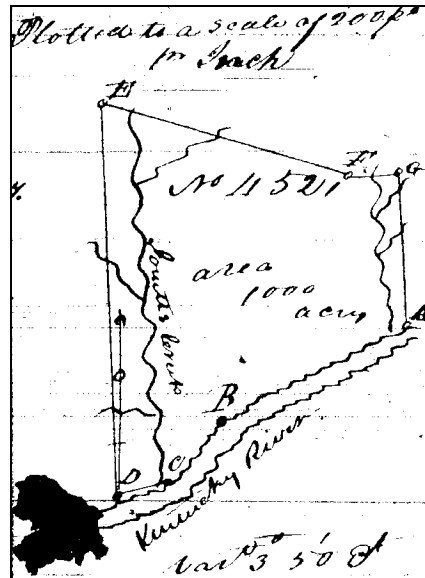


## **Chain of Title** **Martins Mill and Residence**

- 1775 John Howard made an improvement near the mouth of Howards Lower Creek. The opinion in a court case many years later declared that the improvement *is proven to be within a few yards of the creek & not more than forty poles [660 feet] from its mouth.*  
**Certificate Book of the Virginia Land Commission, 1779-1780, p. 26**  
**Samuel R. Combs et al. vs John Jouitt, Kentucky Court of Appeals, 1821**
- October 30, 1779 John Howard appeared before the Land Commission sitting at Harrodsburg and claimed a right to 1000 acres *lying on the North side of Kentucky [River], including his improvement at the mouth of Harrods [Howards] Creek, to extend up the Creek and Westward for quantity, by improving the same in the year 1775.* The Commission issued a certificate to Howard for a preemption of 1000 acres.  
**Certificate Book of the Virginia Land Commission, 1779-1780, p. 26**
- June 14, 1783 By virtue of a preemption warrant obtained with his certificate from the Commissioners, John Howard placed an entry for 1000 acres of land *lying on the Kentucky Beginning on the said River at the upper side of the mouth of Howards lower creek, and Running agreeably to the Commissioners certificate down the River about 1½ mile, thence out from the River Including the lower part of the next creek below, called Duets creek, and extending [north] along near that creek as is necessary to make the complement, when the back line is Run [east] across to the upper side of Howards creek, so far as thence to Include the said creek to its mouth, or to a line that shall be agreed upon between the said Howard & William Bush, who has an adjoining preemption.*  
**Fayette County Entry Book 2, p. 317**
- August 1, 1783 According to John Holder's answer in a lawsuit, Holder purchased John Howard's 1000-acre claim for *a valuable consideration.*  
**John Jouitt vs John Holder, Fayette Circuit Court, 1793**
- September 20, 1785 Just<sup>n</sup> Cartwright, deputy surveyor of Fayette County, surveyed a 1000-acre tract for John Howard. Edward Hall and Henry Heronimus were chain carriers; John Holder was the marker. The tract was described as *lying and being in the County of Fayette upon the Kentucky river, Howards creek and Jouits Creek and beginning at a forked Dogwood and a sassafras on the bank of said River and corner to William Bushs land.* The plat is shown in Figure 1.  
**Old Virginia Surveys, Book 7, p. 230**



**Figure 1**

November 18, 1785 Howard transferred his survey to John Holder. Transferring or “assigning” a survey was an early means of conveying legal ownership of property. The following notation was added to the plat that was returned to the land office: *I Hereby assign the within plot of one thousand acres of Land unto John Holder and desire the patent may Issue in said Holders Name. Witness my hand this 18th day of November 1785. John Howard*  
**Old Virginia Surveys, Book 7, p. 231**

May 28, 1787 A grant for 1000 acres in Fayette County was issued to John Holder, assignee of John Howard, for a certain tract of land *lying on the Kentucky River, Howards Creek and Jouetts Creek and beginning at a forked dogwood and sassiffrass on the bank of said River.* The grant was signed by Beverly Randolph, Lieutenant Governor of the Commonwealth of Virginia.  
**Old Virginia Grants, Book 8, p. 585**

