

408 know by there being an improvement at it
that McGrews lower improvement was next above
and that at a small distance above on
the same side of the Creek we should
find McGrews upper improvement that
on the same side of Mill Creek we should
find the improvements marked IS but
neither of those improvements was that at
this Spring (Ques) how many rounds
high was McGrews upper Cabin when
you saw it first (Ans) I cannot say
but the logs were much decayed
and farther this deponent saith not
sworn to before us two of the Court aforesaid.

John Johnston
Miles McCoway

Samuel Boggs

We have also caused the deposition
of John Williams to be taken
at the time and place aforesaid in the
case aforesaid who being first sworn deponent
and saith that in February 1876 he was

409 in Company with John Simmel Barth Fitz
gerald and others improving in this part of
the country that there was at the mouth
of Mill Creek an improvement which the
Company wished to ~~build~~ ^{avoid} & there came up
the Creek (Mill Creek) as they supposed about
three quarters of a mile and built a Cabin
for John McGrew that about three quar-
ters of a mile higher up the Creek as the Com-
pany supposed they built another Cabin
for McGrew but he cannot point out
where the upper Cabin was built that
they went up the Creek and at about the
same distance apart the Company built
two more for Simmel and continued on
improving for the rest of the Company
but he does not know that Simmel's Cabins
were built on the Creek bank (Ques) by
John Machin agent for Jno Williams were
Cabins built at both places attested to
McGrew (Ans) Yes (Ques) had Simmel any
more improvements except the two spoken
of above (Ans) not that I helped to build
he went off and when he returned he
told the Company he had made ano-
ther for himself but this deponent

See it (Quest) did you expect to hold Land by the private improvements or by the improvements made in Company (Ans) we expected to hold ~~by~~ but it was agreed that the private improvements should not interfere with those made by the Company I made a private improvement myself & expected to hold an additional quantity of Land for that improvement We had no general Rule for the height of our Cabbins their size depended much on the convenience of the logs but mostly about as high as a mans head (Quest) were you generally with the Company when improving on Mill Creek (Ans) I was till we made two Cabbins each we then incampd and each person went about at his discretion and then it was the private improvements were made and we all left the neighborhood together (Quest) do you know whether Simrel improved here (Ans) I do not (Quest) do you know any place generally known by the Company the name of Simrells big Spring or any Spot so designated (Ans) I do not recollect any (Quest) do you know that it was Customary with Simrel to cut the initials of his name at his improvements (Ans) It was; he

was very particular in that respect and further the deponent saith not sworn to before us two of the Com^{rs} of

John Johnston
Miles W. Conway } John Williams

We the undersigned being the Com^{rs} named by the Court of Marion County for the said purpose do hereby certify that we have caused to be marked a White Oak tree with the letter H at the Spring to which the Annexed depositions allude in the presence of disinterested Citizens of the County aforesaid and also an a black locust marked H at the place called McGreewes lower Cabin and also an Oak stump tree marked H near to the place called McGreewes upper Cabin & to which places the depositions hereto Annexed relates which said marks at the said several Cabbins were made in the presence of the said disinterested Citizens of the County given under our hand and seals this day & year first above written

John Johnston Secy
Miles W. Conway Secy

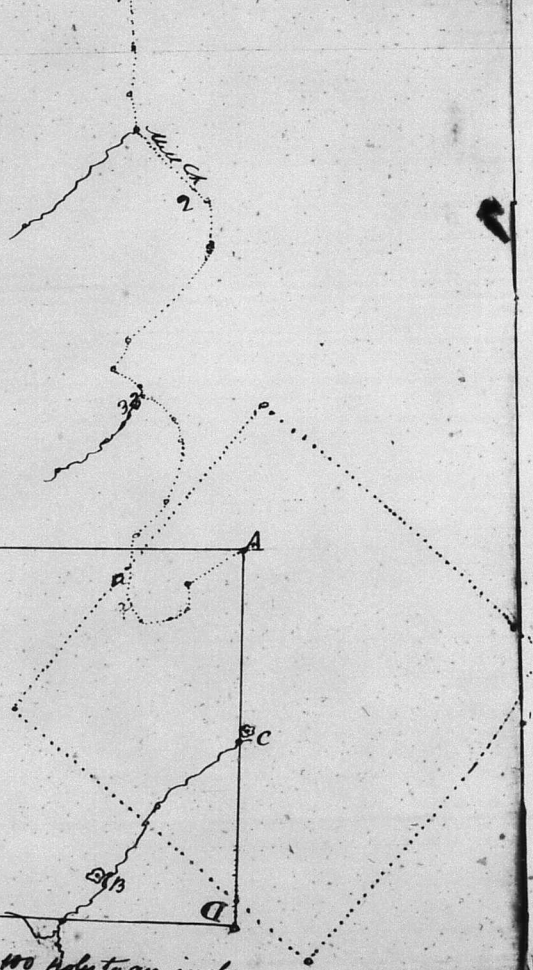
We William Walker and Obediah Fragers were ways interested in the event of the claim which the Annexed depositions are meant to establish

2 do certify that the marks expressed in the
Certificate of the Court above and at the place
expressed therein were made in our presence from
under our hand and seals this day and Year
first above written

