

Visit to Cemetery at 1701 Kelly Lane in Owensboro Leads to Discovery of County Pauper Cemetery

By Jerry Long, c2002

My family has resided in the Trinity Hills Subdivision in Owensboro since the fall of 1965.¹ I still reside there today. Shortly after moving to the neighborhood I learned an old cemetery was reportedly located in Trinity Hills a couple of blocks away. The cemetery was said to be in the lot that is between the house at 1701 Kelly Lane and a walkway that extends between Kelly Lane and Morningside Drive.

Countless times I have passed by the cemetery lot. Over the years I often wondered about the cemetery. However, I never stopped to take a closer look, because the cemetery was in someone's yard and no signs of any monuments were visible from the walkway. My curiosity was added to by the fact that no one seemed to know what the cemetery was called and also in my twenty years of doing historical and genealogical research on Daviess County I had never been able to find anything written about the cemetery. In 1998 I decided to try to do something about this mystery.

The cemetery lot has become part of the fenced in yard of 1701 Kelly Lane. On 17 March 1998 I stopped and talked to the resident there. Mrs. Delmon E. (Darlene) Harley said that one monument was still in their yard. She pointed it out. It is now almost completely buried. Only a few inches of one corner protrude out of the ground about five feet from an old walnut tree. She said that by the time they moved there in 1979 the monument was completely illegible and she did not know whose name had been on it. She suggested that Mrs. Roehm, who lives behind her at 2750 Morningside Drive, might know more about the cemetery.

Mrs. Roy (Irma) Roehm has lived by the cemetery since 1959.² When she moved there only one monument remained. It had been broken and was lying on the ground. She said that then the name on the monument could still be made out. To my surprise she confidently asserted that the name on the monument was that of William Postlewaite. Mrs. Roehm added that when Carlos Jagoe began to develop a subdivision there in 1964 he had someone to do research to see if a cemetery had ever been there but they could not find anything about it. Gary Adams, of the Owensboro Metropolitan Planning Commission, has reaffirmed the name on the monument. Mr. Adams grew up in the

¹ Daviess County Deed Book 339 (p224, April 1965, Owensboro Trade-In Homes, Inc. to Mitchell & Mabel G. Long, lot No.18 in Unit No.1 of Trinity Hills Subdivision), Daviess County Courthouse, Owensboro, KY.

² Daviess County Deed Book 286 (p610, 21 Aug 1959), Daviess County Courthouse, Owensboro, KY; Interview of Mrs. Roy (Irma) Roehm, 2750 Morningside Dr., Owensboro, KY, on 17 March 1998.

neighborhood, at 2824 Asbury Place, five houses from the cemetery. He stated without any prodding that the monument bore the name of William Postlewaite.

At the Owensboro Library I began a search for the name of William Postlewaite. Very few Postlewaites appear in the records of Daviess County and only one William could be found. William C. Postlewaite and his wife, Mary L., are recorded as being residents of Owensboro in the 1860, 1870 and 1880 censuses.³ The first two census reports list him as being a carpenter and the latter has that he was an engineer. William C. Postlethwait, engineer, is listed in the 1886 Owensboro City Directory as residing at 452 Clay Street.⁴ In the 1889 Directory his widow, Mary L., was listed at the same address.⁵

William Postlewait and Mary L. Kelly obtained a marriage license in Daviess County on 5 April 1853.⁶ The 1852-1861 vital statistics recorded for Daviess County adds that they were married on 7 April 1853; he was 28 years old and was a native of Jefferson County, KY, his bride was 21 and was born in Daviess County.⁷ Upon learning that his wife was a Kelly it became obvious why William Postlewaite was buried in a family cemetery on Kelly Lane. My hypothesis had become that the cemetery was the Kelly family cemetery and the lane it was located on had been named for the former residents there.

Mary L. Postlewaite, widow of William, died at the age of 91 at the Owensboro Hospital on 14 Sep 1922.⁸ The 1900 census recorded that she had had no children and her obituary listed her survivors as a brother, William Kelly, and a sister, Mrs. John F. Jones.⁹ She was not buried with her husband. Her grave is located a few blocks from the Kelly Lane cemetery. Her monument in section D of Elmwood Cemetery reads Mary Postlethwaite, born 1831, died 1922.¹⁰ In her will she directed that "a modest stone be placed at my grave and some markers at the graves of my parents."¹¹ The remainder of her estate was bequeathed to the Settle Memorial Methodist Church.

The informant on the death certificate of Mary Postlewaite was her niece, Mrs. S. P. (Mamie Jones) Moors. Mrs. Moors reported her aunt's parents were William Kelly (born VA) and Miss Bingham (born VA).¹² Other records prove that she was only partly correct.

³ Daviess Co., KY Federal Censuses, 1860 (NA Film M653-#364, p663), 1870 (NA Film M593-#458, p280), 1880 (NA Film T9-#411, p250B).

⁴ J. W. Carter & Charles Haney, *The Owensboro Directory For The Year 1886* (Owensboro, KY: Messenger Job Rooms, 1886), 155 [Note: The spelling of "Postlethwait" was used in this source. The spelling of some names in this report will vary. I have used the spelling that appeared in the original source being referred to.]

⁵ H. Thornton Bennett, *Owensboro City Directory For 1889-90* (Evansville, IN: Bennett & Co., 1889), 117.

⁶ Daviess County Marriage Book B (p89), Daviess County Courthouse, Owensboro, KY.

⁷ *Kentucky Birth, Marriage, and Death Records, 1852-1910*, Kentucky Historical Society, Microfilm Reel #994033, Daviess County 1853 Marriages.

⁸ Obituary of Mary Postlewaite, *Owensboro Messenger*, Owensboro, KY, Friday, 15 Sep 1922, p6.

⁹ Ibid.; Daviess County, KY 1900 Federal Census (NA Film T623-#517, p62).

¹⁰ Monument located & read by Jerry Long, Owensboro, KY, on 1 March 2002.

¹¹ Daviess County Will Book G (p435), Daviess County Courthouse, Owensboro, KY.

¹² Kentucky Death Certificate, 1922-#19595, microfilm reel #121, Daviess County Public Library, Owensboro, KY.

W. C. Postlethwaite & his wife, Mary L., on 4 April 1882, sold to William B. Davis, their 1/7th interest in the lands of Henry Kelly, deceased.¹³ The deed described the land as being about 80 acres, 1½-miles southeast of Owensboro, and the property lines were identified as the graveyard lot, J. W. Alexander, the north bank of the Horse Fork Creek, A. C. Wood and J. Z. Moore. “H. Kelley” is identified as owning 97 acres on an 1876 plat of the Upper Town Precinct.¹⁴ His land is shown as being along the east side of the Old Hartford Road a short distance past Elmwood Cemetery (southeast of) and the surrounding property owners are the same as those named in the deed by the Postlewaites. A search of the Daviess County deed records, outlined later, reveal that the Henry Kelly farm at one time consisted of 160 acres. It extended along the Old Hartford Road south from Kelly Lane to the Horse Fork Creek, then eastward along the creek. The eastern boundary of the farm was just behind the GE Plant and Trinity Hills along the back of the lots on the east side of Strawbridge Place. A creek extended along the east line and near its east bank formerly ran the railroad tracks of the I. C. Railroad. The railroad line was closed in September 1980 after 91 years of service.¹⁵ The farm encompassed all of the area that is now the Trinity Hills Subdivision and the General Electric Plant. Horse Fork Creek crosses the Old Hartford Road just past GE, which adjoins Trinity Hills on the south.

Henry Kelly, the owner of the Kelly Lane cemetery property and the father-in-law of William Postlewaite, who was buried there, was born about 1800 in the state of Virginia. The 1840 Daviess County census reports his age as between 30-40.¹⁶ He is first found in the annual Daviess County tax lists in 1825.¹⁷ He was then at least 21 and thus would have been born by 1804. Subsequent census records (1860, 1870 & 1880) vary greatly, placing his birth between 1789-1800.¹⁸

The residence of the Kelly family in Virginia was not identified. Sources suggest that Henry Kelly was the son of David & Nancy Ann Kelly, members of whose family were residing in the Daviess County, KY area by 1806. No single record was found that states this but the conclusion is warranted by a combination of several primary and secondary sources interpreted together. Myrtie Orene Bryan, a great-granddaughter of Henry Kelly & Sarah Bingham, provides the first clue. She was a family historian and left a manuscript of several hundred pages about her family. She did not learn the parentage of Henry Kelly but she did record that he had two sisters, Polly and Elizabeth Jane or “Bettie” Kelly. Polly married David Leaman and they were the parents of Lucinda and John Thomas. Lucinda married Steve Rogers. Bettie Kelly married ____ Galloway. Their children were William, who married but had no children; Lucinda, who

¹³ Daviess County Deed Book 38 (p169).

¹⁴ *An Illustrated Historical Atlas Map of Daviess County, KY.* (Leo McDonough & Co., 1876), 38.

¹⁵ Mike Hill, “Airport changes, rail losses topped transportation stories”, *Messenger & Inquirer*, Owensboro, KY, Sunday, 4 January 1981, p5C.

¹⁶ Daviess County, KY 1840 Federal Census (NA Film M704-#109, p22).

¹⁷ Daviess County, KY Tax Lists, microfilm reel #89, Daviess County Public Library, Owensboro, KY.

¹⁸ Daviess County, KY Federal Censuses, 1860 (NA Film M653-#364, p786, Henry Kelley, age 65, born VA), 1870 (NA Film M593-458, p311, Henry Kelly, age 80, born VA), 1880 (NA Film T9-411, p294, Henry Kelly, age 82, born VA). Henry Kelly could not be found in the 1830 or 1850 Daviess County censuses; the Daviess County tax lists show him to be a resident there in those years.

married Thomas Johnson; and Elizabeth or Eliza, who married her first cousin, John Thomas Leaman.¹⁹

Daviess County census records indicate that Mary or “Polly” Kelly was born about 1794-1800 in Virginia and deed records show that she died between 1855-1860.²⁰ Her marriage to David Leaman took place between 1810-1815. In the 1876 Historical Atlas Map of Daviess County, KY it was noted that:

The first settlement of present Daviess County was made by Bill Smothers...not later than 1799, 1800 by Felty Husk and James Smothers; followed by Roger Potts in 1802; by John and David Leman, in 1804; Mathew Rogers, William Galloway and some others in 1805.²¹

John and David Leaman were brothers; William Galloway was married to their sister, Jane; and Mathew Rogers was John Leaman’s father-in-law. The first court of Daviess County after its creation from Ohio County in 1815 was held at the home of John Leaman.²² The marriage of John Leaman to Sarah Rogers was recorded in Ohio County in 1807 but the marriage of his brother, David, to Polly Kelly was not found in the indexes to the marriages of Ohio or Daviess.²³ At the time of his marriage David would have been a resident here, and possibly like a lot of early marriages it failed to get recorded. John and David Leaman appear on many documents of the Bingham and Kellys. In 1828 they purchased a tract of 292 acres that adjoined the west line of the farm of Henry Kelly.²⁴ Three individuals were listed as living in the home of David Leaman in the 1860 census. They were John T. Leaman (age 35), Eliza Leaman (age 28), and Betsy Galloway (age 65, born VA).²⁵ John T. Leaman was David & Polly’s son and Eliza was John T.’s wife. Betsy Galloway was the mother of Eliza and the sister-in-law

¹⁹ Manuscript of Myrtie Orene Bryan (1897-1988), daughter of Robert Emmett Bryan & Mary Magdalene Hubbard, granddaughter of Robert Abell Bryan & Sarah Jane Kelly), copy in possession of Thomas E. Stephens, Louisville, KY, E-mail from Mr. Stephens, editor of the *Kentucky Ancestors*, periodical of the Kentucky Historical Society (tom.stephens@mail.state.ky.us) to Jerry Long, 17 Dec 1998. Additional notes from the research of Jerry Long – David Leaman son of John & Sarah Leaman of Nelson County, KY. Lucinda M. Leaman, born 1810-1815 KY, married 4 Dec 1832 Daviess Co., KY to Stephen V. Rogers (b. 26 Oct 1796 Nelson Co., KY, d. 22 Feb 1866 Owensboro, KY, son of Matthew Rogers & Eleanor Carter), she died 1840-1850; they had two heirs, James M. Rogers (c1834 -) & Clinton Dewitt / D. C. Rogers (c1840-1891). John Thomas Leaman, born c1820 Daviess Co., KY, died 1873 Daviess Co., KY, married 14 June 1859 Jefferson Co., KY to Eliza J. Galloway (born 18 Apr 1832 KY, died 1 Apr 1887 Owensboro, KY, buried Mater Dolorosa Cemetery, Owensboro, KY); they had one heir, Octavia Belle Leaman, born 7 July 1862 Daviess Co., KY, died 17 Apr 1931 Guthrie, KY, buried Elmwood Cemetery, Owensboro, KY, never married.