\* \* \*

John Holder went to extraordinary lengths to obtain this tract of land lying between Lower Howard Creek and Jouett Creek, as he explained in great detail in his answer to a bill of complaint in a lawsuit, dated June 1, 1793. Matthew Jouitt had claimed essentially the same tract of land by virtue of an improvement he alleged he made on Jouett Creek in 1775. According to Holder, *Matthew Jouitt after he left Kentucky, empowered Colonel John Todd to sell his claims in this country, in consequence of which power, the said John Todd . . . sold the claim of the said Matthew between the aforesaid creeks to a certain William May, for whom George May, his brother, applied to the Commissioners who were then sitting, he believes, in the year 1779 . . . but the Commissioners rejected the application, there being no proof that an improvement had been made there.*

Sometime after the application for Jouitt was rejected, Holder asked William May *why he [May] did not enter the said land by virtue of a treasury warrant. . . . The Defendant [Holder] says that in consequence of this, he made*

two entries on treasury Warrants, the one for himself on the lands now in dispute, and the other for and in the name of William May, [both] on the said Howards creek in the year 1780 and settled on the said land in the year 1782.

This Defendant says that having discovered that John Howard had obtained a certificate for a preemption at that place and that he entered the same with the Surveyor in June 1783 and knowing the claim set up by Matthew Jouitt in his life time & by his Representative since his death had been rejected by the Commissioners, [Holder] purchased, on the first day of August 1783, the said John Howards claim for a valuable consideration and proceeded to survey the same and has since obtained a patent for it in his own name.

John Jouitt, the brother and heir of Matthew Jouitt, sued Holder in Fayette Circuit Court in 1793 over title to this tract. This matter was before the court for many years, and after numerous interim decrees, appeals, and refilings. The case, John Jouitt's heirs vs John Holder's heirs, was finally decided in Holder's favor in 1830.

**Copies of court papers, John Jouitt vs John Holder, Special Collections, Margaret I. King Library, University of Kentucky.**

\* \* \*

1799 Deputy Sheriff James Duncan sold at public auction *three acres, the property of John Holder, deceased, together with the mill thereon lying on Howards lower Creek* to satisfy a judgment by the Commonwealth against John Holder's heirs; purchased for £75 by Robert Clark Jr., who directed that the deed issue to Matthew Patton. This 3-acre tract included the mill. No deed was issued at that time. The mill went by several names during the period from 1799-1806: *Clark and Pattons mill* (1799), *Pattens mill* (1799), *Mathew Patton Sr. mill* (1801), *Pattons Mill on Howards Creek* (1802).

**Clark County Deed Book 7, p. 283**

**Clark County Order Book 2, pp. 338, 353, 522; Book 3, p. 116**

1799 Deputy Sheriff James Duncan sold 100 acres adjoining the mill tract on Lower Howard's Creek belonging to John Holder, deceased, at public auction to satisfy taxes and officers' fees; purchased by Matthew Patton for \$31. This 100-acre tract *began at the mouth of Lower Howards Creek, ran up the creek to the line of James Morrow, thence east to William Bush's line, thence with Bush's line to the Kentucky River, and down the river to the beginning*. No deed was issued at that time.

**Clark County Deed Book 7, p. 282**

September 23, 1806 The heirs of Matthew Patton, deceased, directed Deputy Sheriff James Duncan to issue a deed to Jonathan Bush for the 3-acre mill tract and the adjoining 100-acre tract at the mouth of Lower Howard Creek. No metes and bounds were given.

