court was to appoint Isaac Elliott Constable.

The new names that appear in the grand jury list for the October term, 1826, of the Circuit Court gave it interest enough to publish it in full as follows: Levi Self, Benjamin Bishop, Basil Daniel, John Goble, Thomas Leavitt, Thomas Nichols, Seth Evans, Alexander Rogers, George Riley, George Faris, William Webb, John Jeffard, Elisha Anglin, David Moore, Marcus Wilson, John Evans, James Nelson, Sr., Andrew Evans, Jacob Perkey, Philip Devore, William Smith, Levi Daniel, John Binion and Daniel Evans.

James Nash was the second Sheriff of Clay County, elected in 1826.

In March, 1827, John McCawley was licensed to keep a toll bridge across the Little Wabash, "where the road crosses, leading from Vincennes to St. Louis, in Section 21, Town 3, Range 8."

Traussy P. Hanson was appointed County Assessor for the year 1827.

At the June term, 1827, John Jeffards was County Commissioner, vice Levi Jordan.

The county was divided in two voting precincts, and James Embrey, Mathias Meisenheimer and Thomas Nichols were appointed Judges of the south district, and James Leavitt, Hackley Sams and Enos Johnson, Judges of the north district.

Seth Evans was appointed Treasurer of the county.

## HISTORY OF CLAY COUNTY.

was the County Treasurer; J. W. Murry was the new member of the Commissioners' Court, 1848. A. Green was chosen Treasurer under the law; the new order of things in reference to the County Court were in force, and therefore at the March term, 1850, the County Court met. Robert Field was County Judge, and William Nicholson and Robert Colborn, Associates.

Francis Apperson, Clerk.

As we have spoken of the various changes in the matter of the county seat, that is, of those that have occurred, it may not be out of place to mention the fact here that as early as 1861, the question was agitated to that extent that an election was held in the county on the question of removing the seat of justice from Louisville to Flora. Louisville triumphed, but the question, it seems, was not settled by a vote of the people, that is, in the minds of some Floraites, as they

continued to talk bravely, and for some years would keep the people of Louisville in constant hot water; but we believe we are now safe in saying that matters generally quieted down, and are as a general rule, regarded as settled at least for some years to come.

It was not the selection by the Commissioners of Louisville as the point to remove the county seat that first started the idea of a town there, as we find that as early as 1838, Isaac Coleman was licensed to merchandise in Louisville, and at the same time Peter G. Gray was licensed to keep a tavern at the same place. It probably was the limpid waters of the noble Okaw that caught the eye of these city builders. Something of the idea of the growth of Louisville may be gained from the vote on the question of incorporation held in 1850. The vote stood 19 for and 1 against, indicating a population of about 100.

## CHAPTER V.

ADDITIONAL ACCOUNTS OF THE PEOPLE—NEIGHBORHOOD FEUDS—REGULATORS AND SOME OF THEIR VICTIMS—MARRIAGES, COMMENCING WITH NUMBER ONE—THE COURTS—JURIES AND LAWYERS AND COURT AND COUNTY OFFICERS TO DATE—FIRST INDICTMENTS—FIRST COUNTY OFFICERS—THE PRESIDING JUDGES, ETC.

**S**OMETHING OF THE OLD SETTLERS.—Francis Apperson, aged thirty-three, was born in Abingdon County, Va., came here in 1826. Now lives in Lebanon, Mo., where he went about eight years ago. He married Sally Duff in Virginia, a relative of D. D. and N. H. Duff, the latter now living in Clay City. Apperson's oldest son, Albert, died in the army, next was Elizabeth, who married Isaac Martin, Jr., she died some years ago, and Martin married again. John

Apperson was a long time Circuit Clerk, Master in Chancery, and in fact held many offices in the county. His accounts eventually were short and he went to New Mexico, where he now lives. Then there was Stephen, now in Lebanon, Mo., with his father. Charles married Dr. Wining's daughter, and died. Ellen, who married Simeon Bishop, is now in Utah. John L. Scutchfield married Ellen Colclasure in an early day, some time in the thirties. She was at that time living with

Nancy Bishop, by Thomas Whiteley, Justice of the Peace; August 26, 1832, by Squire John Mathews, Madison Willhite to Susan Sloo; March 10, 1833, Allen Walston to Malinda Greenwood, by Squire J. L. Wickersham; April 11, 1833, Bennett W. Moreley to Elizabeth Creek, by Squire S. B. Curbow; June 27, 1833, by Squire David D. Duff, William Hilliard to Martha Ann Barnet; August 3, 1833, Thomas Leavitt to Parmelia Stallings, by Squire S. B. Curbow; July 11, 1833, John Mathews to Susan Clark, by Squire J. L. Wickersham; October 8, 1833, William George to Elizabeth Songer, by Rev. Zadock Casey.

