

William Smothers

(c1760-1837):

Accounts of Owensboro's First Resident

By Jerry Long
c.2025



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An Illustrated Historical Atlas Map of Daviess County, KY,
Leo McDonough & Co., Edwardsville, Il, 1876, p.16:

HISTORY OF DAVIESS COUNTY, KENTUCKY

There seems good authority for the claim that the first permanent settlement in what is now Daviess County was made by the celebrated William Smeathers, otherwise known by the more popular name of Bill Smothers. This settlement was made on the site of the present city of Owensboro. Hartford, on Rough Creek, and Vienna (now Calhoon) at the falls of Green River, now respectively the County seats of Ohio and McLean Counties, were the centres of the principal settlements made in this part of Kentucky. Each place was rudely fortified against the attacks of the Indians, and crowded with men, women and children, who had gathered in the stockades for safety. Disease began its ravages among them. Their chief source of subsistence, wild game, became scarce in the vicinity, and as soon as danger from Indian depredations was somewhat over, the families settled outside the forts, though usually at first within an easy distance of the centre of the settlement. The families at Hartford located on the banks of Rough Creek, and those at Vienna scattered through the hills in the rear of that place.

Among the settlers at Hartford and Vienna was Bill Smothers. For the incidents of his history we are indebted to articles in the Owensboro Monitor from the pen of the Hon. Thomas C. McCreery. He was born on the western frontier of Southern Virginia, near the Holston River. One day his father while hunting was killed by the Indians, and his mother on the ninth day afterward followed her husband to the grave, dying from grief. These tragic circumstances engendered an undying hostility against the Indians in the breast of William Smeathers, who was then a boy of twelve. Standing by the graves of his parents, he raised his hand to Heaven, and swore that he would devote his life to the destruction of the Indian race. When he subsequently came to Kentucky it was with the intention of fighting Indians, and avenging the murder of his parents, and so joined a party who were coming down to fortify the Green river country. A fort was built on Rough creek, and called Hartford. In besieging this fort it was noticed that the Indians generally came from lower Kentucky, and waded Green river at the falls. At this point, now the spot where stands the County seat of McLean County, a fort was accordingly established and called Vienna. After its construction, the Indians seldom came in great numbers, and the white families soon scattered and selected locations where inclination, or safety directed.

Bill Smothers disliked living in a densely settled neighborhood, preferring rather the solitude of the wilderness, and he accordingly fixed on a location on the Ohio river at a point nearest the settlements. He built a cabin where now stands Owensboro. It was erected on the bank of the river near the gas works, and the exact spot is now occupied by the tobacco factory of Frazier Brothers. His cabin is described as being of round logs, and having two doors, one of which looked out on the Ohio, and the other opened into his garden. On the lower side of the house there was a shed room, made by extending the main roof, being enclosed by slabs of timber planted in the ground. About four feet of a single log had been cut out to make a passway into the room this were deposited his peltries and groceries, and when he entertained a large company, which was frequently the case, it was converted into a bed-room, more comfortable and agreeable in cold than in warm weather, owing to the abundance of deer and bear skins and buffalo robes which were kept there. Such was the beginning of the city of Owensboro. In person Smothers was within an inch of being six feet in height. His hair was dark brown, and his thin beard of the same color. His complexion was fair, his eyes deep blue and prominent, and the expression of his face pleasing and intelligent. His figure was erect, his limbs and body firm and symmetrical, his motions easy

and graceful, denoting great activity and a considerable amount of muscular power. He did everything deliberately, nothing in a hurry. His mind was in keeping with his body, quick, active and vigorous. He was rarely vulgar in conversation, and never affected the coarse manner and rude speech of the ruffian. He was inferior to no man in personal courage. In short, if he had received a thorough education and possessed good morals, he might have occupied a prominent and honorable position. His love of fun, the controlling passion of his life, led him into many improprieties, and perhaps clouded his memory with crime.