²⁰ Daviess County, KY Federal Censuses, 1820 (NA Film M33-#21, p12), 1830 (NA Film M19-#35, p190), 1840 (NA Film M704-#109, p13); Daviess County, KY Deed Books O (p28, 21 Apr 1855, David Leman, & wife Mary, sell land) & P (p293, 4 Jul 1859, David Leaman transfers land but no spouse certifies the transfer).

²¹ *An Illustrated Historical Atlas Map of Daviess County, KY*. (Leo McDonough & Co., 1876), 16.

²² *History of Daviess County, Kentucky* (Chicago, Inter-State Publishing Co., 1883), 95.

²³ Ohio County Marriage Book: Files 1-3 (p62, 8 Oct 1807), Ohio County Courthouse, Hartford, KY.

²⁴ Daviess County Deed Books B (p395, 28 Jan 1828) & P (p293, 4 July 1859, division of lands of John & David Leaman).

²⁵ Daviess County, KY 1860 Federal Census (NA Film M653-#364, p903, household #577).

of David Leaman. On 12 Sep 1863 John T. Leman and Josiah Veech were appointed administrators of the estate of David Leman, deceased.²⁶

Elizabeth Galloway, sister of Henry Kelly, had previously resided in Henderson County, KY. She is listed as Elizabeth Galloway, age 60, born VA, in the 1850 census of Henderson County. In the same household also appear three other Galloways – John (age 73, born VA), Eliza J. (16, born KY), and William F. (15, born KY).²⁷ Myrtie Orene Bryan had identified the latter two as children of Elizabeth Galloway. Lucinda Johnson, who was also named by Miss Bryan as a daughter, appears in the 1850 Henderson census in the household of Thomas F. Johnson; she is reported to be 35 years old and born in KY.²⁸ Lucinda Galloway had married Thomas Johnson in Henderson County on 11 March 1840.²⁹ The family of John & Elizabeth Galloway were also enumerated in the 1810, 1820, 1830 and 1840 censuses of Henderson County; these reports suggest they may have had as many as 10 children.³⁰

Elizabeth Galloway was a half-sister of Henry Kelly. On the bond for her marriage to John Galloway her surname was recorded as “Mattix”. She married in February 1806 in Ohio County, KY.³¹ Her mother, Nancy Kelley, on 14 Jan 1806 signed consent; she wrote:

These lines is to authorize the Clerk of Ohio County to grant license for the marriage of John Galloway to my daughter Elizabeth Matticks given under my hand this day and date above written, Nancy Kelley. Test, David Glen & Zack Galloway.³²

On the back of the consent slip the following was written – “This is to certify that Betsey Mattox is a daughter of Nancy Kelley by a former husband”, signed by David Glen. David Glenn, an early surveyor, had settled in 1797 in the area of Ohio County that is now Daviess County.³³ Glenn also witnessed the consent for Jane Leaman to marry William Galloway when they married in Nelson County, KY in 1794.³⁴ “John Galloway,

²⁶ Daviess County Administrator Bond Book 4 (p191), Daviess County Courthouse, Owensboro, KY and Daviess County Circuit Court suit #790 (D. C. & James M. Rogers vs. Josiah Veech, Octavia Belle Leaman, infant under 14, & Eliza Leaman, filed 14 Aug 1873), old record room of Circuit Court, third floor of Judicial Center, 100 East 2nd Street, Owensboro, KY.

²⁷ Henderson County, KY 1850 Federal Census (NA Film M432-#204, p295, household #378).

²⁸ Henderson County, KY 1850 Federal Census (NA Film M432-#204, p282, household #177).

²⁹ Shirley C. Moody, *Marriages In Henderson County, Kentucky, 1806-1858, Vol.I* (Evansville, IN: Evansville Bindery, Inc., 1989), 12 (original in Henderson County Marriage Book 1, p68).

³⁰ Henderson County, KY Federal Censuses, 1810 (NA Film M252-#6, p333), 1820 (NA Film M33-#24, p12), 1830 (NA Film M19-#37, p244), 1840 (NA Film T5-#34, p237).

³¹ Ohio County Marriage Book: Files 1-3 (p49, bond 15 or 18 Feb 1806), Ohio County Courthouse, Hartford, KY. [Note: In a listing of Ohio County marriages by Harrison D. Taylor, *Ohio County, Kentucky in the Olden Days* (Louisville, KY, 1926), 154, Elizabeth’s surname is reported as “Martwick”, in listing by Michael L. Cook, *Ohio County, Kentucky Records, Volume 1* (Evansville, IN: Cook Publications, 1986), 36, it is reported as “Matocks”; and in listing by Timothy D. Cox, *Ohio County Marriage Index, 1799-1963* (Utica, KY: McDowell Publications, 1998), it is reported as “Mattix”. In the Marriage Master Index at the Ohio County Courthouse it is indexed as “Mattix” and on original copy “Mattix” is clearly written.]

³² Ohio County Marriage Book: Files 1-3 (p50); Michael L. Cook, *Ohio County, Kentucky Records, Volume I* (Evansville, IN: Cook Publications, 1986), 36.

³³ Ida F. Cockriel, “Curdsville Precinct Replete With Historical Lore Of Pioneer Daviess Countians”, *Owensboro Messenger*, Owensboro, KY, Sunday, 10 Jan 1943, p1B.

³⁴ Lillian Ockerman et al, *Marriage, Bond & Consent Book of Nelson County 1785-1800* (Bardstown, KY: Nelson County Genealogical Society), 43.

Jr.” is first found in the Ohio County tax lists in 1806.³⁵ He also appears in an 1806 delinquent tax list for Ohio County.³⁶ The latter notes that he had removed to Henderson County. John and his father, John, both appear in the 1808 Henderson County tax list; in the same year John Jr. was named in the will of his father.³⁷ John Galloway, Sr. and his family moved to Kentucky from Bedford County, VA between 1796-1804.³⁸

Mrs. Nancy Kelly, who had signed consent for her daughter to marry John Galloway, is first found in the Henderson County tax lists in 1809. After her name is listed “widow”; she was taxed on 100 acres on Cash Creek, a tributary of the Green River located in the south east section of the county. In the Henderson County 1811 tax list and the 1810 census she appears as Anne Kelly. In this census she was reported to be aged 26-45.³⁹ She and her son-in-law, John Galloway, were enumerated 29 households apart and immediately next to her was listed his brother, Pleasant Galloway. Mrs. Ann Kelly married John Moss in Henderson County on 3 Oct 1811.⁴⁰ It was his third marriage. This Revolutionary War veteran was a native of Granville County, NC and died in Henderson County on 19 Sep 1835.⁴¹ His family was listed in the Henderson County 1820 and 1830 censuses; in the latter his wife was reported to be aged 50-60.⁴² A sketch of the Moss family in The History of Henderson County, Kentucky (c1980) reported that Ann and John Moss had two children. They were Marcellus Jordan Moss (born c1813, married Angeline Wall in 1837) and Lucy Ann Moss (born c1817, married Henry Sandefur in 1833).⁴³

Mrs. Nancy Anne Kelly appears to have been born about 1770 and married first a Mattox about 1789 and David Kelly between 1790-1795. Living in her home at the time of the 1810 census were five boys. One was aged 10-16 and the others were under 10 years old. Three of these are probably her sons John B. (born c1795), Henry (born c1800) and Isham Kelly (born c1809); the first two were natives of Virginia. In a biography of Isham Kelley published in the 1885 History of Warrick, Spencer and Perry Counties, Indiana the following was written:

Isham Kelley, an old and highly-esteemed citizen of Warrick County, was born August 10, 1809, in Henderson County, Ky., and is a son of David and Nancy Kelley, natives of Virginia and early pioneers of the Blue Grass State. He remained at home until ten years

³⁵ Ohio County, KY Tax List, 1806, microfilm reel #311, Daviess County Public Library, Owensboro, KY.

³⁶ Shirley Watson Smith, *Ohio County Court Order Books 1 & 2* [book 2, court of 9 Nov 1807, a list of insolvents who have failed to pay county levy for 1806] (Utica, KY: McDowell Publications, 2001), 46.

³⁷ Henderson County, KY Tax List, 1808, microfilm reel #168, Daviess County Public Library, Owensboro, KY; Henderson County Will Book A (p77), Henderson County Courthouse, Henderson, KY.

³⁸ Bedford County Deed Book 10 (p194, 26 Sep 1796, John & Frances Galloway sold 262 acres), Bedford County Courthouse, Bedford, VA; Henderson County Deed Book 1 (p366, 1804, John Galloway purchases land), Henderson County Courthouse, Henderson, KY; Galloway message board, Internet (Genforum.com).

³⁹ Henderson County, KY Tax Lists, 1809 & 1811, microfilm reel #168; Henderson County, KY 1810 Federal Census (NA Film M252-#6, p332).

⁴⁰ Shirley C. Moody, 20 (original in Henderson County Marriage Book 1, p3).

⁴¹ The Henderson County Genealogical and Historical Society, *The History of Henderson County, Kentucky* (Evansville, IN: Unigraphic, Inc., 1980), 234-238.

⁴² Henderson County, KY Federal Censuses, 1820 (NA Film M33-#24, p14), 1830 (NA Film M19-#37, p247).

⁴³ Shirely C. Moody, 25 (M. J. Moss, original in Henderson County Marriage Book 1, p95) & 26 (Lucy Ann Moss, original in Henderson County Marriage Book 1, p52); Henderson County, KY 1850 Federal Census (NA Film M432-#204, p325 household of Henry & Lucy A. Sandefur & p326 household of Marcellus J. Moss).

of age, then came with a brother, John B. Kelley, now dead, to this county, locating first five miles northeast of Boonville. Warrick County has since been his home, and here he accumulated a fortune, much of which has been given to his children, and has won the confidence and high esteem of a large circle of acquaintances...⁴⁴

Isham Kelley died 29 March 1886 and was buried in the Kelley Cemetery, in Skelton Township, Warrick County, IN.⁴⁵ He married twice; to Eliza Cover in 1828 and Mary C. (Lee) Zimmerman in 1874. His brother, John B. Kelley, was born c1795 in Virginia and died between 1870-1885. He is listed in the 1820, 1830, 1840, 1850, 1860 and 1870 censuses of Warrick County, IN.⁴⁶ John B. Kelley served as a Commissioner of Warrick County in 1831-2 and as a probate judge in 1846.⁴⁷ He married twice; to Mary Rogers in 1814 (Ohio County, KY) and Mary Mills in 1842 (Warrick County, IN).⁴⁸ His first wife was a sister to Sarah Rogers, wife of John Leaman.⁴⁹ John's brother, David Leaman, was a brother-in-law of Henry Kelly.

Henry Kelly married Sally Bingham in Daviess County on 14 October 1824.⁵⁰ Sarah H. Bingham was the daughter of Thomas Bingham. Her father is first listed in the Daviess County tax books in 1818. The 1820 and 1830 Daviess County censuses place Thomas Bingham's birth about 1770-1775.⁵¹ Three individuals appear in his home in the 1820 census, an older couple and a female aged 10-15. Henry Kelly does not appear as a household head in the 1830 Daviess County census but the 1830 tax records show him as being a resident there.⁵² Henry Kelly, his wife, and their first two children were probably then living in the home of his father-in-law. Their ages match the age range and sex of four individuals who were listed in the household of Thomas Bingham in the 1830 census. Thomas Bingham's neighbors in the 1820 and 1830 censuses suggest he was a resident of the Horse Fork Creek neighborhood, where his son-in-law, Henry Kelly, owned land for the next fifty years and members of the family owned land for over a century. Daniel Vittitow was enumerated near Thomas Bingham in both censuses and Daniel Vittitow on an 1833 plat and an 1834 deed was showed as owning land that adjoined a 60-acre tract of Henry Kelly.⁵³

⁴⁴ *History of Warrick, Spencer and Perry Counties, Indiana* (Chicago: Goodspeed Bros. & Co., 1885), 233-234.

⁴⁵ Kristine Manley & Sharon Patmore, *Warrick County (Indiana) Cemetery Inscriptions, Vol. I* (Chrisney, IN, 1990), 209.