*Courts, Judges and Lawyers.*—The first Circuit Court of Clay County, Hon. James Hall, Presiding Judge, assembled at the house of John McCawley, on Monday, 11th day of April, 1825.

Willis C. Osborne produced his commission and was sworn in as Clerk. This was the Fourth Judicial Circuit. Osborne's commission bore date January 27, 1825, and the records he has left bear testimony to his qualifications to fill the office. We have seen no better record anywhere in the new counties.

Thomas McCrackin was the Sheriff, and he gave bond in the sum of \$10,000, with Daniel May, Enoch Wilcox, William Lewis and Willis C. Osborne, as sureties. Henry Eddy produced a commission signed by Gov. Coles, as Circuit Attorney.

The first case ever docketed was James Bird vs. John McCawley, in case. This was continued for service.

The first grand jury returned the first indictment into open court, entitled the People vs. David Elliott and Fanny Rutherford, adultery. The second case was the same vs. Daniel Brumley, hog stealing. The third indictment, and this constituted all the bills

of this term of court, was the same vs. the same, Daniel Brumley, rape. It would seem that Daniel was rather a rough citizen generally.

At the October term, 1825, James O. Wattles was the Presiding Judge. At this term of the court appears the first divorce suit ever recorded in the county. It was Willis C. Osborne vs. Rachel Osborne. It seems from the papers Mrs. Osborne was not a resident, and hence Willis got a divorce by default. At this term of the court the grand jury returned indictment against Willis Boon and John Chapman for "forcible and stoien marriage," and another indictment against same "for carrying away Rose Wallace against the will of her father." William Lewis was indicted for "setting fire to the prairie," and Robert M. Gordon, "assault and battery," and Daniel Mays, ditto. Robert M. Gordon attended as a Constable on this term of the court. It appears in justice to David Elliott, that at the April term, 1826, of the court, as per Clerk's entry, that he had married the Rutherford girl, and the case was dismissed.

The April court, 1826, Judge James Hall presided. Willis C. Osborne, the Clerk, was indicted for sending a challenge to fight a duel. John Robinson was indicted for perjury. The case of Enoch Wilcox vs. B. and J. Robinson was arbitrated, and the court appointed Alexander Rodgers and John McCawley, referees.

October term, 1826, Judge James Hall, presiding. The second divorce suit of William Webb vs. Peggy Webb. Hon. John M. Robinson was attorney for plaintiff. Webb got his divorce by Peggy's default. The indictments in the Boon case, noticed above, were reported lost or missing, and the State's Attorney had leave to file new ones. A *not pros* was entered in the case of William Lewis for firing the prairie.

May term, 1828, William Wilson was the Presiding Judge. John R. Wilson was appointed by Judge Wilson, Circuit Clerk vice Willis C. Osborne, who it seems, had gone into Wayne County. Taylor's appointment was dated March 29, 1827. His bondsmen were Levi Self and Francis Harman. At this term, four indictments, viz., against W. W. Boon, Robert Gordon, Willis C. Osborne and John Robinson were stricken from the docket. At this term, a case of Cornelius Dunham vs. Enos Johnson. The attorneys were John M. Robinson and W. L. D. Ewing. In a case of John Mathew vs. James Cook, Benjamin Mills appears as one of the attorneys. The grand jury at this term returned four bills as follows: Daniel Robinson, adultery; Sarah Pew, fornication; John Mathews, assault; John Evans, assault. George Riley was the Sheriff, and was required to give bonds of \$10,000. His sureties were William Nash, William Webb, George Faris, Seth Evans and William H. Sams. This term of the court lasted just one day. At the October term, same year, Wilson again presiding, James L. Wickersham appeared and gave bond as Sheriff, with Joseph Andrews, George M. Hanson, William Lewis, Crawford Lewis and John Miller as sureties. Joseph Andrews was Coroner.

August term, 1831, Robert Toler appeared and filed his bond as Sheriff. His sureties were John R. Taylor, Seth Evans, Hiram Keach, Peter Green, William Duff, John Mathews and David D. Duff. Henry Taylor was Coroner. March 26, 1833, Caleb Ridgeway filed his bond as Clerk of the Circuit Court. Robert Toler was again commissioned Sheriff in 1834. March term, 1835, Justin Harlan was the Presiding Judge.

September term, 1835, Alexander Grant was Judge presiding. March term, 1836, Justin Harlan again held court. At the

April term, 1839, Judge Harlan appointed James M. Hogue Clerk of the Circuit Court for Clay County.