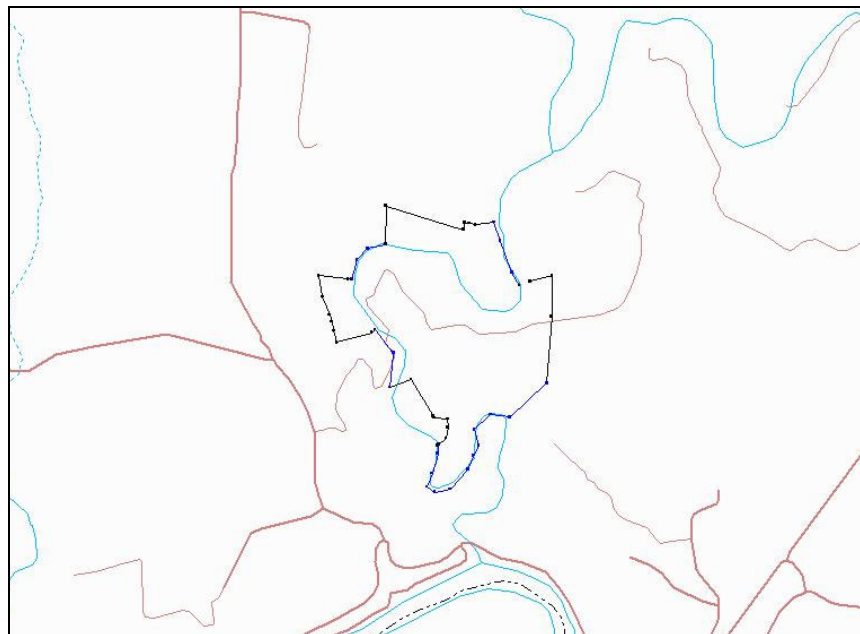
**Clark County Deed Book 7, pp. 282-283**

1857 Jonathan Bush died. William T. Bush was the next owner. The only deed from Jonathan to William T. was for a parcel of land designated as the "Still house tract" (see Appendix). It may be inferred then that the mill property went to William T. Bush by inheritance.

April 22, 1861 W. C. Sympson, agent for William T. Bush and his mortgagees Thomas Hunter, L. B. Grigsby and James Rutledge, sold 140 acres of their mortgaged property at public auction to James F. McKinney for \$2,735. No metes and bounds were given. The property description refers to the tract *recently owned and occupied by said Bush and formerly owned and occupied by his father Jonathan Bush on which is a water Grist Mill*. The deed was issued to McKinney on February 8, 1866, after the last payment had been made.  
**Clark County Deed Book 42, p. 310**

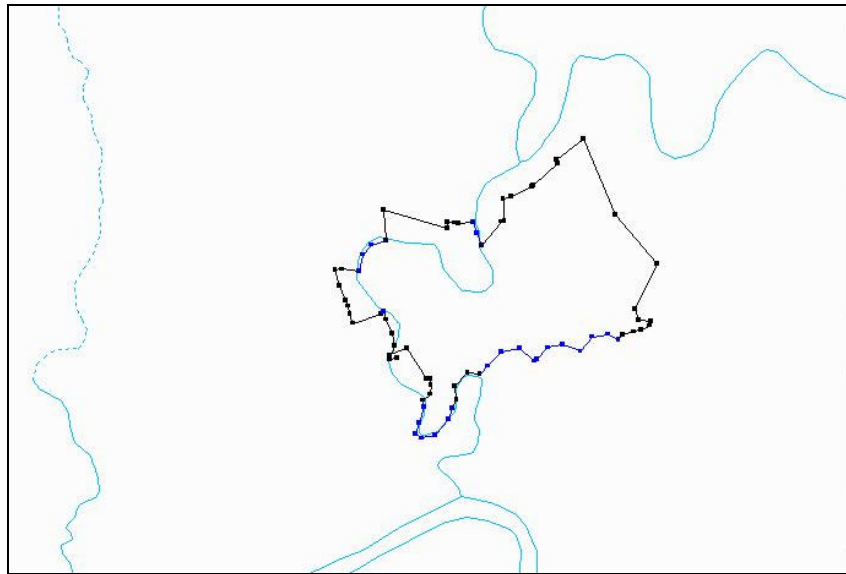
April 12, 1867 James F. McKinney sold to Alexander S. Hampton for \$6,000 *a tract of land on Howards lower creek . . . supposed to contain 140 acres, being the same land formerly owned by Jonathan Bush on which is a water grist mill*. No metes and bounds were given.  
**Clark County Deed Book 45, p. 593**