⁴⁶ Warrick County, IN Federal Censuses, 1820 (NA Film M33-#15, p139), 1830 NA Film M19-#28, p271), 1840 (NA Film M704-#97, p41), 1850 (NA Film M432-#179, p118), 1860 (NA Film M653-#305, p816), 1870 (NA Film M593-#368, p460).

⁴⁷ *History of Warrick, Spencer and Perry Counties, Indiana*, 52 & 55.

⁴⁸ Ohio County Marriage Book A (p18, #118, 24 May 1814); Kay Lant, *Warrick County Marriages, 1813-1859: Copied From the Original Bond Books in Warrick County Courthouse* (Evansville, IN: Tri-State Genealogical Society, 1997).

⁴⁹ Letter by Thomas S. Erwin, of Kansas City, MO to the Filson Club Library, 14 Feb 1931, Rogers family vertical file, Filson Club Library, 1310 South Third Street, Louisville, KY.

⁵⁰ Daviess County Marriage Book A (p32).

⁵¹ Daviess County, KY Federal Censuses, 1820 (NA Film M33-#21, p19), 1830 (NA Film M19-#35, p196).

⁵² Daviess County, KY Tax List, 1830, microfilm reel #89.

⁵³ Jerry Long, *Griffith Family Papers, Volume IV: Land Records of William R. Griffith (1793-1848)*, unpublished manuscript, Daviess County Public Library, Owensboro, KY, 254; Daviess County Deed Book D (p308).

Thomas Bingham wrote his will on 2 July 1837 and it was recorded six weeks later on August 17th.⁵⁴ Witnesses were John and David Leaman. He named his wife, Nancy; daughters, Elizabeth Tribble, Susan Lewis, “who lived in Alabama the last I heard of her”, and Sally Kelly; son-in-law, Henry Kelly; and a grandson, Thomas Bingham Kelly. To the latter he gave 50 acres, one-half of a tract he purchased from Robert Triplett, an agent for Prentiss, Bouldin & May. Thomas Bingham was first shown as being assessed on 100 acres on Panther Creek in 1827.⁵⁵ No deeds of purchasing or selling land by Thomas Bingham could be found recorded in Daviess County. Two references establish that the 100 acres of Thomas Bingham is the same 100 acres that was entered in the name of Henry Kelly in 1829. A tract of land in an 1849 deed is described as adjoining the northwest corner of Bingham, the same tract (J. A. Morrison’s) on the 1876 Atlas plat is shown as adjoining the northwest corner of Henry Kelly’s farm.⁵⁶ Another deed describes 10 acres, sold by Henry & Sarah Kelly in 1872 to A. C. Wood, as being the southwest portion of a 50-acre tract deeded to Thomas Bingham by Robert Triplett and willed by Bingham to his grandson, Thomas Bingham Kelly, and afterward inherited by Henry Kelly from his son, Thomas Bingham Kelly.⁵⁷ The same 10 acres falls in the boundaries as outlined in Henry Kelly’s purchase of his 100-acre tract in 1829.⁵⁸

Elizabeth Bingham married George Tribble in Daviess County on 16 April 1818.⁵⁹ George Tribble and wife, Elizabeth, of Gibson County, Indiana, on 30 Nov 1847 appointed Barnett Tribble, of Owensboro, their attorney in fact, to sell any interest they may have in the estate of Thomas Bingham, deceased.⁶⁰ George & Elizabeth Tribble are listed in the 1850 census of Gibson County, IN.⁶¹ It reports that she was 52 years old and born in North Carolina. Numerous sources report that her sister, Sally Kelly, was a native of Virginia.⁶² The Bingham’s possibly may have hailed from Culpeper County, VA. In that county a Thomas Bingham married Nancy Norman on 7 March 1793.⁶³

Thomas Bingham in the Daviess County tax books prior to his death was shown as owning five slaves. After his death Mrs. Nancy Bingham was also listed as being taxed on five slaves.⁶⁴ In the 1840 census Nancy Bingham, aged 50-60, is listed as being the only resident in her household.⁶⁵ She was enumerated immediately after the home of Henry Kelly. She is last found in the tax lists in 1850 and does not appear in the 1850 census of Daviess County. In that year she was taxed on four slaves. The very next year

⁵⁴ Daviess County Will Book AB (p96).

⁵⁵ Daviess County, KY Tax Lists, microfilm reel #89.

⁵⁶ Daviess County Deed Book I, p474; *An Illustrated Historical Atlas Map of Daviess County, KY.*, 38.

⁵⁷ Daviess County Deed Book 35 (p581).

⁵⁸ Daviess County Deed Books C (p157) & 35 (p581).

⁵⁹ Daviess County Marriage Book A (p7A).

⁶⁰ Daviess County Deed Book H (p459).

⁶¹ Gibson County, IN 1850 Federal Census (NA Film M432-#147, p114).

⁶² Daviess County, KY 1860 Federal Census (NA Film M653-364, p786); subsequent census reports for her children in 1880, 1900, 1910 & 1920; Kentucky death certificates of three of her children, Sarah J. Bryan (1911-#3251, microfilm reel #1), Mary Postlewaite (1922-#19595, microfilm reel #121) & Lucie L. Jones (1923-#10424, microfilm reel #128).

⁶³ John Vogt & T. William Kethley, JR., *Culpeper County, Virginia Marriages, 1780-1853* (Athens, GA: Iberian Publishing Co., 1986), 22.

⁶⁴ Daviess County, KY Tax Lists, 1837 & 1839, microfilm reel #90.

⁶⁵ Daviess County, KY 1840 Federal Census (NA Film M704-#109, p22).

Henry Kelly is for the first time taxed on slaves. He was shown with three and was taxed on the same through 1865. Thomas Bingham in his will had stipulated that his black woman servant was to be set free upon the remarriage or death of his wife. Mrs. Nancy Bingham in 1839 was taxed on 160 acres on Panther Creek and after 1840 she was not assessed on any land. Beginning in 1841 Henry Kelly is taxed on 160 acres. In some tax lists his land is identified as being on Panther Creek and in others on the Horse Fork Creek. The latter is a tributary of the much larger Panther Creek that traverses the central part of the county.

On 5 Oct 1829 Henry Kelly signed a contract with Robert Triplett for the purchase of 100 acres for \$180.⁶⁶ Triplett was acting in his own behalf and as an agent for Prentis, Bouldin, May & others. Part of the tract had been involved in a noted land case that came about due to two early land surveys overlapping. Ross & May's 3000-acre survey overlapped with the northern portion of an 8100-acre survey by George Mason, of Gunston Hall fame. The Kentucky Court of Appeals on 21 Oct 1821 ruled that the 3000 acres in dispute belonged to the heirs of Mason. Upon the decision Robert Triplett paid Richard B. Mason \$5000 for the 3000 acres. The 3000 acres comprises almost all of the current city limits of Owensboro.⁶⁷ A plat of the division of the 3000 acres into lots was recorded on 8 Nov 1824. Lot #18 in the division, 100 acres, was deeded to Henry Kelly in 1829.⁶⁸ Lot #19 in this division, on the north side of Henry Kelly's tract, was purchased by William Sharp, and lot #17, on the west side, was acquired by John and David Leaman.⁶⁹ The western part of the Henry Kelly farm was in the southeast corner of Ross & May's 3000-acre survey and the remainder was in Mason's 8100-acre survey. The tax records do not show Henry Kelly being taxed on this 100 acres until 1841; Thomas & Nancy Bingham had previously paid the taxes.⁷⁰

Henry Kelly purchased the remaining 60 acres of his farm from William R. Griffith on 17 March 1834.⁷¹ He paid \$90 for it. It was part of Mason's 8100-acre survey. On the west line of the 60 acres was the 100-acre tract of Henry Kelly. The southwest corner of the 60 acres began at the southeast corner of Ross & May's 3000-acre survey, which was also the southeast corner of Henry Kelly's 100 acres. This point extended across to the south side of the Horse Fork Creek. It was described as being marked by two ash trees 10 poles (165 feet) from the bank. On the 1876 plat of the Uppertown Precinct this point is the southeast corner of the 10 acres of A. C. Wood that was south of the Kelly and Bryan farms; this 10 acres had previously been part of Henry Kelly's 100-acre tract.⁷² To the east of the 60-acre tract was land of Daniel Vittitow and on the south was the Horse Fork Creek. The 60-acre tract of "H. Kelly" was plotted on an 1833 plat of part of the 8100-acre Mason survey.⁷³ The plat was included in a

⁶⁶ Daviess County Deed Book C (pp157-9).

⁶⁷ Hugh O. Potter, *In The Beginning... Historical Facts About the Earliest Days of Present Owensboro and Daviess County, Kentucky* (Owensboro, KY: Radio Station WOMI, 1968), 16A, 18-19.

⁶⁸ Daviess County Deed Books B (p100, plat of Ross & May's Subdivision) & C (pp257-9).

⁶⁹ Daviess County Deed Books B (p395) & D (p308).

⁷⁰ Daviess County, KY Tax Lists, 1827-1841, microfilm reel #90.

⁷¹ Daviess County Deed Book D (p308).

⁷² *An Illustrated Historical Atlas Map of Daviess County, KY.*, 38; Daviess County Deed Books C (p157), D (p308) & 35 (p581).

⁷³ Jerry Long, *Griffith Family Papers, Volume IV: Land Records of William R. Griffith (1793-1848)*, 254.

collection of the papers of William R. Griffith (1793-1848) that were donated to the Daviess County Public Library in 1992.

Henry Kelly and his family were not found in the 1850 census of Daviess County. The tax records show them to be residents at the time but apparently the census taker missed them. They do appear in the 1860, 1870 and 1880 censuses of the county.⁷⁴ In his household in all three censuses were listed two sons, Samuel and William; his wife, Sally, was absent in the 1880 census.

In the 1860 census Henry Kelly appeared two households from Robert H. Fogle, who lived on the property that in 1869 became Elmwood Cemetery.⁷⁵ The deed when Fogle purchased the same property in 1849 from Charles T. Noel describes the 128-acre tract on the Hartford Road as being adjoined on the southeast by Bingham. The two tracts on the Hartford Road above the Henry Kelly farm on the 1876 plat of the Uppertown Precinct were the lands sold by Noel to Fogle in 1849. Charles T. Noel at the outbreak of the Civil War raised Company A, of the 1st Kentucky Calvary, and was commissioned its Captain. This unit was part of the illustrious Orphan Brigade of the Confederate Army. Captain Noel was killed in a skirmish in Alabama, May 11, 1862.⁷⁶ Two of the soldiers who served in the company organized by Captain Noel were Henry & Sally Kelly's son, Samuel D. Kelly, and their son-in-law, John F. Jones.⁷⁷ In the 1870 census Henry Kelly appeared immediately after Colin R. Milne, the "superintendent of Elmwood Cemetery", and just before Frank Yewell, who resided across the Horse Fork Creek from the Kelly farm.

Under the entry for Henry Kelly in the Daviess County tax books of 1861-1873 no property was shown and in several of these he was not listed. In the years of 1861-1866 on the line after the entry for Joseph G. Harrison was recorded "the same trustee for Henry Kelly" followed by an itemization of Kelly's taxable property for that year. Harrison served as Sheriff of Daviess County in 1855-1859 and 1863-1867. He died in Owensboro on 11 January 1867.⁷⁸ After the death of Harrison, Sarah Kelly begins to be listed in the tax records near her husband, Henry Kelly. The property of the couple, including their farm of 100 acres, was listed under her name in the years of 1867-1873. In 1872 the land was assessed at \$3500, also in that year they were taxed on 3 horses, 2000 pounds of tobacco and 200 bushels of corn. In the 1879 tax book their property is noted under the entry for their son-in-law, Robert A. Bryan, after whose name is recorded "same agent for Henry Kelly".

J. R. Routon filed a suit in the Daviess County Circuit Court against Henry, Sally H. and William H. Kelly on 18 March 1872.⁷⁹ He was seeking payment of \$213.33 due

⁷⁴ Daviess County, KY Federal Censuses, 1860 (NA Film M653-#364, p786), 1870 (NA Film M593-458, p311), 1880 (NA Film T9-411, p294).

⁷⁵ Daviess County Deed Books I (p474, 31 Oct 1849, Charles T. Noel to Robert H. Fogle), V (p108, 15 Nov 1867, Robert H. Fogle to John G. Barkley) & V (p463, 5 Jan 1869, John G. Barkley to Rural Hill Cemetery Company); *History of Daviess County, Kentucky*, 405.

⁷⁶ *History of Daviess County, Kentucky* (Chicago, Inter-State Publishing Co., 1883), 701.