After Willis C. Osborne's indictment for trying to fight a duel, the matter seems to have rested until 1839, when John Golden was indicted and tried for this offense. A jury was impaneled as follows: Francis Apperson, foreman, Alexander Bruce, Arthur McCawley, John Grooms, Josiah Blair, Washington Bishop, Robert Bennyfield, David Sweezy, Edmund Jones, Thomas S. Parvin, Hugh McDaniel and George Green were the jury called upon to consider the case. They found Gordon guilty as charged. Whereupon he was fined \$5 and cost.

April 3, 1839, James M. Hogue filed his bond as Clerk of the Circuit Court, with Francis Apperson and Peter Green as sureties. Judge Harlan approved the bond, and Hogue entered upon the duties of the office.

At the October term, 1839, G. B. Shelledy's name appears on the record as an attorney. At this term of the court, John Service was tried for assault with intent to commit murder, and sentenced to one year. The order sentencing him says: "There being no Sheriff of the county at this time, the Coroner be allowed to take with him as guard to convey the defendant to the penitentiary two persons," etc. The jury in this case were Robert Scoggs, Richard G. Sorrells, George Baity, John Colclasure, John Bullard, Daniel Evans, James Riley, John L. Apperson, James Leavitt, William Sneed, James Ano and William L. Lankston.

In 1841, Judge William Wilson again was Presiding Judge at the March term. At this term Francis Apperson presented his bond as Circuit Clerk, Nathaniel H. Duff and Daniel McCawley, sureties. Judge William Wilson approved the bond. Apperson had been appointed by Judge Wilson, Chief Justice of

the Supreme Court. The grand jury at this term presented five indictments; three of which were for larceny and were against Benjamin Goble, James Lee, and William Mangum respectively. And against Matthew Lippet, selling whisky, and Fredrick P. Parker, malicious mischief. At the August term, 1842, the grand jury returned seven indictments; one was for attempt to murder, and the other six were for "adultry." For the last-mentioned there were indicted, David West, Samuel Freeman, Mary Egan, Mary Pate, William E. Henry and Martha Perkins. The case for attempted murder was bound over in \$50 and the others \$30 each.

At the second term of the court, in 1825, Isaac Romine and William Smith appeared in open court and purged themselves of contempt for a failure to appear as jurors at the preceding court. At the same time John M. Robinson, attorney, on motion discharged William Webb and George Faris, sureties for Robert M. Gordon.

In 1843, Edmund Jones, was elected Sheriff. He gave bond with James Rusk, Isaac Martin, John Maxwell, Henry Kenley, Charles A. Moon, Joseph Maxwell and William Lewis as sureties. Judge William Wilson approved the bond. Francis Apperson was Clerk of the Circuit Court.

At the May term, 1845, Judge William Wilson, the following grand jury was called: Jacob Stipp, foreman, James McKinney, Aaron O. Finch, John S. Ridgeway, Benjamin T. Randall, John H. Hill, Gideon Higginbotham, John Ditter, Stephen Hardin, John Weaver, Jarrett Erwin, Washington Lewis, Alexander Cockrell, James Henderson, Charles Lockhart, Jacob Colclasure, William Sutherland, Lewis Allgood, Alexander Vickrey, M. C. Minnis and Wesley Wood.

The traverse jury were William T. Duff,

Abraham Stanford, John R. Randall, Isaac Stanford, John Sutton, William Martin, Hugh Young, Gideon Bailey, James J. Spriggs, John Ingraham, Crawford Erwin and Benjamin A. Vernatter.

At the May term, 1845, Robert Toler filed his bond as Sheriff, and John A. McCawley filed his as Coroner.

To the September term, 1848, William Wilson, Chief Justice of Illinois, continued to hold all the courts. He was then legislated out of office, and the great man retired to private life and seclusion from the public, at his home in Mt. Carmel, where he resided until he died. Here was an instance of a great Judge being outraged, and all the people thereby wronged by a contemptible league of little demagogues and politicians. When they turned Wilson out of office, they probably thought they did a very smart thing, when the truth is they were only making their own record and staining all their tribe of little demagogues. At the next term of the court in 1849, Justin Harlin presided as Judge.

At the May term, 1849, Strother B. Walker was the Sheriff.

At the March term, 1851, Stephen Hardin was the Sheriff.

In 1854, Henry Neff was Sheriff; in 1856, Henry Phelps; 1858, B. F. Reynolds; 1860, Henry Phelps; 1862, Henry Hortenstein; 1863, James Gammon; 1865, Walton Finch; 1868, Tom Monical; 1870, John R. Tanner.

The following, though incomplete, is a record of the county officers, commencing in 1858 and continuing down to date.