John Johnston

Miss W. Conway

William Walker (Seal)
his
Obadiah X Teagim (Seal)
North Fork mark



413

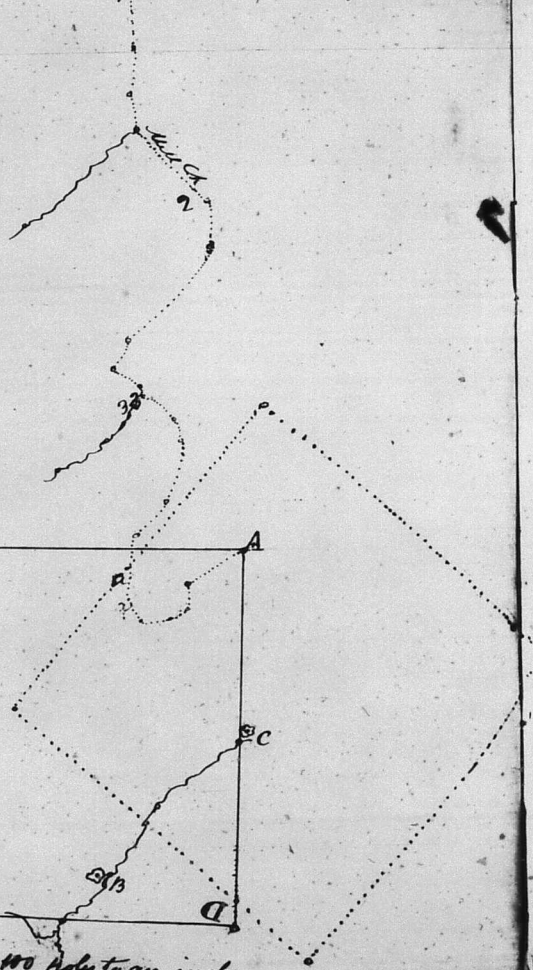
Martin County Sept 27th 1798
the foregoing depositions taken on Sim-
nel & Improvements was returned by
the Court and Ordered to be Recd

Teste The Marshall & me

The Deposition of John Williams
of full age taken at William Woods on the Waters of
Mill Creek on Wednesday the 19th day of Sept
1798 to perpetuate testimony to establish the Spe-
cial Calls of a preemption and entry ^{made} thereon in the
name of James Baird in compliance with an
Order of the County Court of Mason County and
agreeably to an Act of the General Assembly of
Kentucky entitled an Act ^{this deponent being}
first sworn deponent and saith that in the month
of February in the year 1776 he in company with
Andrew McConnell Bartholomew Fitzgerald and
others made an improvement on the Waters of
Williams Run a branch of Mill Creek for said
McConnell by building a Gabbin and as he
believes deadening some timber around it
that part of the logs he believes were of split

do certify that the marks expressed in the
Certificate of the Court above and at the place
expressed therein were made in our presence & from
under our hand and seals this day and Year
first above written

John Johnston { William Walker (Seal)
Miles W. Conway { Obadiah ^{his} Teagim (Seal)
North Fork mark



Martin County Sept. 27th 1798
the foregoing depositions taken on Sim-
nel & Improvements was returned by
the Court and Ordered to be Recd.

Teste The Marshals &c

The Deposition of John Williams
of full age taken at William Woods on the Waters of
Mill Creek on Wednesday the 19th day of Sept.
1798 to perpetuate testimony to establish the Spe-
cial Calls of a preemption and entry ^{made} thereon in the
name of James Baird in compliance with an
Order of the County Court of Mason County and
agreeably to an Act of the General Assembly of
Kentucky entitled an Act ^{this deponent being}
first sworn deponent and saith that in the month
of February in the year 1796 he in company with
Andrew McConnell Bartholomew Fitzgerald and
others made an improvement on the Waters of
Williams Run a branch of Mill Creek for said
McConnell by building a Gabbin and as he
believes deadening some timber around it
that part of the logs he believes were of split

414 blue ash timber and the letter **AMC** were marked
with powder on a tree near the said Cabin
this deponent further saith that he was called
upon by said Bais to make an entry for
him on a preemption warrant with the
Surveyor of Fayette which he wrote to include
the said improvement (Quest¹) by said Bais
what distance was the said improvement made
from the mouth of Williams's Run (Ans) our
General Rule was to make our improvements
about three quarters of a mile apart and then
was one made at the mouth of the s^d Run
and another between the mouth of the Run
and the improvement made for said McConnell
(Quest²) by John Machin agent for John Will-
iams did you understand at the time said
improvement was making it was for said Bais
(Ans¹) I dont remember that Bais name was
mentioned (Quest²) had said McConnell any
other improvements in Kentucky (Ans) One more
besides this on the waters of the same branch higher
up (Quest³) did s^d Ans. McConnell obtain a
claim himself (Ans) he did a Settlement and
preemption on Elkhorn (Quest⁴) what time
did Andrew McConnell die (Ans) I believe he
was killed at the battle of the blue licks
(Quest⁵) do you think the s^d improvement was

415 near the place by said Bais now shown (near the
mouth of a lane South West of and near said Wood
Ans) I cannot describe the place where Cabin
stood and farther this deponent saith not
sworn to and subscribed { John Williams
in presence of John John
ston and Miles W Conway
Com^{rs} appointed for the purpose }
John Johnston
Miles W Conway

Mason County 27th Sept. 1798

This deposition was returned and ordered to be
Recorded

Teste Tho^s Marshall Jr. Clk.

The Deposition of Samuel Baggs taken at Mill
am Woods on the Waters of Mill Creek on the 19th
day of Sept 1798 to perpetual testimony to establish
the special Calls of a preemption and entry made there-
on in the name of James Bais in Compliance with
an Order of the County Court of Mason County and
agreeby to an Act of the Kentucky Assembly enti-
tled an Act
This deponent being duly sworn deposes
saith that he assisted in making said im-
provement at this place in the month of January 1798