⁷⁷ Ed Porter Thompson, *History of the Orphan Brigade* (Louisville, KY, 1898), 1017; *Report of the Adjutant General of the State of Kentucky, Confederate Kentucky Volunteers, War 1861-65* (Hartford, KY: Cook & McDowell Publications, 1979), 488. S. D. Kelly, private, enlisted at Bowling Green, KY on 25 Oct 1861 and J. F. Jones, private, enlisted at Sandusky, TN on 1 Sep 1862, he was a prisoner of war.

⁷⁸ *History of Daviess County, Kentucky*, 420 & 120.

⁷⁹ Daviess County Circuit Court suit #665, J. R. Routon vs. Henry Kelly et al, Circuit Court old records room, third floor of Judicial Center, 100 East 2nd Street, Owensboro, KY.

on a promissory note and requested part of the farm on which the Kellys were residing be sold to pay the debt. Henry Kelly's wife and son, Sally H. and William H. Kelly, filed a cross petition and affidavit in the suit on 26 June 1873. They testified that in:

1860 the defendant Henry Kelly was tried under a writ of lunacy and adjudged incompetent to attend to and have the care and supervision of his business and Joseph G. Harrison was appointed committee for said Kelly and as such committee took charge of and managed the estate of said Kelly, consisting of lands, negroes & personal property, until ... said Harrison died, and since that time no new committee has been appointed.

The deposition of Mrs. Kelly and son, William, added that since the death of Harrison they have managed Henry Kelly's affairs; they live with Henry Kelly on 100 acres of land and have taken care of and supported him by cultivating the land. The signature of Henry Kelly on the promissory note was fraudulently obtained they claimed due to his incompetence. The suit was not resolved until 1879.

On 4 December 1879 Henry Kelly's children joined with their father in ratifying the sale of part of his farm to satisfy the debts to J. R. Routon and others. Seventeen & 7/8th acres were sold to James Z. Moore for \$536.25. The reason why they co-signed on the transaction was set forth in the deed as follows:

On the 8th day of January, 1861 said Henry Kelly was by a Jury of Daviess County, Kentucky same being county of said Kelly's residence, found to be of unsound mind and incompetent to manage his business, the cause of his present derangement of mind says the Jury 'is the excessive and intemperate use of ardent spirits' and by an order of the Daviess County Court A. G. Botts Judge, Joseph G. Harrison was appointed his committee, who having died prior thereto i. e. in year 1867, at the April term 1875 Robert A. Bryan was appointed his committee by an order of the said Daviess County Court, George W. Triplett Judge, and whereas the said Henry Kelly has ceased and given up the use of strong drink he has become restored to the full enjoyment of his natural faculties and whereas his estate consists of about ninety eight (98) acres of land lying near Owensboro on the Hartford road and he is indebted to J. W. Routon and others in all in the sum of ___ dollars and has no means of payment except by sale of part of said land and said Routon is at the present December term of the Daviess Circuit Court seeking to have so much of said land sold as may be necessary to satisfy his debt and whereas the said Henry Kelly is now residing on said land and has the following children his prospective heirs at law to wit: (1) Sarah Jane the wife of Robert A. Bryan the Committee of said Kelly, (2) Louisa the wife of J. F. Jones, (3) Mary the wife of Wm Postlewaite, (4) Catharine the wife of Allen T. Coleman, (5) Samuel Kelly and (6) William Kelly who are both unmarried men and these said children of said Henry Kelly unite with him in this conveyance to witness his capacity to convey and the necessity and advantage of said conveyance to said Henry Kelly...⁸⁰

With the sale of the 17 7/8th acres in 1879 about 88 acres of the original farm of Henry Kelly had been sold, leaving about 72 acres.⁸¹ The first sold was from the southwest corner of the farm bordering on the Owensboro Hartford Road. Henry & Sally Kelly sold to "their son-in-law", Robert A. Bryan three tracts of 6, 6 and 3½ acres. The first tract was sold in 1858 and the other two in 1860.⁸²

⁸⁰ Daviess County Deed Book 34 (pp391-393).

⁸¹ Daviess County Deed Books 37 (p592) & 47 (p94).

⁸² Daviess County Deed Books O (p305, 15 Jun 1858) & P (p600, 2 Mar 1860).

In December 1860 nineteen acres adjoining the Bryan tract and the Hartford Road was sold to Moses P. Fuqua.⁸³ This transaction was completed by David Webb, agent for Henry & Sally Kelly. Twenty-two & $\frac{3}{4}$ acres adjacent to the Fuqua purchase was sold in 1862 to D. C. Rogers.⁸⁴ This tract was sold by the Sheriff of Daviess County to pay creditors. The Daviess County Circuit Court had ordered it to be sold as the result of a suit filed by L. Griffin and others in Feb 1861.⁸⁵ Robert A. Bryan subsequently purchased the last two tracts. He bought the 19-acre tract from Moses P. Fuqua in 1863 and the 22 $\frac{3}{4}$ -acre tract from D. C. Rogers in 1875.⁸⁶

R. A. Bryan is shown as owning 73 $\frac{1}{2}$ acres on the 1876 Atlas plat of the Uppertown Precinct. His land extended on both sides of the Hartford Road, on the north and east it adjoined the farm of Henry Kelly and on the south was a 10-acre tract of A. C. Wood. About 57 acres of Bryan's tract had previously been part of the Kelly farm. Part of Bryan's land on the west side of the Hartford Road had not been owned by Henry Kelly but was originally part of the farm of David and John Leaman.⁸⁷

The 10-acre tract of A. C. Wood, south of Robert A. Bryan's land on the 1876 plat, had previously been part of the Henry Kelly farm. Other lines of the 10 acres in 1876 were lands of Henry Kelly on the east, the Hartford Road on the west, and on the south the Horse Fork Creek. Wood purchased it at an auction at the Courthouse in 1872. A deed of transfer, however, was not recorded until 1880.⁸⁸ The Daviess County Circuit Court had ordered it to be sold to pay monies owed A. C. Wood.⁸⁹

Family historian, Myrtie Orene Bryan, recorded that the deaths of her great-grandparents, Henry & Sarah Bingham Kelly, occurred on 12 Oct 1880 and 2 April 1879, respectively.⁹⁰ These dates are compatible with several primary sources. Henry Kelly

⁸³ Daviess County Deed Book Q (p143, 11 Dec 1860).

⁸⁴ Daviess County Deed Book Q (p597, 12 May 1862); D. C. Rogers was a great-nephew of Henry Kelly.

⁸⁵ Daviess County Circuit Court Suit 304, L. Griffin & others vs. J. G. Harrison & H. Kelly, Circuit Court old records room, third floor of Judicial Center, 100 East 2nd Street, Owensboro, KY.

⁸⁶ Daviess County Deed Books R (p237, 25 Jan 1863) & 28 (p625, 13 Apr 1875).

⁸⁷ Daviess County Deed Book Y (p411, 2 Dec 1871, bought 13 acres from D. C. & James M. Rogers).

⁸⁸ Daviess County Deed Book 35 (p581, 31 Dec 1880).

⁸⁹ Daviess County Circuit Court Suit 579, A C. Wood vs. Henry & Sally Kelly, filed May 1872, Circuit Court old records room, third floor of Judicial Center, 100 East 2nd Street, Owensboro, KY.

⁹⁰ Manuscript of Myrtie Orene Bryan (1897-1988), copy in possession of Thomas E. Stephens, Louisville, KY, E-mail from Mr. Stephens, editor of the *Kentucky Ancestors*, periodical of the Kentucky Historical Society (tom.stephens@mail.state.ky.us) to Jerry Long, 17 Dec 1998; Tom Stephens, "Notes On The Francis Bryan Family Of Nelson And Daviess Counties, Part Two", *Kentucky Ancestors*, Vol. 34, No. 2 (Kentucky Historical Society, Frankfort, KY, Winter 1998), 73. Note: Myrtie Bryan also wrote that Henry Kelly was born in 1801 & his wife, Sarah Bingham, was born on 27 May 1808. Their children were Thomas Bingham (b. 31 July 1825, d. "young"), Nancy Ann (b. 21 June 1828, who never married), Mary Lucinda (b. 1 Feb 1831, d. 16 Sep 1992, married William C. Postlewaite but had no children (he was b. 24 Aug 1818 & died 10 July 1888), Elizabeth Susan (b. 2 Feb 1833, married John F. Jones), K. Frances (b. 1835), Sarah Jane (b. 4 Nov 1837, d. 18 Feb 1911, married Robert A. Bryan), Samuel Dearing (b.3 Jan 1840), Martha Griffith (b. 20 July 1842, who never married), Louisa Lewis (b. 7 Dec 1843), and William Henry (b. 23 Oct 1847, who married but had no children). Additional notes on the Kelly children from the research of Jerry Long: Thomas Kelly died after 1848 & prior to 1879 leaving no children, "Thomas B. Kelly" appears in the 1848 Daviess County tax list but not afterwards, he possibly died about that time. Nancy A. Kelly died on 16 April 1853 of consumption; a record of her death is recorded in the 1852-1861 Daviess County Vital Statistics, the same records that she was the daughter of Henry & Sarah Kelly and was born in Daviess County. The death certificate of Mary L. (Kelly) Postlewaite records her birth date as 2 Feb 1830. Susan Elizabeth (Betty) Kelly is recorded as marrying John F. Jones on 13 July 1854 in the

was alive on 11 June 1880 when he was enumerated in the 1880 census but he had died prior to October 25th of the same year. On the latter date his sons, William H. and Samuel D. Kelly, sold their interest in 100 acres owned by their father, Henry Kelly, deceased and described as being the “tract on which he died”.⁹¹ Sarah Kelly died prior to the 1880 census. Deeds indicate that her death occurred during the period of 16 Sep 1874 and 4 Dec 1879.⁹²

A settlement of the accounts of Robert A. Bryan as committee for Henry Kelly was completed on 1 July 1881. He reported a balance of \$687 after all accounts had been paid.⁹³ At his death Henry Kelly owned about 72 acres of his original farm of 160 acres.⁹⁴ His heirs sold their interest in this remaining land between 1880 and 1882. There were seven shares in his estate. His six surviving children each had 1/7th interest and the other share was owned by a granddaughter, Mary A. Gillim, the only heir of Elizabeth Kelly Jones, deceased. Sons, William H. and Samuel D. Kelly, sold their interest in the lands of their father to Frank Ebelhar in 1880.⁹⁵ Louvisa Kelly, wife of John F. Jones, and Mary A. Jones, wife of John Gillim, sold their interest (2/7th) to Robert A. Bryan in 1882.⁹⁶ In the same year Catherine F. Kelly, wife of Allen T. Coleman (1/7th), Sarah Jane Kelly, wife of Robert A. Bryan (3/7th), and Mary L. Kelly, wife of William C. Postlethwaite (1/7th), sold their shares to W. B. Davis.⁹⁷ Frank Ebelhar transferred the two shares that he bought to W. B. Davis in 1882 and 1886.⁹⁸ By 1886 William B. Davis had acquired full title to the lands that Henry Kelly possessed at his death.

Henry & Sally A. Kelly sold one other tract from their farm that has not been previously noted. On 16 Sep 1874 they sold three acres to the Daviess County Court for \$200. This tract contained the Kelly family cemetery. The deed stipulated that:

1852-1861 Daviess County Vital Statistics; she died between 1856-1859. Catherine Frances Kelly married Allen T. Coleman on 23 March 1854 according to the 1852-1861 Daviess County Vital Statistics, she died on 24 Dec 1921 in McCracken County, KY & buried there in the Oak Grove Cemetery. Sarah Jane Kelly married Robert A. Bryan on 18 April 1858 in Daviess County, buried at the Mater Dolorosa Cemetery in Owensboro. Samuel D. Kelly died 8 Jan 1911, leaving no children, buried at the St. Peters Cemetery, Stanley, Daviess County; his death certificate records his birth date as 9 Feb 1840. Martha G. Kelly died leaving no issue prior to 1879. Louisa L. Kelly married John F. Jones on 12 May 1859 in Daviess County, he had been married to her deceased sister Betty; died 16 April 1923 Daviess County and buried there in the South Hampton Baptist Church Cemetery; her name appears as Luvacey L. on her gravestone, as Lucie L. on her death certificate & as Lute in her obituary. William H. Kelly, is listed as “Hampton” in the 1880 Daviess County census; he married Sarah Ann Clark on 16 April 1867 at the Daviess County Clerk’s office, they divorced on 20 July 1875 (according to Daviess County Circuit Court Suit #680, William Kelly vs. Sarah Ann Kelly, they had no children); in an article in 1900 about the murder of his brother-in-law, Robert A. Bryan, it is stated that he was a resident of Owensboro and in the 1922 obituary of his sister, Mary L. Postlewaite, he was named as a survivor but no residence was given; he could not be located in the 1900 or 1910 Kentucky censuses or in the Kentucky Death Index that begins in 1911.