It was some time about the opening of the present century, certainly not later than 1799, that Smothers made his home on the Ohio. The situation was lonely enough to delight him with the solitude. From Panther creek to the Ohio, and from Green river to Blackford he was the only inhabitant. He roamed the forest alone, and slaughtered the game at pleasure. The necessaries of life were obtained at his door. The barges, slowly cordelled by their armed crews down the Ohio, would stop and give him salt, flour, and groceries in exchange for dried venison, hams, bear meat, and buffalo robes. These advantages enabled him to live in a style far beyond the means of his old friends and comrades. No gentleman below the falls could furnish so sumptuous a board, and no man entertained with more genuine hospitality. "Old rye and "flour bread" were unknown in the interior, and his visitors manifested a general partiality for those articles. "Pass the flour bread up here," "Start the old rye down here," were remarks usually heard at his table, while the generous host was attentive to the wishes of his guests, and labored to supply their wants. The one fear Smothers possessed above all others was that new settlers would intrude upon the domain he had marked his own, that farms would be opened up, the game driven away or destroyed, and that he would be left in his old age without the means of support in the very country from which he had expelled the Indians. He regarded a surveyor's chain with particular abhorrence, and "corner trees" were an abomination. He determined that his house should present fewer attractions, and that he would thus not assist in luring strangers to the neighborhood. Instead, therefore, of delicacies, the simplest and coarsest fare of the hunter supplied his table. He almost deserted his home, wandering in the woods for weeks and months together. He hunted deer and bear on the Kentucky side of the river, and twice a year took an Indian hunt on the other side of the Ohio, where he was as equally successful. Sleepless days and nights would he spend to get a shot, and at every crack of his rifle an Indian fell. If Indians were plenty, which was generally the case on the Upper Wabash, he would kill from two to half a dozen on a hunt; and if they were scarce he sometimes crossed that stream and shot them on the boundless prairies beyond. When horses were stolen from the settlements at Hartford and Vienna, he led the pursuit, and generally returned with the animals, or an equal or greater number. These expeditions made him familiar with the country as far west as the Mississippi. Smothers was compelled at last to witness the inroads of other settlers. The news saluted his ears that about twenty families had arrived on his territory, and were preparing to build houses and open plantations. The surveyor, with compass and chain, was making new lines, and the axe was laying low the trees.

The first arrivals at Owensboro were Roger Potts, Felty Husk, James Smeathers (or Smothers). In 1805 John Leaman built his cabin, a double cabin for a tavern, in front of what is now the river Hotel. At the same date Matthew Rogers settled at the same place, but afterwards moved to Poplar Springs, Roger Potts was a native of South Carolina; John Leaman came from Nelson County. Felty Husk, who settled at the mouth of Pup Creek in 1800 where his son George was born, was from South Western Virginia, was of character opposite from that of Smothers. He was a great Bible reader, and was thoroughly familiar with the contents of that book. The precise tenets of his religious belief were hard to determine with certainty, as he differed on essential

points with every one with whom he conversed. These differences involved him in endless controversies, which were maintained on his part with ability and good temper. Smothers and Husk contracted a friendship which closed only with their lives. Notwithstanding his religious proclivities, Husk lent a helping hand to Smothers in carrying out his mischievous plans, and the latter, indifferent to all moral precepts, listened with attention while the other talked of Peter and of Paul.

One of the most remarkable events of Smothers' life was his arraignment at Hartford on the charge of murder. He was defended by the celebrated Jo. Daveiss. The circumstance was as follows: One summer evening a keel boat made fast at the landing at Yellow Banks, and the crew paid a visit to the house of Smothers. A man named Norris led the crew. He was of herculean proportions, and it was the common boast that he had never met his match in a fisticuff from Louisville to New Orleans. While in the house the boatmen indulged themselves in such freedom of remark that Miss Molly, Smothers' sister, concluded she could not remain with propriety, and ran to the house of Felty Husk. Smothers remonstrated at their behaviour, and six of the number left the house. Norris remained. The crew on returning found the lifeless body of their comrade extended on the floor with the warm blood trickling from two ghastly wounds. Smothers at their approach had fled the house and concealed himself in a strawberry bed in the garden. He escaped from here to the woods where he spent the night. At daylight next morning he knocked at the door of Ben Duncan, Esq., who lived on Pup Creek, ten miles from the Yellow Banks. He informed Squire Duncan of the nature of the charges against him, and demanded a judicial investigation. The crew of the boat were summoned as witnesses. They came in a body to the house of the Justice, many of them armed, and declaring their intention to hang the prisoner on the spot. But the friends of Smothers were there prepared to defend him and the day passed without serious disturbance. Smothers gave bond and security for his appearance on the first day of the next term of the Ohio circuit court. He was perplexed in mind upon the subject of employing good counsel in his defence. He was poor, and lawyers' fees were high. His anxieties about the matter were, however, happily relieved, for Jo. Daveiss, who knew Smothers well and admired him for his independent spirit and indomitable courage, sent him a message from Frankfort: "Don't ruin yourself hiring lawyers; I will be with you on the day of trial." The fame of Jo Daveiss and the wide-spread acquaintance of the deceased, brought such a concourse of people together at court on the day of trial, as had never before been seen in Hartford. The keel boatmen from Louisville were there, and strangers from a circuit of a hundred miles were in attendance, curious to see Bill Smothers and anxious to hear Jo Daveiss. In due course the case of the Commonwealth versus William Smither, alias Bill Smothers, was called. Judge Brodnax occupied the bench. John Daveiss, the brother of Jo Daveiss, was the prosecuting attorney.