November 25, 1891 Alexander S. Hampton and his wife Clamanda sold to John W. and Joel T. Hart for \$1,400 a tract of land on Lower Howard's Creek adjoining S. A. B. Woodford and Green Martin containing 148 acres and *including a strip of land below the 1st ford, along the road to the spring, thence across the creek to Green Martin's land . . . together with the right of road way from the 1st ford below the mill to Green Martins gate and over said Martin's land as the road in now travelled*. The land was a part of the tract of land known as the Jonathan Bush farm including the old residence and mill property. The metes and bounds were given. Plot shown in Figure 2.  
**Clark County Deed Book 58, p. 66**



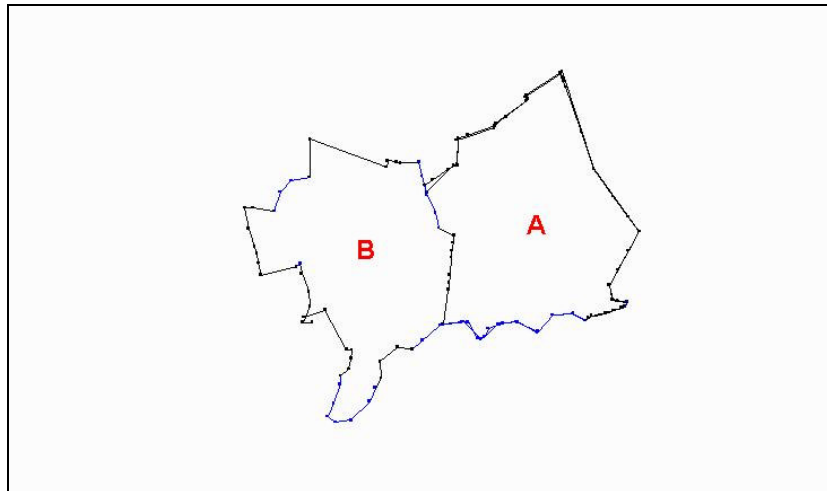
**Figure 2**

- February 15, 1897 John W. Hart died. *Joel T. Hart, as his only child and heir, derived the interest of said John W. Hart in said land by inheritance. Joell T. Hart* was enumerated in the 1900 census for Clark County as a head of household, age 34, occupation miller.  
**Winchester Cemetery**  
**Clark County Deed Book 75, p. 313**
- December 29, 1905 Joel T. Hart and his wife Florence sold to Green A. Parker for \$2,000 a parcel of land *situated on Lower Howard's Creek in Clark County, Kentucky, containing 148 acres of land including a strip of land below the first ford along the road to the spring, thence across the creek to Green Martin's land . . . together with the right of roadway from the first ford below the road to Green Martin's gate, over said Martin's land as the road is now traveled.* The parcel was said to be *part of the tract of land know[n] as the Jonathan Bush farm including the old residence and mill property.* The deed stated that this was the same property conveyed by Alexander S. Hampton to John W. and Joel T. Hart. The metes and bounds were given and are the same as in Hampton to Hart.  
**Clark County Deed Book 75, p. 313**
- October 27, 1906 Green A. Parker and his wife Rebecca sold to Hubbard L. Stevens 148 acres *being the same tract of land which was deeded to the said G. A. Parker . . . by Joel T. Hart and wife.* For the purchase price of \$1,825, Stevens paid \$500 in cash, gave a note for \$800, and assumed two notes from Parker to Hart of \$250 each plus the interest due on each. The metes and bounds were given and were the same as in Hampton to Hart.  
**Clark County Deed Book 77, p. 122**
- November 18, 1920 Hubbard L. Stevens died. His wife Margaret L. Stevens inherited the 148-acre tract by right of dower in his estate.  
**Clark County Deed Book 116, p. 367 affidavit of descent**
- November 17, 1936 Margaret L. Stevens died intestate. The 148-acre tract was inherited by her only heirs, daughter Etta S. Herndon (formerly Etta Stevens, formerly Etta Trevitt) and son James A. Stevens.  
**Clark County Deed Book 116, p. 367 affidavit of descent**
- November 15, 1943 Etta S. Herndon, widow, sold to James A. Stevens *for \$1 and other good and valuable considerations* her interest in 296.987 acres *situated on Lower Howard's Creek, Clark County, Kentucky, near the junction of the Athens and Combs Ferry pike.* The metes and bounds were given. Although there was no mention of the mill or residence, the property included both. Plot shown in Figure 3.  
**Clark County Deed Book 123, p. 278**