⁹¹ Daviess County Deed Book 35 (p378).

⁹² Daviess County Deed Books 34 (p391) & 35 (p378).

⁹³ Daviess County Settlement Book G (pp45-46, recorded 16 Aug 1881), County Clerk’s Office, Daviess County Courthouse, Owensboro, KY.

⁹⁴ Daviess County Deed Books 37 (p592, 24 Jan 1882, “remainder contains about 72 acres”) & 47 (p94, 7 Jan 1888, lists deeds whereby 88 acres of 160 had been sold).

⁹⁵ Daviess County Deed Book 35 (p378, 25 Oct 1880).

⁹⁶ Daviess County Deed Book 37 (p592, 24 Jan 1882).

⁹⁷ Daviess County Deed Books 38 (p172, 1 Mar 1882), 38 (p170, 18 Mar 1882), & 38 (p169, 4 Apr 1882).

⁹⁸ Daviess County Deed Books 38 (p170, 18 Mar 1882) & 44 (p121, 16 Mar 1886).

The parties of the 1st part reserve the right to bury their own family within the boundary above specified. They are to have the right to use & control the cite use for years as a family graveyard supposed to contain about one eighth of an acre & in the north west corner of the three acres here described.⁹⁹

The northwest corner of the three acres was described as being 22 3/5th poles northeast of the corner where the tracts of Kelly, J. Z. Moore, J. A. Morrison and J. W. Alexander joined. All of these landowners are shown as bordering Henry Kelly's northwest corner on the 1876 Atlas map. An iron pipe on Kelly Lane at a point where the Trinity Methodist Church, the Owensboro City Utility Transformer lot and the Victory Court Subdivision intersect later marked this corner.¹⁰⁰ Part of the boundary between the Morrison and Alexander farms extends along what is now McConnell Ave.¹⁰¹ The western boundary of the Kelly farm extends south from this iron pipe in a straight line over to where it would cross the Old Hartford Road at a point about half way between the northern line of the GE property and Burlew Boulevard and then down to the Horse Fork Creek. The deed description and a subsequent plat of the three acres indicates it extended eastward down the lane about 248 feet (15 poles) and about half of this would have been the length of the Kelly Cemetery section. The northwest corner of the three acres (also the northwest corner of the Kelly Cemetery plot) was about 373 feet (22 3/5th poles) from the iron pipe that marked the northwest corner of the Kelly farm and the northeast corner of the three acres was approximately 497 feet from the same marker. The gravestone of William Postlewaite that is found at 1701 Kelly Lane is about 480 feet from the same marker. The gravestone thus lies within the described parameters of the Kelly family cemetery lot.

The intentions of the Daviess County Court were not stated in the deed when they purchased the three acres that included the Kelly Cemetery. Their plans for this land is revealed by a plat recorded on 4 Dec 1876.¹⁰² A "plat of the Daviess County Pauper Burying Ground" was then produced. George W. Triplett, Judge of the Daviess County Court, had ordered the survey. On the plat the north line of the three acres is labeled "road to Alexanders". This road was later known as "Kelly's Lane or Kelly Lane". It was the boundary between the farms of Joseph W. Alexander and Henry Kelly. At the northwest corner of the three acres is a lot labeled "Kelley's Burying Lot". Six other lots are laid out; two were for White paupers and four for Negro paupers. To the east side of the graveyard and on the south side of the road is drawn a house, it is labeled "Kelley's Dwelling House". A 17 7/8th-acre tract sold by the Kellys in 1879 was described as on the east adjoining the County pauper cemetery.¹⁰³ The first entry noted on Robert A. Bryan's settlement of the accounts of Henry Kelly is \$100, the "amount rec'd from County Court for Pauper grave yard".¹⁰⁴

⁹⁹ Daviess County Deed Book 28 (pp326-327).

¹⁰⁰ Daviess County Deed Book 280 (p143, 20 Nov 1958, Jagoe & Bellew to Owensboro City Utility Commission).

¹⁰¹ Plat of J. A. Morrison farm, *Owensboro Messenger*, Owensboro, KY, Thursday, 14 Nov 1901, p6; Corrected map for Seven Hills, Daviess County Plat Book, p87, 14 Apr 1899, Daviess County Courthouse, Owensboro, KY.

¹⁰² Daviess County Deed Book 30 (p586).

¹⁰³ Daviess County Deed Book 34 (p391).

¹⁰⁴ Daviess County Settlement Book G (pp45-46, recorded 16 Aug 1881).

The discovery of a county pauper cemetery along Kelly Lane was very surprising and noteworthy. In no prior published sources on the history of the county is there found any references to a pauper cemetery being located there. Daniel Smith Fulkerson, in 1991, published A History of the Daviess County Poor Farm. He noted that the county began to bury paupers at the county poor farm in 1893. He found a reference to where the county in that year abandoned a prior pauper burying ground and relocated it to the poor farm.¹⁰⁵ Mr. Fulkerson, however, was unable to learn the location of the former pauper cemetery. The poor farm was located about five miles southeast of Owensboro on the Millers Mill Road where the Windridge Country Club is now. The County Court had purchased 170 acres there on 10 Dec 1848 and sold it on 21 Jan 1958 to the Windridge Country Club.¹⁰⁶ The unmarked paupers' graves still lie beneath the 10th and 17th tees of the golf course.¹⁰⁷

In 1890 Daviess County decided to abandon their pauper cemetery on Kelly Lane. The Daviess County Fiscal Court on 22 Jan 1890 agreed to request the Legislature of Kentucky to pass an act enabling Daviess County to dispose of its pauper burying grounds.¹⁰⁸ "A bill to authorize the Daviess County Court to sell and convey the paupers' burying-ground belonging to said county" was introduced in the Kentucky House of Representatives on 31 Jan 1890 and on the following Feb 5th an act was introduced for the same in the Kentucky Senate.¹⁰⁹ The 5 Feb 1890 issue of the Owensboro Messenger newspaper reported that the Kentucky Legislature was then considering the bill.¹¹⁰ According to the Acts of the General Assembly of the Commonwealth of Kentucky on 12 Feb 1890 the following act was approved:

That the Daviess County Court be authorized and empowered to sell and convey, by deed, the Daviess County pauper burying-ground, and use the proceeds from the sale of same to purchase another lot of ground to be used for the purpose of burying the paupers of said county in.¹¹¹

¹⁰⁵ Daniel Smith Fulkerson, *A History of the Daviess County Poor Farm* (Owensboro, KY, 1991), 12-13.

¹⁰⁶ Daviess County Deed Books I (p239) & 272 (p27).

¹⁰⁷ Keith Lawrence, "County's poor farm possesses rich history", *Messenger-Inquirer*, Owensboro, KY, 16 March 1992, p1C.

¹⁰⁸ Daviess County Fiscal Court Order Book 1 (p101), microfilm in Kentucky Room, Daviess County Public Library, Owensboro, KY.

¹⁰⁹ *Journal of the Regular Session of the House of Representatives of the Commonwealth of Kentucky: Begun and Held in the City of Frankfort, on Monday the Thirtieth Day of December, in the Year of Our Lord 1889*, pages 387, 426, 435, 453, 493, 537, 1101, 1507, 1561 & 1595, and *Journal of the Regular Session of the Senate of the Commonwealth of Kentucky: Begun and Held in the City of Frankfort, on Monday, the Thirtieth Day of December, in the Year of Our Lord 1889*, pages 357, 369, 408, 461, 916, 1216, 1275, & 1359, copies at Kentucky Legislative Research Library, Capitol Annex, Frankfort, KY.

¹¹⁰ "Daviess County Day, A Load of Local Bills for Owensboro and Daviess County", *Owensboro Daily Messenger*, Owensboro, KY, Wednesday, 5 Feb 1890, p1.

¹¹¹ *Acts of the General Assembly of the Commonwealth of Kentucky: Passed at the Regular Session of the General Assembly, Which was Begun and Held in the City of Frankfort, on Monday, The Thirtieth Day of December, Eighteen Hundred and Eighty-Nine, Volume I* (Frankfort, KY, 1890), 236. [Gerard Donovan, librarian of the Kentucky Legislative Research Library, Capitol Annex, Frankfort, KY and Perry T. Ryan (who has used the Legislative Library extensively), Assistant Kentucky Attorney General, Office of the Attorney General, Frankfort, KY both reported to this researcher that the above are the only sources about the Act on the Daviess County Pauper Cemetery at the Kentucky Legislative Library, no loose document files of the original petitions, depositions or Acts are maintained.]

At the 18 Oct 1892 meeting of the Daviess County Fiscal Court J. B. Karn, County Judge, and R. D. Bryant, Poor House commissioner, were appointed to investigate and report “the propriety of discontinuing the present Pauper Burying ground and establishing same on the Poor House farm of the County.”¹¹² On 5 April 1893 the County Court agreed to sell to Dr. A. C. Wood for \$200 the three acres that was then being used as a pauper burying ground by the County and which had been conveyed to the County by Henry Kelly.¹¹³ According to the agreement several conditions had to be fulfilled by Dr. Wood before the transfer was finalized. The Owensboro Messenger wrote that:

Dr. A. C. Wood made a proposition to remove the bodies of paupers from the present pauper burial ground to the poor house farm, to build a neat fence around the new grounds and decently reinter the bodies, paying \$200 for the ground now occupied by the graveyard. There are now about 200 paupers in the cemetery, which is on Dr. Wood’s farm, and he is anxious to get rid of them.¹¹⁴

The removal of the bodies and development of the cemetery at the Poor Farm was to be done at the expense of Dr. Wood. Once the Poor Farm Commissioner reported that these conditions had been fulfilled the present County Pauper burying ground would be discontinued and the land transferred to Dr. Wood.

Dr. A. C. Wood (1824-1905) moved to Owensboro in November 1852.¹¹⁵ He was a prominent physician; at one time he was president of the Green River Medical Society.¹¹⁶ In 1872 he had acquired 10 acres that had been located in the southwest corner of the Henry Kelly farm; he sold the same to William Norisez in 1893.¹¹⁷ The latter transaction was made one month prior to his contract with the county to buy the pauper burial ground. In 1888 his only child, Edward W. Wood (1854-1938), purchased from William B. Davis the land that Henry Kelly had owned at his death.¹¹⁸

R. D. Bryant, Poor House Commissioner, and Jeff Burton reported to the Daviess County Fiscal Court on 13 June 1895 that Dr. A. C. Wood had complied with the terms of his contract with the county. The County Court ordered that the three acres be conveyed to him.¹¹⁹ Dr. Wood requested that the deed be made out in the name of his son, Edward W. Wood. On the same date the lot was conveyed to E. W. Wood.¹²⁰ The deed directed that the reservation contained in the deed from Henry & Sally Kelly to the Daviess County Court would continue in force – that is the Kelly family retained the right to use and control the site of their family cemetery there.

In the County Court Order books no reports on the actual removal of the bodies from the pauper cemetery, giving the details of the number of removals, methodology of

¹¹² Daviess County Fiscal Court Order Book 1 (pp434-435).

¹¹³ Daviess County Fiscal Court Order Book 2 (pp25-26).

¹¹⁴ “The Pauper Stiffs, Dr. A. C. Wood of this City Takes a Big Contract on His Hands. He Agrees to Remove and Reinter 200 Dead Bodies From the Potter’s Field.”, *Owensboro Messenger*, Owensboro, KY, Thursday, 6 April 1893, p1.

¹¹⁵ *An Illustrated Historical Atlas Map of Daviess County, KY.*, 40; Obituary of Dr. A. C. Wood, *Owensboro Messenger*, 3 Jan 1905, p2

¹¹⁶ *History of Daviess County, Kentucky*, 244.

¹¹⁷ Daviess County Deed Books 35 (p581) & 58 (p241, 7 Mar 1893).

¹¹⁸ Daviess County Deed Book 47 (p94, 7 Jan 1888).

¹¹⁹ Daviess County Fiscal Court Order Book 2 (pp284, 304-305).