The evidence in the main was in accordance with the facts already stated. From the historic interest to the people of Daviess County connected with the names both of defendant and his counsel, we make room for a traditional report of the further proceedings in the case from the pen of the Hon. Thomas C. McCreery: Jo Daveiss made no labored effort at cross-examination, but permitted the witnesses to make their statements in their own way, sometimes putting a single question, to elicit explanation. When the Attorney announced that the testimony was closed on behalf of the Commonwealth, Jo Daveiss exchanged a few words with Smothers, and then rose and said, that his client, from motives of delicacy, had positively refused to introduce his sister, who was the only witness who could state anything material to the defence – that the prosecuting attorney might proceed with his argument to the jury. By the feeling manner in which he made this simple statement, he seemed already to have gained the vantage ground. But John Daveiss was a

man of no ordinary ability, and knowing that he had to cope with one of the greatest advocates in the country, or the world, he put forth his full strength in his opening speech, endeavoring to forestall the impression which had always attended the powerful efforts of his brother. The evidence was arrayed in a masterly manner, and he closed by a spirited and strong appeal to the jury to discharge their sworn duties honestly and faithfully, exhorting them to disregard alike the fame and the passion of the orator who was to follow him, and assuring them that whilst the wicked might rejoice at acquittal, all good men would say amen to the condemnation and the execution of a marauder, an outlaw, an assassin, and a murderer.

That wonderfully eloquent and strangely eccentric man, Jo Daviess, then rose to address the jury. It was his ambition to do everything after a fashion that nobody else in the world ever had attempted. He never was known to ride to a court-house, but made his circuit on foot, whilst a negro boy accompanied him on horse-back, carrying his papers and clothing in a pair of saddlebags. His manner, his style, his tactics at the bar, were all his own, and they all lie buried with their great master on the field of Tippecanoe. No fragment of a speech of his remains to-day; and from the erring and fading memories of men we derive our only ideas of that inspiration which moved upon the feelings and swayed the passions, until he could drive his triumphal car over any obstacle that might oppose his onward course. Tradition furnishes a dim outline of his speech in defence of Smothers, which was probably the greatest forensic effort of his life. It was made for a friend, without hope of reward, and the whole power of mind, body and soul, were poured forth in his cause.

He commenced as if he had a fee to assist in the prosecution. He reiterated the strong points in the Attorney's speech, and offered additional arguments in favor of conviction. The friends of the accused began to whisper that he was a snake in the grass, and that he had come to help his brother, and the eyes of Smothers were raised in calm surprise to the face of his counsel. But Daviess went on, urging that an acquittal, under all the circumstances, would be a monstrous outrage upon law and justice, and insisting that the jury ought, without hesitation, to hang the criminal. Adopting all the epithets which had been so liberally bestowed, he called upon them to hang the marauder, hang the outlaw, hang the assassin, hang the murderer. Proof or no proof, let the hangman proceed on his mission of strangulation. That such, in effect, was the common reasoning of prosecuting attorneys, and he had been repeating in substance what had fallen from the gentleman who preceded him, but the law was established upon principles precisely of an opposite character. He dwelt upon the tenderness and mercy of the law, and the safeguards it threw around the life and liberty of the citizens. That malice – premeditated malice – was an essential ingredient in making out a case of murder. That if the killing was in sudden heat, it was manslaughter, and if the blow was given in self-defence, or in defence of family and home, then it became a virtue, and was no crime at all.

Without a note, he reviewed the evidence from beginning to end, calling the names of the witnesses as he went, and contended that the Commonwealth had failed to prove that his client had slain the deceased. That he was found dead in the house of the prisoner at the bar, but no man had seen the prisoner inflict the wound. That circumstances, however, conclusive they might appear, were frequently deceptive. He read a case in the English Reports, where an innocent man had been executed upon circumstantial evidence even stronger than that before the jury, and took the position that the unscrupulous and vindictive prosecutor was guilty of murder, and the twelve jurors were his aiders and abettors, because they did not require that positive and undeniable proof which leaves no room for a reasonable doubt. That if, in truth, it was the hand of Smothers that directed the blade, the facts in the case warranted the conclusion that the other was the aggressor.