1858—Wyatt Cook, Treasurer; Luther S. Hopkins, County Judge; John P. Hungate, County Clerk; Thomas J. Smith, School Commissioner; William Gammon and Wesley Wood, Associate Judges.

1865—C. D. Kendall, County Clerk; L. S.

Hopkins, Judge; James A. W. Walker, Treasurer; John Russell, School Commissioner; E. Nixon, County Surveyor.

1869—John L. Moore, County Clerk; C. H. Murry, School Superintendent; John A. Apperson, Treasurer; Harry S. Watson, County Treasurer; Ethelred Nixon, Surveyor; L. S. Hopkins, Judge.

1872—John R. Tanner, Circuit Clerk; Samuel R. Rea, County Clerk; Robert Gray, Sheriff; David L. Chase, Coroner.

1873—Richard J. Burns, County Clerk; Henry S. Watson, Treasurer; Jacob H. Songer, County Superintendent; Rolla B. Henry, County Judge.

1874—Looker Nixon, Sheriff; Robert H. Jones, Coroner; G. A. Hoff, State's Attorney; George W. Smith, County Superintendent.

1876—James A. Finch, State's Attorney; Silas Hallowell, Sheriff; Robert E. Duff, ex officio Recorder.

1877—Gershom A. Hoff, County Judge; Richard J. Burns, County Clerk; Samuel Enyart, Circuit Clerk; David M. Laswell, County Treasurer; George W. Smith, County Superintendent; James H. Jenkins, Coroner.

1878—Elias D. Vickrey, Sheriff.

1879—Edward Hawkins, County Treasurer; A. H. Moore, County Surveyor; James R. Cravens, Coroner.

1880—D. C. Hagle, State's Attorney; Samuel Enyart, Clerk of the Circuit Court; Elias D. Vickrey, Sheriff; Henry G. Louchner, Coroner; S. Enyart, Circuit Clerk.

1882—G. A. Hoff, County Judge; William J. Clifton, County Clerk; John R. Block, County Treasurer; Robert McCullom, Sheriff; Cleveland W. Mills, County Superintendent; James W. Suggett, Coroner.

Of the Circuit Clerks from 1852, where we traced them to, on the records above, we find at that time J. P. Hungate was Clerk. 1860, R. Taliaferro; 1864, Henry Hortenstein; 1868, Hortenstein re-elected; 1872, John R. Tanner; 1876, R. E. Duff, and as stated above; 1877, Sam Enyart was elected, and still is in office (1884).

In 1856, John T. Whitman was appointed Treasurer to fill a vacancy, and then (1857) was elected for a full term. He resigned in 1858, and was succeeded by Wyatt Cook, who was re-elected in 1859. William Bishop in 1861, and re-elected; then J. A. Walker, two terms; 1867, James B. Smith; 1869, John A. Apperson, 1872, two terms; H. S. Watson, 1875; P. P. Brown, 1877; D. Melton Laswell, who died in the winter of 1877, and E. H. Hawkins was then until the fall of 1882, when the present incumbent J. L. Block was elected.

Of the County Clerks, in addition to the incumbents named in a former chapter we learn that in 1861 J. P. Hungate was County Clerk; 1855, C. D. Kendal; 1869, John J. S. Moore, who died in office and S. S. Ray, was appointed to fill the vacancy. In 1871, S. R. Apperson, and in 1873, R. J. Burns, who served until 1882.

HISTORY  
OF  
CLAY COUNTY  
ILLINOIS

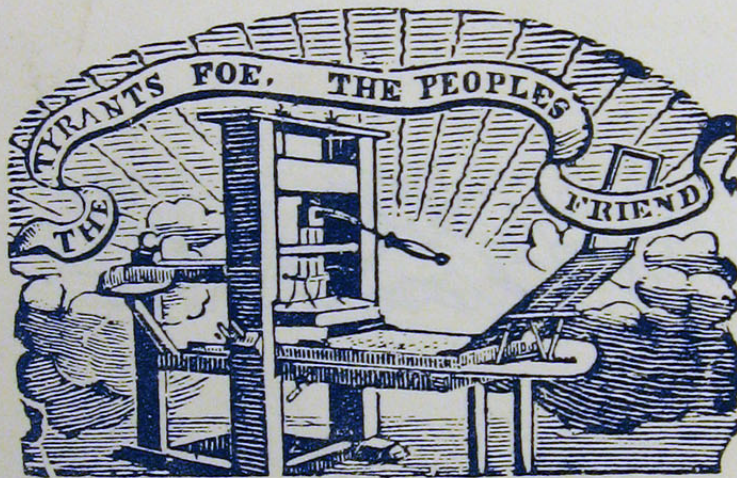


Volume 1



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