¹²⁰ Daviess County Deed Book 63 (pp222-223, 13 June 1895).

how this was accomplished, or the process of evaluation were located. Due to the large number of burials there and the status of technology at the time it is hard to imagine how this project could have been accomplished. The job would have taken a tremendous amount of labor and would have been too cost prohibitive for one individual to undertake. Prior to the alleged removal it was estimated that about 200 bodies were buried there, the actual number possibly may have exceeded this. The City of Owensboro operated a potter's field a few blocks from the Kelly Lane pauper cemetery. In 1873 they had bought land on the (Old) Hartford Road adjoining Elmwood Cemetery.¹²¹ In its first year of operation the City buried 85 paupers there.¹²²

Between the interval of when the county decided to abandon the Kelly Lane pauper cemetery (1890) and the commencement of burials at the County Poor Farm (ca 1893) a few burials by the county were made at a third location near Ensor. The Owensboro Messenger issue of 1 March 1891 reported that Thomas Perkins died at the County Poor Farm and was buried the same day "at the county cemetery near Ensor".¹²³

Edward W. Wood on 5 Sep 1910 sold 91.15 acres to R. E., G. C. & J. E. Massie. All of this had formerly been part of the Kelly farm. Wood had acquired it in three parcels. The first, 78 1/8th acres, he purchased in 1888 from William B. Davis, who obtained it from the heirs of Henry Kelly. Three acres of it he bought from the Daviess County Court in 1895. And his father, Dr. A. C. Wood had purchased the other 10 acres in 1872. The deed to the Massies noted that the 3-acre tract included the Kelly family graveyard. The family retained the right to use and control the site. This reservation was contained in the deed from Henry & Sally Kelly to the Daviess County Court and from the latter to E. W. Wood and by this indenture "is still to continue in force".¹²⁴

Robert E. Massie (1866-1937), and his brothers, John E. (1857-1950) and George C. (1860-1939) were for several years associated together in the tobacco business under the firm name of R. E. Massie & Brothers at Owensboro.¹²⁵ Robert E. was manager of several tobacco firms including the American Tobacco Company.¹²⁶ His obituary stated he was one of the largest landowners in Western Kentucky. He and his brothers owned several thousand acres in Daviess County. A large part of this was along the southern perimeter of Owensboro and has since been incorporated into the city. They had leased this land for the raising of tobacco and other crops.

By 1919 the Massie brothers owned all of the land that had been part of the farm of Henry Kelly. They also acquired several nearby tracts along the Old Hartford Road. After buying the Wood property they acquired what was known as the Lewis and Jasper farms. These contained part of the original Kelly farm. In 1910 they purchased 75.8 acres from William W. Lewis. This tract included about 57 acres of the Kelly farm that

¹²¹ Daviess County Deed Book Z (p381, 2 Feb 1873, William W. Hays sold 3 & 7/8 acres to City of Owensboro).

¹²² Keith Lawrence, "Forgotten rest in Potter's Field", *Messenger-Inquirer*, Owensboro, KY, Monday, 3 Oct 1977, p1B, & "We can't just bury our shame over Potter's Field", *Messenger-Inquirer*, Owensboro, KY, Thursday, 24 Feb 2000, p1C.

¹²³ Obituary of Thomas Perkins, *Owensboro Messenger*, 1 March 1891, p1.

¹²⁴ Daviess County Deed Book 88 (pp472-473).

¹²⁵ Obituaries of: Robert E. Massie, *Owensboro Messenger*, Friday, 25 June 1937, p1; George C. Massie, *Owensboro Messenger*, Thursday, 8 June 1939, p1; & John E. Massie, *Owensboro Messenger*, Sunday, 31 Dec 1950, p1.

¹²⁶ Charles Kerr, *History of Kentucky, Vol.3* (Chicago & New York: The American Historical Society, 1922), 281.

had been transferred successively to Robert A. Bryan, William Norisez (1881) and William W. Lewis (1893).¹²⁷ The Wood property was the northeast, east and southern sections of the old Kelly farm, the Lewis farm consisted of its central and southwestern sections (part on both sides of Hartford Road, labeled as R. A. Bryan's land on 1876 Atlas plat), and the Jasper property was its northwestern corner.

The Massie brothers acquired 33 acres from Thomas E. Jasper in 1919. They obtained it by virtue of a written contract signed on May 12th of that year. By their agreement Jasper surrendered the property on 1 Dec 1919; at that time he retired from farming and moved into Owensboro.¹²⁸ This tract included 17 7/8th acres on the west side of the Kelly graveyard lot sold in 1879 by Henry Kelly and his children to James Z. Moore. It was subsequently transferred to W. E. Miller in 1885 and to Thomas E. Jasper in 1895.¹²⁹ The remainder of the Jasper farm lay between the original west line of the Kelly farm and the Old Hartford Road; its northern line was Kelly Lane. Today the Trinity Methodist Church and the front part of the Trinity Hills Subdivision are located on the Jasper farm.

In the 1900 census of Daviess County listed within six households of each other were Thomas E. Jasper, Robert A. Bryan, James A. Morrison and John D. Chapman.¹³⁰ At this time located on the east side of the Hartford Road traveling south from where Breckinridge Street is now was Elmwood Cemetery, Owensboro's City Cemetery (or Potter's Field), and next was the farms of James A. Morrison and Thomas E. Jasper. A plat of the "J. A. Morrison Farm" advertising its sale at the Courthouse door was published in the Owensboro Messenger on 14 Nov 1901.¹³¹ "Kelly Lane" is labeled as the southern line of this property on the plat.

Residing on the Elmwood property in 1900 was John D. Chapman, who was the sexton of the cemetery. Across from Elmwood Cemetery at this time was the Craycroft farm. R. E., G. C. & J. E. Massie purchased this property in 1911; Robert E. Massie opened Rose Hill Cemetery there in 1916.¹³² On the west side of the road past this farm was a community schoolhouse.¹³³ The next property was that of Robert A. Bryan.

¹²⁷ Daviess County Deed Books 37 (p441, 13 Dec 1881, Bryan to Norisez), 58 (p354, 2 Feb 1893, Norisez to Lewis), & 88 (p544, 30 Sep 1910, Lewis to R. E., G. C., & J. E. Massie).

¹²⁸ Daviess County Deed Book 206 (p102, 30 Sep 1950, Ellis H. Massie to Liola M. Massie); Obituary of Thomas E. Jasper, *Owensboro Messenger*, Tuesday, 27 March 1928, p2.

¹²⁹ Daviess County Deed Books 43 (p320, 16 Nov 1885, James Z. Moore to W. E. Miller) & 72 (p108, 8 July 1895, W. E. Miller to T. E. Jasper).

¹³⁰ Daviess County, KY 1900 Federal Census, NA Film T623-#518, p388B, ED 39, household #'s 121-123 (Chapman), 123-125 (Morrison), 124-126 (Bryan) & 126-128 (Jasper).

¹³¹ "Assignee's Sale", Thursday, 14 Nov 1901, p6 & "Morrison Property Sold At The Court House Monday Morning", Tuesday, 19 Nov 1901, p2, *Owensboro Messenger*; Daviess County Deed Books 70 (p171, 28 Dec 1899), 75 (p326, 27 Jan 1903), 79 (p314, 5 Apr 1905) & Commissioner's Book G (p542, 6 Feb 1902).

¹³² Daviess County Deed Books 35 (p438, 4 Oct 1880, Ellen Gowan et al to Mary A. Craycroft, 48.5 acres), 90 (p634, 13 Dec 1911, Mary A. Craycroft to R. E., G. C. & J. E. Massie, 46.1 acres), 140 (p618, 2 Jun 1938, G. C. Massie et al to Loretta Massie), Daviess County Will Book K (p149, 16 Mar 1949, will of Loretta Massie, property to son Ellis H. Massie), & Daviess County Deed Book 226 (p161, 20 Mar 1953, Ellis H. Massie to George Little); *Owensboro Messenger*, 1 June 1916, p1 & *Owensboro Messenger*, 4 June 1916, p12B.

¹³³ Daviess County Deed Book 31 (p278, 11 Apr 1877, George & Ellen Gowan to Daviess County Board of Education, 1½ acre on Hartford Road for school district #4).

The 98-acre farm of Robert A. Bryan began at the back of the lots on the north side of Concord Terrace just before the intersection of 26th Street with the Old Hartford Road. It fronted on the Hartford Road down to about the southeast corner of the lot at 3224 Old Hartford Road; the back part of the Bryan farm continued on down to the Horse Fork Creek. Robert A. Bryan “came to Daviess County May 1, 1853 and settled on the Hartford road, two miles southeast of Owensboro.”¹³⁴ Five years later he married Sarah Jane Kelly, the daughter of his neighbors.¹³⁵ He purchased land from his in-laws and acquired some additional land that had adjoined the Kelly farm on the west. He sold this in 1881 and briefly moved from the Hartford Road area.¹³⁶ For a few months he located his family in Owensboro where they resided at 7th & Clay Streets, next door to William & Mary (Kelly) Postlewaite. In 1882 he exchanged this lot for a farm on the Berry Road four miles west of Owensboro.¹³⁷ In 1883 the Bryans moved back to the Hartford Road, where they purchased 98 acres from James Z. Moore.¹³⁸ This farm included some of the land that he had previously owned and other land that was north and west of his former property.

The residence of Robert A. Bryan, and his wife, Sarah Jane, was on the south side of the lane that ran back to the Peter Feldpausch farm. Their home was about the distance of a city block west of the Hartford Road. This lane is still there today. It is just past Kelly Lane opposite the Trinity Methodist Church. The enumerator for the 1900 census visited the Bryan home in June 1900. The next month Robert A. Bryan was murdered at his home. On July 22nd his brother-in-law, Sam Kelly, gunned him down. Kelly, an unmarried man had lived in the Bryan home for about fifteen years. Several testified that Kelly was always drunk and was quarrelsome. The day of the deed they had words at the family’s dinner meal. After ranting and cursing Bob Bryan asked him to cease and when he persisted he was forced to show Sam Kelly out of the house. Later that day Kelly returned intoxicated and got a shotgun from the house and finding Mr. Bryan at the barn shot him dead. The Owensboro newspaper said that Kelly then returned to “the house and passing out the front way went to the big road [this would have been the Old Hartford Road] and down the Kelly lane” and to the farm of Dr. Wood where he was arrested later the same day.¹³⁹ Sam Kelly was given a sentence of life in prison on 15 Sep 1900.¹⁴⁰ He was delivered to the Eddyville, KY Penitentiary on 7 Jan 1901. At the age of 67 he received a pardon on 8 July 1907.¹⁴¹ He returned to Daviess County, where he died at the home of a nephew, Tilden Jones, in 1911.¹⁴²

¹³⁴ *History of Daviess County, Kentucky*, 641.

¹³⁵ Married 18 April 1858, Daviess County Marriage Book D (p279).

¹³⁶ Daviess County Deed Book 37 (p441, 13 Dec 1881, Robert A. Bryan to William Norisez).

¹³⁷ *History of Daviess County, Kentucky*, 641; Daviess County Deed Book 38 (p136, 18 Mar 1882, William B. Davis to R. A. Bryan, lot at 7th & Clay), 39 (p167, 5 Sep 1882, John Long to R. A. Bryan, 165 acres in exchange for lot at 7th & Clay), 39 (p169, 18 Jan 1883, R. A. Bryan to James E. Smith, 165 acres).

¹³⁸ Daviess County Deed Book 40 (p275, 15 Oct 1883).

¹³⁹ “In Cold Blood, R. A. Bryan Killed By His Brother-in-Law, Sam Kelly”, *Owensboro Inquirer*, Owensboro, KY, Monday, 23 July 1900, p1; “A Murder Most Foul, Sam Kelly Shoots Down ‘Uncle Bob’ Bryan in Cold Blood”, *Owensboro Messenger*, Tuesday, 24 July 1900, p2; “Deliberate Was The Awful Deed of Sam Kelly”, *Owensboro Messenger*, Wednesday, 25 July 1900, p2.

¹⁴⁰ *Owensboro Messenger*, 16 Sep 1900, p9.

¹⁴¹ *Owensboro Messenger*, 8 Jan 1901, p1; *Register of Prisoners Confined in the Kentucky Branch Penitentiary, Eddyville, Ky.*, Kentucky Department for Libraries & Archives, 300 Coffee Tree Road, Frankfort, KY 40602, copies from Sue Bellew Berry (granddaughter of Ollie Bellew & Jessie Jones, great-

Several months after I had initiated my research on the Kelly Lane Cemetery an article on the Bryan family of Daviess County appeared in the Autumn and Winter 1998 issues of the Kentucky Ancestors, periodical published by the Kentucky Historical Society. The compiler, Thomas E. Stephens, was also the editor of the periodical. Mr. Stephens' wife is a great-great granddaughter of Robert Abel Bryan and Sarah Jane Kelly. The articles contained several family portraits. One of these had two of the children of Henry Kelly & Sarah Bingham. The picture was taken at the Bryan home about 1898; it included Robert A. & Sarah Jane Bryan with several of their children and grandchildren. Also in the picture, standing at the far right with a shotgun, was Samuel D. Kelly.