That the prisoner was a man of sense and a man of prudence, and never would have sought an encounter with a giant, whose physical force was so great that he had never found an equal; and who had a host of thirty comrades who would have rushed to his call and staked their lives in the quarrel. That the deceased was the aggressor in the beginning, and it was a fair inference that he so continued to the end. That unbidden he had invaded the sacred precincts of the prisoner's home, and in return for civility and hospitality, had offered insult and injury. That his foul false tongue had aimed to fix the seal of infamy upon the spotless tablet of a maiden sister's fame. That when his companions impelled by repentance and remorse, had left the house, like a fiend of darkness he lingered upon the spot. That if Smothers had slain him, he slew him in the holy cause of religion and of virtue, and that the King of Heaven had strengthened the arm that drove the pointed steel to his heart.

He paid an eloquent and glowing tribute to the brave pioneers, who, by their toil and sweat and blood, had won the great valley of the Mississippi from the Indians, and consecrated it to agriculture, to commerce and to the arts. That a golden crown had been tendered to Julius Caesar for his victories in Gaul, and for the addition of that province to the Roman Territory. That these men had conquered an Empire thrice as great and thrice as fertile as Gaul, and neither the charity, nor the bounty, nor the justice of the Government, had ever induced it to bestow upon one of them so much as an iron skillet. That a Representative of that Government was here to-day, appealing to a jury of the country for the blood of one of the bravest, because he had stood upon the threshold of his rude hut, which was his castle in the eye of the law, and had defended his family against the licentious and wanton insults of a blackguard and a ruffian. He said that if Smothers had to die, it was meet and appropriate that he should die at Hartford. Hartford had been the theatre of his valor, and Hartford should be the scene of his execution. That he came with the party that erected the first fortification; that his hand dug the ditch and planted the palisade; and when the Indians besieged, and fired upon you from stump, bush and tree, whose aim was deadliest and whose rifle rang clearest in your defence? And when they were defeated and turned their backs in retreat, who was fleet-footed enough to lead the van in the pursuit; who hovered around them like a destroying spirit until he had dyed the waters of your rivers in their blood? Who trailed them to their homes beyond the prairies, and restored your stolen property without ever receiving one cent in compensation? That whatever falsehoods may have been invented and circulated against his client, the forked tongue of slander itself had never charged that his soul had been stained by the sin of avarice. That with ample opportunities of securing an immense landed estate, there was not a foot upon earth that he could call his own. That whilst others had enriched themselves by speculation, speculation, violence and fraud, the poverty of Smothers was a vindication of the sterling integrity of the man.

In his charge to the jury, Judge Broadnax approved himself the able lawyer and the upright man. Forgetting the many annoyances of Smothers, he exhorted the jury to look in mercy upon the prisoner, and to give him the full benefit of every reasonable doubt. The jury, after a retirement of ten minutes, brought in a verdict of "Not Guilty."

Smothers invited his counsel to go home with him, and Daveiss accepted the invitation. He was so well pleased with the country around Yellowbanks, that he settled the place known as Cornland, now owned by James Rudd, and planted the orchard which stands upon the slope of the hill. His brother, John Daveiss, not long afterwards commenced opening the farm upon which the Crutchers' long resided and lived there for many years. Smothers not long after emigrated to Texas, where he ended his life.



**“Fragments of the Early History of Ohio County”, Harrison D. Taylor,
Hartford Herald, Hartford, KY, 7 November 1877, p.1. Also
published in Ohio County, Kentucky in the Olden Days, Harrison D.
Taylor, Louisville, KY, 1926, pp.23, 25-27:**

[p.23] William Smothers served on the first grand jury impaneled in Ohio County on 28 March 1803.

[pp.25-27] The first trial for murder that appears to have occurred in the county was that of the celebrated Bill Smothers [also spelled Smithers and various other ways]. He was a man of extraordinary courage and boundless hospitality. He had a high sense of honor, but an uncontrollable passion for all kinds of fun and deviltry. A crowd hardly ever collected in those days without someone having a new story to tell about Bill Smothers's pranks.

He lived on the Ohio River near what is now Owensboro. A boat landed near his house, and some of the crew came up to it. The particulars of the difficulty are not recollected. It resulted in Smothers killing a big, overgrown ruffian. Then, making his escape from the killed man's companions, he came to Hartford and surrendered himself. The celebrated Joseph Hamilton Daveiss, alike remarkable for his legal abilities and eccentricity of character, volunteered for his friend Smothers. Perhaps no trial in the country had ever before collected so great a crowd, and no crowd was ever more completely absorbed with the incidents of any trial in our court of justice. Such a chain of logical argument, such bursts of eloquence, had never been heard before [April, 1809].