**Figure 3**

- March 10, 1951 James A. Stevens and his wife Effie sold to Harry Bush *for \$1 and other valuable considerations* 152.24 acres, being the east end of the 296.987-acre tract, and not the portion containing the mill or residence.  
**Clark County Deed Book 141, p. 170**
- August 31, 1961 James A. Stevens died intestate in Clark County. Regina S. Shely, his daughter and only heir, inherited the balance of the 296.987-acre tract by right of descent.  
**Clark County Deed Book 165, p. 485 affidavit of descent**
- September 13, 1985 Regina S. Shely sold to Ben M. Giles Jr. for \$129,600 the 296.987-acre tract minus the 152.24 acres that J. A. Stevens sold to Harry Bush. Thus, by subtraction, Giles purchased 144.747 acres, and this tract included the mill and residence. The deed was made by Pat Shely, who had power of attorney and was the daughter of Regina S. Shely. An affidavit recorded with the deed described access to the property via a gravel roadway from Combs Ferry Road *that the affiant has always understood and believes that this is an old county road*. The roadway was bounded by property belonging to the Burton family, the Molly Allen family, Bob Jackson, the L. C. Ennis heirs and the Ed Archie heirs. In Figure 4, Bush's property is Tract A, and Giles's purchase is Tract B.  
**Clark County Deed Book 269, p. 384 deed**  
**Clark County Deed Book 269, p. 249 power of attorney**  
**Clark County Deed Book 269, p. 389 affidavit**



**Figure 4**

December 10, 1986 Ben M. Giles Jr., trustee and grantor, sold to William T. Young, principal trustee and grantee, for \$129,600 the 144.747 acres that Giles obtained from Shely. This conveyance, as well as the purchase of the property by Giles, were made in conformance with a trust agreement between Giles and Young dated September 11, 1985.

**Clark County Deed Book 277, p. 31**

### **Appendix The Still House Tract**

September 13, 1856 Jonathan Bush sold property on Lower Howard's Creek to William T. Bush for \$350, acreage not stated. The tract description is somewhat confusing: *beginning at the corner of Valentine Martin and E. T. Taylor and Jonathan Bush, the corner is just above the upper spring of said Bush, the same above the old still house, thence down to the creek to a corner between said Bush and said Taylor, thence up said creek with said Taylors line to where it crosses said creek, thence down said creek to Martins ford on the West side of said creek to the margin of the water, thence across the creek to the line of said Valentine Martin on the edge of the cliff, thence to the beginning.* This was the only deed made between Jonathan and William T.

**Clark County Deed Book 38, p. 105**

April 23, 1861 W. C. Sympson, agent for William T. Bush and James Rutledge, sold at public auction a distillery and 8 acres of land known as *the Still house tract* to John V. Grigsby for \$500. The property description was the same as the one above. The deed was issued on October 10, 1864, after the last payment had been made.

**Clark County Deed Book 42, p. 125**