Sarah Jane Bryan, widow of Robert A., continued to reside at her home along the Hartford Road until her death in 1911.¹⁴³ In Feb 1902 as the result of a suit to settle the estate of Robert A. Bryan his farm of 98 acres was sold.¹⁴⁴ Robert E. Bryan (25 acres), Peter C. Bryan (35 acres) and John W. May (28 acres) were the purchasers; the first two were sons of Robert A. & Sarah Jane Bryan and the latter was a son-in-law. Mrs. Russell (Martha) Hoagland today lives on the Bryan-Feldpausch lane (2916 Old Hartford Road) on what was formerly part of the Bryan farm. Mrs. Hoagland has lived there since 1948.¹⁴⁵

Mrs. Frank (Helen) Medley, daughter of Peter C. Bryan and last surviving grandchild of Robert A. & Sarah Jane Bryan, stated that she was born in 1905 in a red brick house on the west side of the Old Hartford Road. The house is still there today; it is at 3224 Old Hartford Road. Mrs. Medley said she has visited the site of the Kelly family cemetery about four times. Her great-grandparents, Henry & Sarah Kelly, were buried there. Shortly after she married in 1931 she visited the cemetery with her cousins Misses Myrtie and Elio Bryan. Then about three or four monuments were there and several were broken and were on the ground. One of the names on the monuments was of a Postlewaite but she could not remember any of the other names. At this time the old Kelly log home was still standing a short distance past the cemetery.¹⁴⁶ She did not know when it was torn down; Mrs. Roehm, a neighbor of the cemetery, said that the old house was no longer there when she moved to the neighborhood in 1959.

Myrtie Orene Bryan (1897-1988) about 1975 wrote in her family manuscript:

granddaughter of John Franklin Jones & Louisa Kelly, and great-great-granddaughter of Henry Kelly & Sarah Bingham), 7776 Wathan Lane, Henderson, KY 42420.

¹⁴² Daviess County, KY 1910 Federal Census (NA Film T624-#473, ED 37, p18, Samuel Kelley, age 76, uncle, in household #368-370 Tilden Jones); Kentucky Death Certificate of Samuel D. Kelly, 1911-#602, microfilm reel #1.

¹⁴³ Daviess County, KY 1910 Federal Census (NA Film T624-#473, ED 51, p222, household #64, enumerated immediately after the household of Peter Feldpausch); obituary of Jane Bryan, *Owensboro Messenger*, 19 Feb 1911, p2A.

¹⁴⁴ "Bryan Estate Ordered Sold To Pay Off The Indebtedness", *Owensboro Messenger*, 27 Jan 1901, p9; Daviess County Commissioner's Deed Book F (pp384-386).

¹⁴⁵ Daviess County Deed Books: Commissioner's F (p386, 26 Feb 1902, R. A. Bryan heirs to John W. May); 117 (p452, 2 Dec 1925, John W. May to R. E. & P. C. Bryan Company), 120 (p159, 17 April 1928, R. E. & P. C. Bryan Company to Robert T. May), Commissioner's M (p366, 13 March 1932, Robert T. May heirs to C. C. Ambrose), 128 (p428, 20 Apr 1932, C. C. Ambrose to Gilbert Martin), 153 (p203, 31 Oct 1942, Gilbert Martin to Arthur L. Dodge), 188 (p314, 2 Sep 1948, Dela Dodge, widow of Arthur L. Dodge, to Russell & Martha Hoagland, 7.09 acres).

¹⁴⁶ Interview of Mrs. Frank (Mary Helen Bryan) Medley, 1420 Cedar Street, Owensboro, KY, by Jerry Long on 14 Dec 1998 & 8 March 1999.

When I was a child, we lived on what is now the 'Old Hartford Road', on Kelly Lane on which, a short distance from the Hartford Road stood an old log house, occupied at that time by the Jasper Thomas and Ora (Dyson) Jones family, parents of Essie (Jones) Bidwell. That house was once the home of Henry and Sarah (Bingham) Kelly and their family, my grandmother, Sarah Jane (Kelly) Bryan's parents. The house was still there a few years ago when we, along with a cousin, visited a small Kelly cemetery, near the Kelly home, to get birthdates and death dates from the markers which remained there. Aunt Mary Lucinda (Kelly) Postlewaite and her husband, William C. Postlewaite, are interred in this family cemetery, but most of the markers are missing. This yesteryear house was well preserved a few years ago.¹⁴⁷

The visit to the cemetery she referred to was made about 1931 with her cousin, Helen Bryan Medley. Miss Bryan was mistaken about her aunt, Mary Lucinda Postlewaite, being buried there. The tombstone of her aunt's husband, William C. Postlewaite, remains in the cemetery today but the gravestone of Mary L. (Kelly) Postlewaite is in Elmwood Cemetery. The family of Jasper Thomas Jones (1868-1930) apparently had rented the Kelly home sometime between 1900 and 1920. His daughter, Essye Jones (1896-1975), in 1920 married Vernie Bidwell (1902-1974), who served as Owensboro Police Chief from 1940 until his death. At the time of the 1910 and 1920 Daviess County censuses Vernie Bidwell was residing with his parents on the Elmwood Cemetery property.¹⁴⁸ His father, John A. Bidwell, at the time of his death in 1959 had been sexton of Elmwood Cemetery for over 50 years.¹⁴⁹ Mrs. Mildred Glenn, daughter of Vernie & Essye Jones Bidwell, recalls hearing that her mother's family had lived in the area of Kelly Lane, but she did not know any details about their home there. She believed her grandparents had resided there prior to her birth in December 1920.¹⁵⁰

The Massie family retained ownership of the Kelly Lane cemetery property until 1951. In 1938 lands that had been owned by the Massie brothers was partitioned between the surviving brothers, George C. & John E. Massie, and Loretta Haynes Massie, widow of Robert E. Massie. All of what had formerly been the Henry Kelly farm (later the Wood, Lewis and Jasper farms) was transferred to Loretta H. Massie.¹⁵¹ At this time the land was described as been bordered on the west by the Hartford Road and the property of Peter C. Bryan (1877-1960); he was a grandson of Henry Kelly & Sarah Bingham. The estate of Loretta H. Massie, including the former Kelly farm, was devised by her will to her only heir, Ellis Haynes Massie, in 1949.¹⁵² The next year he transferred the same to his ex-wife, Liola M. Massie.¹⁵³ In 1951 Liola M. Sutton, formerly Massie, sold the same to Carlos B. Jagoe, & wife Nelda, and Talmage E. Hocker, & wife Margaret.¹⁵⁴ The 1938, 1950 and 1951 transfers all stipulated that 1/8th acre of the property "has been used for years as a family graveyard" and is part of three acres sold by Henry Kelly to the

¹⁴⁷ Manuscript of Myrtie Orene Bryan (1897-1988), copy in possession of Thomas E. Stephens, Louisville, KY, E-mail from Mr. Stephens (tom.stephens@mail.state.ky.us) to Jerry Long, 8 Dec 1998.

¹⁴⁸ Daviess County, KY Federal Censuses, 1910 (NA Film T624-#473, p240A, household #278-281), 1920 (NA Film T625-#567, p258, household #323-338).

¹⁴⁹ Obituary of John A. Bidwell, *Messenger & Inquirer*, Owensboro, KY, Saturday, 6 June 1959, p1.

¹⁵⁰ Interview of Mrs. Joseph G. (Mildred L. Bidwell) Glenn, 1106 Booth Ave., Owensboro, KY, by Jerry Long, on 29 March 2002, Mrs. Glenn was born on 10 Dec 1920.

¹⁵¹ Daviess County Deed Book 140 (p618, 2 June 1938).

¹⁵² Daviess County Will Book K (p149, recorded 16 March 1949).

¹⁵³ Daviess County Deed Book 206 (p102, 30 Sep 1950).

¹⁵⁴ Daviess County Deed Book 210 (p232, 11 May 1951).

Daviess County Court in 1874 with the reservation of the right to bury their family dead in the cemetery. The same reservation was included in each of these deeds.

In 1955 Carlos B. Jagoe, & wife Nelda, and Talmage E. Hocker, & wife Margaret, sold to the General Electric Company 95.92 acres that had formerly been owned by Henry Kelly.¹⁵⁵ The G. E. plant was opened on this property the following year. In 1956 the Jagoes and Hockers sold another 4.033 acres of the former Massie property to the Methodist Church.¹⁵⁶ At the southeast corner of the intersection of Kelly Lane and the Old Hartford Road, it was along the west line of the former Kelly farm. A few months later the Trinity Methodist Church was built on the lot.

In May 1964 Talmage E. Hocker, & wife Margaret, sold to Carlos B. Jagoe, & wife Nelda, their ½ interest in a tract (78.33 acres) bordered by Kelly Lane on the north, the Trinity Methodist Church and Old Hartford Road on the west, the I. C. Railroad on the east, and the General Electric Tube Plant on the south.¹⁵⁷ The deed renewed the former clause about the rights to the cemetery that had been set forth in the deed from E. W. Wood to R. E. Massie et al (Book 88, p472). In a deed of correction filed in Aug 1965 it was stated there is “reserved a one grave cemetery lot on Kelly Lane containing 0.12 acre.”¹⁵⁸

In 1965 the Jagoe Construction Company began to build homes on this tract. The Jagoes transferred parts of the above tract in several sections to the Owensboro Trade-In Homes, Inc., a company owned by the Jagoe family and organized to sell houses built by the Jagoe Construction Company.¹⁵⁹ The first of these was transferred in July 1964 and the second in July 1965. Plats of Unit No.1 and Unit No.2 of the Trinity Hills Subdivision outlining the streets and lots were recorded. On the plat of Unit No.2 a triangular lot labeled “Cemetery” was plotted as a separate lot between the lots at 1701 and 1707 Kelly Lane. In the development of Unit No.2 Kelly Lane was cut into two sections. One section extends east off the Old Hartford Road and the part of the original lane behind the Trinity Methodist Church was closed. The new street in Trinity Hills fronting on the lots that on the north border the original route of the lane was named Kelly Lane. The plats for the Trinity Hills Subdivision show a tract zoned commercial along its southern line and north of the GE lot. Bell South Telephone and the Western Kentucky Regional Blood Center are now located here.

The Owensboro Trade-In Homes, Inc. sold the lot adjoining the (Kelly) Cemetery lot on the west to William L. Cannon in August 1969.¹⁶⁰ In the next few months the house at 1701 Kelly Lane was constructed there. This deed and subsequent deeds for 1701 Kelly Lane contained no reference to a cemetery being on the lot and did not

¹⁵⁵ Daviess County Deed Book 247 (p351, 1 Aug 1955).

¹⁵⁶ Daviess County Deed Book 256 (p206, 29 May 1956).

¹⁵⁷ Daviess County Deed Book 329 (p590, May 1964), see also Deed Book 313 (p88, 14 March 1962, plat of Owensboro Municipal Utilities Power Line Easement on the Jagoe & Hocker Farm) & 342 (p477, 5 Aug 1965, correction to deed book 329, p590).

¹⁵⁸ Daviess County Deed Book 342 (p477, 5 Aug 1965).

¹⁵⁹ Daviess County Deed Books 330 (p631, 10 July 1964, Unit No.1, 12.3 acres), 331 (p343, 8 June 1964, plat of Unit No.1), 341 (p472, 7 July 1965, 14.80 acres), 342 (p631, 9 March 1965, plat of Unit No.2), 351 (p631, 18 May 1966, Unit No.3, 7.24 acres), 358 (p301, 28 Feb 1967, Unit No.4, 14.93 acres), 374 (p600, 29 Aug 1968, Unit No.5, 9.57 acres & Unit No.6-A, 5.25 acres), 387 (p203, 27 Sep 1969, Unit No.7, 5.59 acres), 388 (p64, 13 Oct 1969, Unit 6-B, 2.5 acres), 398 (p384, Feb 1971, Unit No.8-A, 9.6 acres), 406 (p319, 24 Aug 1971, Unit 8-B, 9.2 acres).

¹⁶⁰ Daviess County Deed Book 384 (p630, 1 Aug 1969, lot 46 of Trinity Hills Subdivision Unit No.2).

include the reservation clause about the cemetery that had been incorporated in every transfer of the property since Henry Kelly had sold it in 1874. The reason why it was not included is that the Cemetery lot was not then part of the transfer and was beyond the east line of the 1701 Kelly Lane lot.