The incidents of this trial afforded gossip for the community for years afterwards. Joe Daveiss was said to have made his appearance in the county armed and equipped in complete hunter's garb, walking most of the time, with a negro boy riding his horse. He stayed all night with old Stephen Statler. Going to town to court he requested the old gentleman to accompany him through the woods and sent the boy and horse by the road to Hartford, some four miles. While in court arguing the case, instead of resorting to alcoholic stimulants he had a plate of boiled ham brought in and set by his side. In the midst of his speech he would pause, pick up a slice, and eat it with the gusto of a hunter at his camp fire.

Even at this trial Bill Smothers could not restrain his passion for fun and deviltry. Tradition has it that a young lawyer seeking a location "wrung" himself into the defense. Courtesy among lawyers required that he should be permitted to make a speech. It proved such a rigmarole of ranting and nonsensical flights that it was hard to tell whether it most amused or disgusted his hearers. Smothers saw at once how to perpetrate a joke and eradicate any unfavorable impression the speech might have made on the minds of the jury. Deliberately taking out a bright silver half-dollar and holding it up to view between his thumb and forefinger, he walked up to the young lawyer and said: "You volunteered in this case, sir, but I want to pay you for the full worth of your services. Take this." The burst of laughter—regardless of the cry for order and silence in the court—may well be imagined. The result of the trial showed that neither the young lawyer's speech nor Smothers' prank had seriously prejudiced the cause. It seems, however, that this young disciple of Blackstone came to the sage conclusion that the people of Ohio County were incapable of appreciating his transcendent abilities, and so left for parts unknown.

The acquittal of Bill Smothers was generally approved throughout the community. Even Judge Broadnax, who had been the victim of many of his pranks, was not accused of any rigorous rulings against the prisoner at the bar. Besides, it was looked upon as no more criminal to slay a drunken, lawless flatboatman of those days than to shoot a wolf or panther. In those days such characters would infest flatboats and become a nuisance to the river border.



History of Daviess County, Kentucky,
Interstate Publishing Co., Chicago, IL, 1883, pp.49, 63-78 & 624:

page 49:
CHAPTER I.
Early Settlement.

(page 49) The first permanent settlement in what is now Daviess County, was probably made in 1797 or 1798, by the celebrated William Smither, more popularly known as "Bill Smothers;" this settlement was made on the site of the present city of Owensboro. For an extended account of this remarkable man, see Chapter II (pages 63-78)

pages 63-78:
CHAPTER II.
Bill Smothers.

The name of this remarkable pioneer has been variously spelled and pronounced, as Smeather, Smeathers, Smither, Smithers, Smothers, etc., but Smither was probably correct; and "Bill" is supposed, of course, to stand for William. The above is the name by which he was familiarly called. He was born on the western frontier of Virginia, near the Holston River. His father was a hunter, and frequently took his son with him to assist in bringing home the game. One morning he started at daylight, telling his wife that he would take a little round and be back to breakfast. As he did not return, a search was made for him. His body was found about two miles from home, nearly devoured by the wild beasts; but the narrow blade of an Indian tomahawk had been driven deep into his brain. His wife was so deeply affected by his death that she lived only nine days, and was placed in death where she had been in life—close by the side of her husband. William was so upset that he did not close his eyes in sleep during the night that followed her burial. Before day he went out, and standing by their graves, boy as he was, he raised his hand to Heaven and swore that he would devote his life to the destruction of the Indian race. And well did he keep that vow, for he never saw an Indian that he did not shoot at, and he very seldom missed his aim. He felt very conscientious about killing a squaw, and rejoiced that it was never his misfortune to meet with one.

William was twelve years old at the time of his parents' death. There were also two other children: James, aged nine, and Mollie, aged seven. One of the neighbors, a new comer, having no place of his own, proposed to take care of these orphan children for the rent of the farm. This was agreed upon and he moved in. During that same year, William went to live with an uncle in Virginia, who agreed to give him a good education, and \$100 in money when he became of age. This uncle, whose name was Chrisman, was a man who worshiped the rich and scorned the poor. He was so cruel and overbearing to his orphan nephew that the latter ran away from him in a few

years. He wandered through the country, stopping wherever he could find anything to do, but found his stock of money was growing less and less every day. He was in a little town called Taylorville, near the Catawba River, when Colonel Shelby came through beating up for volunteers, and William joined him because he knew not what else to do. At that time the British had a military post on King's Mountain, so named from the fact that it stands alone, overlooking the country on all sides. It was at this point that the battle of King's Mountain was fought between the British and Colonel Shelby's men. The latter were successful, having killed Ferguson and a great many of his men, captured 1,000 prisoners, 2,000 muskets, and all their military stores, and lost very few of their own men.