William L. Cannon sold the 1701 Kelly Lane lot to John A. Broach in 1977.¹⁶¹ The latter sold the lot to Delmon Earl Harley, Jr. & wife, Rebecca Darlene Harley, in 1979.¹⁶² Mr. and Mrs. Harley continue to reside at 1701 Kelly Lane. On 24 April 1998 they recorded an “Affidavit of Adverse Possession” for an abandoned tract of 0.12 of an acre that extends between their lot on the east and the lot at 1707 Kelly Lane.¹⁶³ This tract contains part of the Kelly Cemetery lot. The affidavit made no mention of a cemetery being located on the tract. They stated that they have had actual possession of the tract since 1979. Several years previous to the “Affidavit of Adverse Possession” they had claimed the cemetery tract by enclosing it within a fence that surrounds their side lot and backyard. The Affidavit was filed 38 days after I began my research on the Kelly Lane Cemetery by interviewing Mrs. Harley.

There are no records of the many that were buried in the cemetery on Kelly Lane. Just about all traces of the cemetery are now gone. Many of the local residents are not even aware that it is there. Hopefully the documentation set forth here will help to preserve a sign of its existence and draw attention to its significance.

Addenda

Article was published in the Kentucky Family Records (Vol. 27, West-Central Kentucky Family Research Association, Utica, KY, McDowell Publications, 2003, 1-25); abstracted version of article also appeared in Kentucky Ancestors, Vol. 37, No. 2 (Frankfort, KY: Kentucky Historical Society, Winter 2001), 78-89 & 94-97.

The old walnut tree near the William Postlewaite gravestone in the Kelly Cemetery was blown down during a storm on 27 May 2004. The storm carried winds of up to 120 mph and felled numerous trees throughout the city. The tree was uprooted and fell onto the fence along the walkway at the east side of the cemetery and 1701 Kelly Lane. The tree remained in that position for about three weeks before it was cut up and hauled off.

The “Owensboro Daily Messenger” of 1 March 1887 (p4) reports that William Bryant on the previous day “was buried in the county burying ground at Kelley’s.” This was the county cemetery on the Henry Kelly farm. Bryant on 27 February 1887 had been murdered by his brother, Noah Bryant.

The “Owensboro Messenger & Examiner” of 12 July 1888 (Thursday, p3) reports that William Postlewaite, 70, died of paralysis on Tuesday at his home on Clay St. He had worked as a ship carpenter and as an engineer on river packets.

¹⁶¹ Daviess County Deed Books 440 (p712, 27 Aug 1974, Sue Hughes Cannon to William L. Cannon) & 466 (p746, 24 May 1977).

¹⁶² Daviess County Deed Book 485 (p846, 22 March 1979).

¹⁶³ Daviess County Deed Book 686 (pp97-100, 24 April 1998).

Henry Kelly was born c1800 Virginia and died 12 October 1880 Daviess County, KY; married Sarah H. Bingham, 14 October 1824 Daviess County, KY; the daughter of Thomas & Nancy Bingham, she was born 27 May 1808 and died 2 April 1879. Henry & Sarah's children were:

1. Thomas Bingham Kelly, born 31 July 1825 Daviess County, KY; died young 1841-1879.
2. Nancy Ann Kelly, born 21 June 1828 Daviess County, KY; died single 16 April 1853 Daviess County, KY.
3. Mary Lucinda Kelly, born 1 or 2 February 1831 Daviess County, KY; married William C. Postlewaite, 7 April 1853 Daviess County, KY. Mary died 14 September 1922 Owensboro, Daviess County, KY; buried Elmwood Cemetery, Owensboro, KY. William C. Postlewaite was born 24 August 1818 Jefferson County, KY to William Postlewaite & Ester Derke; he died 10 July 1888 and was buried Kelly Cemetery, Daviess County, KY.
4. Elizabeth Susan Kelly, born 2 February 1833 Daviess County, KY married John Franklin Jones, 13 July 1854 Daviess County, KY; she died 1856-1859. After her death her husband married her sister, Louisa. She & John F. Jones were the parents of Mary Ann Jones Gillim (1856-1925).
5. Catherine Frances Kelly, born c1835 Daviess County, KY; married Allen T. Coleman, 23 March 1854 Daviess County, KY; died 24 December 1921 McCracken County, KY, buried Oak Grove Cemetery, McCracken County, KY. Her husband was born c1834 Jefferson County, KY. They were the parents of – Christopher C., John T., Mary B. and William Henry Coleman.
6. Sarah Jane Kelly, born 4 November 1837 Daviess County, KY; married Robert Abell Bryan, 18 April 1858 Daviess County, KY; died 18 February 1911 Daviess County, KY. She & her husband were buried Mater Dolorosa Cemetery, Owensboro, KY. The son of John Barton Bryan & Catherine Wathen, he was born 11 June 1830 Nelson County, KY and was shot and killed by his brother-in-law, Samuel D. Kelly on 22 July 1900. Children of Robert & Sarah were – Ida Emmaline Bryan (1859-1918, married John William May), Susan Elizabeth Bryan (1860- , married a Vowels), Mary Belle Bryan (1862-1941, single), John Barton Bryan (1865-1927, married Artie Belle Clark), Robert Emmett Bryan (1868-1940, married Mary Magdalene Hubbard), Sarah Ann Bryan (1872-1953, married James Moses Nelson), Augustus Tyler Bryan (1874-1876), Peter Cooper Bryan (1877-1960, married Mary Genevieve Montgomery), and Katherine Frances Bryan (1879-1957, married Charles Leslie Medley).
7. Samuel Dearing Kelly, born 3 January 1840 Daviess County, KY; died single 8 January 1911 Daviess County, KY; buried St. Peter's Cemetery, Stanley, Daviess County, KY.

8. Martha Griffith Kelly, born 20 July 1842.
9. Louisa Lewis Kelly, born 7 December 1843 Daviess County, KY; married John Franklin Jones, 12 May 1859 Daviess County, KY; she died 16 April 1923 Daviess County, KY. She & her husband were buried South Hampton Baptist Church, Daviess County, KY. The son of Gilbreth F. Jones & Sarah he was born 29 October 1831 KY and died 16 November 1902 Daviess County, KY. Their children were – Susan Jones (1860-died young), John D. Jones (1863-1938, married Anna Bivin), Emma Jones (1865-1932, married Carrethus Horn), William H. Jones (c1872-), Charles Jones (c1873-), Samuel Tilden Jones (1876-1940, married Mary Eula Coomes), Mamie N. Jones (1879-1953, married Steve P. Moors & John S. Horn), Ida Jones (c1881-1932, married Charles Toliver & J. Charles White), Jessie Jones (1884-1953, married Ollie Bellew), Simon C. Jones (c1887- ,married Kate Berryhill, Marie & Susan), and two others died prior to 1900.
10. William Hampton Kelly, born 23 October 1847 Daviess County, KY; died 30 August 1923 Evansville, Vanderburgh County, IN, buried St. Joseph Cemetery, Evansville, IN.

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History of Daviess County, Kentucky (Inter-State Publishing Co., Chicago, 1883, p641:

R. A. BRYAN was born June 11, 1830, in Nelson County, Ky. He came to Daviess County May 1, 1853, and settled on the Hartford road, two miles southeast of Owensboro. He lived there till 1882, and then sold to Wm. Norsely, and bought 165 acres of John Long, four miles west of Owensboro. He was married in 1858 to Miss Kelly, a native of Daviess County, born Nov. 4, 1837. They have seven children - Ida, Bell, Barton, Emmitt, Sallie, Peter and Katie. They have two grandchildren - Lonnie Fowler and William May. Politically Mr. Bryan is a Democrat. He is a member of the Catholic church.

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Farms of Henry Kelly (97 acres, near lower right) and of his son-in-law, Robert A. Bryan (73 ½ acres) are shown on plat of the Uppertown Precinct in the Historical Atlas Map of Daviess County, Ky. (1876, p38); curve line below their farms is the Horse Fork Creek and double lines on the west side of the Kelly farm and that bisects the Bryan farm is the Old Hartford Road.



Gravestone of William Postlewaite (1818-1888) in backyard of home at 1701 Kelly Lane in the Trinity Hills subdivision in Owensboro, KY.

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Messenger-Inquirer, Owensboro, KY, 1 March 2004, p1A:

**City asked to take over old cemetery
Family says its pioneer ancestors are buried there**

Author: Joy Campbell; Messenger-Inquirer

Sue Berry, who grew up in Daviess County but now lives in Henderson, was doing some genealogy work in Owensboro when she learned of an old family cemetery in the city. The problem is, it's in Del and Darlene Harley's back yard.

Berry and her aunt and uncle, John and Ernestine Jones of Owensboro, have been trying for about a year and a half to get the city to commemorate their ancestors' burial ground as a pioneer cemetery.

"We just think that since the Kellys and Bingham were part of the early history of Daviess County, they should be remembered," Berry said.

City Attorney David Fowler said he understands Berry's frustration, but there is no basis for the city to intervene and spend public tax dollars to maintain a private cemetery.

"I'm sure there are other private cemeteries out there, and we can't take all of them over," Fowler said. "We're not looking to get into the private cemetery business."

Del Harley Jr. said when he moved to Trinity Hills in 1979 there was a big tree with a tombstone beside it, and the deed showed the area as a cemetery.

"There was a dark area back there and beer cans collected, and the kids used the tombstone as a bicycle jump," Harley said. "I lived there 10 years and no one every mowed it or took responsibility for it except me ... After 10 years, I talked to a lawyer and had it researched and declared it with my property ... I've been paying taxes on it ever since."

Berry said her family has no intentions of harming anyone, but they would like to see the cemetery preserved.

"We don't feel it's right that a cemetery has been taken over and a 6-foot privacy fence put up," Berry said.

Harley bristles at the thought that someone would think he would desecrate a cemetery.

"I've improved the property ... nobody has mowed that but me ... and I would gladly give it to her if she wants the responsibility of keeping it up," Harley said.

Jerry Long, an assistant in the Kentucky Room at the Daviess County Public Library, lives in Trinity Hills subdivision. In 1998 his curiosity led him to research the cemetery located a few blocks away, and it was his 2002 paper that provided Berry with the answer of where her Daviess County ancestors were buried.

Berry and the Joneses believe the title research of the Kelly family farm and descriptions make it clear that the lot the Harleys have claimed is indeed the Kelly family cemetery. The remaining tombstone is that of William C. Postlewaite, who married Mary L. Kelly on April 5, 1853.

"I'm sure there are other family cemeteries in the city that were built over in time," Long said.

Some family cemeteries, however, have been moved when urban sprawl or commercial development threatened.

When Benedict Coomes died in 1882, his farm was still three miles from Owensboro. In late February 1991, Coomes' grave and four others in the old family cemetery across U.S. 431 from Towne Square Mall were moved to make way for commercial expansion.

A newspaper report from Nov. 18, 1942 asserts the city's first cemetery in the early 1800s was south of the Courthouse Square between Fourth and Fifth streets and extending down to the Presbyterian church. When it was abandoned, none of the graves were moved; parts of the city were built over them.

The city has become involved in family cemeteries if it owned it at some time or assumed responsibility because of history, Fowler said.

On Veterans Day in 2001, the city dedicated Moseley Square Cemetery near the corner of Fifth and Triplett streets which features a new wall, monument, restoration of the old monument supplied by the DAR and a 15-foot lighted flagpole.

Moseley, who died in 1841, was a veteran of the American Revolution, serving as a private - and later, a sergeant - in the 9th Virginia Regiment. His tavern was used in 1815 as the first Daviess County courthouse.

Berry said her ancestor, Thomas Bingham, was the son of a Revolutionary War soldier. "Does that make him any less important as a pioneer Daviess County family?"

A divining rod used to locate graves indicates there are 42 graves in the Kelly family cemetery, Berry said. She and the Joneses believe these ancestors are buried there: Thomas and Nancy Bingham, Henry Kelly, Sarah Bingham Kelly, Thomas

Bingham Kelly, Nancy Ann Kelly, Elizabeth Susan Kelly Jones and a Postlewaite, the son-in-law of the Kellys whose headstone is still in the cemetery.

Fowler said the city's research shows that no one can say with certainty where that cemetery was.

"The truth is there may be houses and streets built over that cemetery - you can't just determine it by where you find headstones," Fowler said.

Berry said her family will continue to look into the matter and consider their options.

"Our feeling was that you can't take over a cemetery for private property by adverse possession and that it should be returned to a cemetery," Berry said.

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