After his discharge, William again wandered around the country until the following spring, when he was taken by a squad of men belonging to General Green's command, who had been sent out to press teamsters to drive the wagons. Although Smeathers was exempt from the duties of teamster, he was detained until after the battle of Guilford Court-House was fought, and was then discharged. After this he could find no employment and concluded to return to James River and visit his uncle and friends in that vicinity. But his uncle forgot to give him the \$100, although he was twenty-one and had a very good education. He bade him good-bye, and started for his native town to visit his brother and sister. He found them still living with the man who had taken the farm. This man had a daughter whom Smothers courted one Sunday evening, and married the next Thursday. He was very anxious to proceed immediately to Kentucky, but his wife and sister insisted that the snow and ice on the mountains would endanger their lives; so the move was postponed until spring.

On his arrival in Kentucky, he found the region around Lexington more densely settled than the country he had left on the Holston. He had come to fight the Indians, and did not feel like taking wages as a hand on a farm. He met a party who were coming down to fortify in the Green River country, and joined them at once. They built a fort at Hartford, on Rough Creek. When they were besieged they found that the Indians generally came from lower Kentucky, wading Green River at the falls. They established a fort there and called it Vienna. At first, of course, it was only a fort; afterward a town was laid out there and it was named Vienna. It is now called Calhoun. The father of Wm. and Thomas Downs, a Baptist preacher, was the last man killed by the Indians here, which was between 1790-'2, within a few hundred yards of the fort. The section of the country about Vienna was settled up fully ten years before Bill Smothers came to Owensboro; the Indians seldom came in great force afterward, and they soon scattered. Mrs. Smothers lived only a few years after moving to Kentucky, and died, leaving two daughters and one son. Miss Mollie Smothers remained with her brother many years.

Smothers, not liking the dense settlements around Hartford and Vienna, came to the Yellow Banks and built a cabin on the banks of the Ohio. This was about the beginning of the present century. The cabin was of round logs and had two doors; from one he had a view of the Ohio, and from the other he looked into his garden. On the lower side of the house there was a shed-room, which was made by extending the main roof, being enclosed by slabs of timber planted in the ground. About four feet of a single log was cut out to make a passway into the room. In it he deposited his peltries and groceries, and when he entertained a large company, which was frequently the case, it was converted into a bed-chamber, more agreeable in cold than warm weather, owing to the abundance of deer and bear skins and buffalo robes which were kept there.

Nature had been liberal in her gifts to Smothers. In personal courage he was inferior to no man, and he was endowed with a good understanding. The operations of his mind were quick, and there was a sprightliness and point in his conceptions which never failed to interest the listener. In

conversation, he rarely descended to vulgarity, and never affected the coarse manner or rude speech of the ruffian. His voice, like his mind, was clear and distinct; and if he had received a thorough education he would have been a shining light in the land. But his love of fun was his controlling passion, and led him into many improprieties and may have clouded his memory with crime. In person, he was five feet eleven inches high; his hair and beard were dark brown; his eyes were prominent and a clear, deep blue; his complexion was fair; and the expression of his countenance was playful and intelligent. Whatever he did seemed to be performed deliberately. He spoke the truth, except when he was planning some mischief, and then his fertile imagination readily invented whatever was necessary to the success of his scheme. On these occasions he could invent the most marvelous and miraculous lies, giving all the particulars and attendant circumstances. Incredulity itself would be silenced by his earnestness of tone and his minuteness of detail.

Smothers was delighted with his new home at the Yellow Banks. He was in search of a good hunting-ground for himself, and good range for his horse and cow; and in these respects his situation could not have been improved. From Panther Creek to the Ohio River, and from Green River to Blackford, he was the only inhabitant. He roamed the forest alone and slaughtered the game at pleasure. The necessaries and even the luxuries of life were furnished to him at his very door. The barges, as they were slowly cordelled by their armed crews, would stop and give him salt, flour and groceries, in exchange for dried venison, bear-meat and buffalo robes. No man below the falls could furnish so sumptuous a meal, and no man ever entertained with more genuine hospitality. The visitors had a general partiality for "old rye" and "flour bread," as these articles were unknown in the interior. At the conclusion of one of his repasts, a man called "Leather-legs" wiped his mouth on the skirt of his hunting shirt, and remarked: "Smothers, I believe I will pull up stakes where I am, and come down here." This observation cast a shade over the countenance of Smothers, but he quickly replied, assuring his friend that the unhealthfulness of the climate would greatly endanger his life; "and besides," said Smothers, "I intend paying you a visit on Pond River, and taking a long tramp in the hills; I like to hunt in the hills; the water is so much better than it is in the bottoms, and then you are clear of the black gnats, mosquitoes and gallinippers that swarm in these flats." "Stop, Smothers," said Leather-legs, "you are taking a great deal of pains to tell me that you don't want me here. I won't come; if I break up I will go to the mouth of the Wolf, or to the Red Banks." "Well, then," said Smothers, "we will be neighbors, and I will call and see you at either point."

The remark of Leather-legs made a deep impression upon the mind of Smothers. It proved to him that others were at least thinking of intruding themselves into the small boundaries which he had assigned to himself; that the 150,000 acres of land which he had enjoyed as a hunting-ground would be occupied by other men; that settlements would be made, farms opened, and the game driven away or destroyed, and that he would be left in his old age without the means of support, in the country from which he had expelled the Indians. He did not spend his time in gloomy despondency, but, like a true man, resolved to make every effort to avert the awful train of calamities which he saw at no great distance before him. A surveyor's chain he regarded with particular abhorrence, and, if opportunity presented, he would place it where it would never be stretched again; corner trees, he thought, ought not to stand, as they would be the starting points for subdivision. It will not be stated that he ever cut one, but many were missing. He determined also that his house should present fewer attractions. His table, instead of luxuries, was supplied with the simplest and coarsest fare of the hunter. He almost deserted his home, wandering weeks and months together in the woods. He hunted deer and bear on this side of the river, killing as

many as he wished, and twice a year he took an Indian hunt on the other side, where he was equally as successful. Sleepless days and nights would be spent to get a shot; and at every crack of his rifle an Indian fell.

The melancholy and dreadful news, against which he would have gladly closed his ears, at last saluted Smothers, that at least twenty families had arrived upon his territory, and were then preparing to build houses and open plantations. The surveyor with his compass and chain was making new lines; the ax was busily plied in felling his trees; and the wedge lustily driven was riving his oaks. His lines had been broken and he was surrounded. In anguish and bitterness of spirit he contemplated his situation, and no ray of light broke through the dark cloud which enveloped him. At first he had almost resolved upon a hostile demonstration, but the number of the emigrants and the respectability of a portion of them, convinced him of the absolute folly and madness of such a course. Like all brave men, when fairly driven to the wall, he made up his mind to meet his fate with fortitude, and, making a virtue of necessity, he determined to cultivate the good opinion of the new comers by a friendly visit to them. Near Blackford he called upon Ely and Natty Bell. At the house of the latter he was agreeably surprised to find his brother James, who was laying siege to Bell's sister-in-law; she capitulated shortly afterward and they were married. In his circuit he saw Barker and Killenbarger, Holmark and Holinhead, Jones and Jordan, Glenn and Gentry, and on his return home he heard the ax of Felty Husk, who was cutting logs to build a house near the residence of Thomas H. Painter. Husk and Smothers afterward contracted a friendship which closed only with their lives.

Hitherto there had been no legal tribunals in this section, and might had generally constituted right. But Anthony Thompson was commissioned and qualified as a Justice of the Peace for Nelson County. He lived a few miles to the west of Vienna, and his district was about as large as six of our present counties. Thompson had a clear head, an iron will, and the kindest feelings toward the whole human family. The uneasiness which Smothers experienced at the appointment of a magistrate in such close proximity to himself gradually faded away. Five years of impunity convinced him that Squire Thompson was his friend; and although he had never seen him, he began to like the man, but rather preferred that Panther Creek should still continue to run between them. One day Thompson called upon Smothers and they were so well pleased with one another that they became great friends.

One sultry evening as the last rays of the setting sun were playing upon a bank of cloud, fringing its outline in purple and gold, Smothers and his sister sat upon the doorsteps enjoying the cool air, and silently enjoying the splendors of the scene. Unnoticed by them, a keelboat had made fast at the landing, and several of the men were already in the yard. The foremost, a man by the name of Norris, was of Herculean proportions, and it was the boast of the crew that he had never met a match in a fisticuff from Louisville to New Orleans. Miss Mollie left the side of her brother and entered the house. When they approached, Smothers arose from his seat and invited them to walk in. They indulged themselves in such freedom of remark that Miss Mollie concluded she could not remain with propriety and ran to the house of Felty Husk. Smothers, who had not observed the absence of his sister, remonstrated with them in mild but very decided terms upon their unbecoming and unworthy behavior. The firmness of his manner, and the truth of what he said, made an impression upon the boatmen. Six of the number upon leaving the house called to Norris to come and go to the boat. He told them to go on and that he would be along directly, but he never went. In the dim twilight Smothers saw ten or twelve of the crew ascending the bank in a line to his house. Retreating by the back door, he concealed himself in a bed of strawberries which grew in his garden. When they entered and beheld the lifeless body of their comrade and

friend extended upon the floor, with the warm blood still trickling from two ghastly wounds, their rage and indignation knew no bounds. They threatened to hunt for Smothers until they found him, and to slay him at sight. Perceiving that they were searching and ransacking the house, and expecting them in the garden, he left his hiding place and spent the night in the woods. At daylight the next morning he knocked at the door of Ben Duncan, Esq., who lived on Pup Creek, ten miles above Yellow Banks. He informed 'Squire Duncan of the nature of the charges which had been made against him on the night previous and demanded a judicial investigation. 'Squire Duncan summoned the boatmen as witnesses and opened his Court of Inquiry. In answer to the summons, the crew came in a body to the house of the justice. Many of them were armed, and declared it to be their intention to seize the prisoner and hang him to a tree. But the friends of Smothers were there, and no man had more friends or truer friends than he had. They told the boatmen if they opened the ball in blood that the sun of that day would shine on many a corpse; that Smothers had surrendered himself to the officers of the law and was a prisoner; that they could give their evidence if they had any, but if a hand was raised in violence they would resist it to the death. As they were prepared to make their words good the examination went on smoothly and quietly. The court decided that the offense was available, and required Smothers to give bond and security for his appearance on the first day of the next term of the Ohio (now Daviess) Circuit Court. The bond was immediately filled by the prisoner and a number of securities, and after recognizing the witnesses the court adjourned. Smothers, with six of his chosen friends, returned to his home. The boat was still at the landing, but the war was not renewed.

Smothers was much perplexed in mind upon the subject of employing good counsel to argue his case before the Circuit Court. For all minor offenses he had appeared in his own behalf, and had been uniformly successful; but in a case which involved the question of his life or death, he was unwilling to trust himself. But he was poor, and lawyers' fees were high, and he knew not well what to do. His anxieties about the matter were happily relieved. The great advocate, Joseph H. Daveiss, knew Smothers well, and admired him greatly for that indomitable courage which never had been known to quail in the presence of danger. He heard, at Frankfort, of the affair, and sent Smothers a message which was characteristic of the man: "Don't ruin yourself hiring lawyers. I will be with you on the day of the trial." Smothers knew his man, and relied upon the promise with implicit confidence. The fame of Jo Daveiss as an orator and the wide-spread acquaintance of the accused brought a concourse to court, such as had never been seen in Hartford before. The keelboatmen from Louisville were there, and strangers from a circuit of 100 miles were in attendance, curious to see Bill Smothers, and anxious to hear Jo Daveiss. The trial itself was likely to be one of surpassing interest and remarkable singularity. Only two lawyers would appear, and they were brothers. As soon as the sheriff had made proclamation that the "court was open," Smothers tendered himself in discharge of his bond, and took a seat within the bar. John Daveiss, the Prosecuting Attorney for the district, was much interrupted in his duties during the day by repeated questions concerning his brother: "Where is he?" "When do you think he'll be here?" "Maybe he will not come at all." And a variety of inquiries and speculations saluted him wherever he went. On Monday night, Jo Daveiss stayed at the house of Stephen Stateler, four miles from Hartford, and on Tuesday morning he and Stateler walked into town. Court was already in session, and was devoting the usual hour to motions. Stateler and Daveiss sat upon a bench in a remote corner, engaged in conversation. Stateler was much the taller man of the two, but they were dressed alike in blue jeans, and to all appearances were a couple of sensible farmers. Stateler had no idea that he was talking to Jo Daveiss, but still he was strangely fascinated by his company. When Judge Broadnax had disposed of the motions, he opened the docket and called the case of the

Commonwealth versus William Smither, *alias* Bill Smothers. John Daveiss was up stairs with the Grand Jury, and of course made no response to the call. Stateler's companion left him and took a seat by the side of his client. Smothers, who was not in the least surprised at the course of his lawyer, shook him warmly by the hand. Broadnax becoming impatient directed the sheriff to summon the attorney for the Commonwealth. John Daveiss walked down stairway, and with his papers in his hand stepped in the doorway where he had a short conference with his witnesses. Broadnax repeated the call of the case with emphasis, and said he wished to be advised if the Commonwealth was ready. John Daveiss, stepping inside the bar, said he believed he would not apply for a continuance, although one important witness had not yet arrived; that he might come during the progress of the trial, and he reserved the privilege of taking his testimony. "What say you, Mr. Smothers?" said his honor. The shrill voice of Jo Daveiss answered, "We are ready for the defense."

John Daveiss, recognizing the voice of his brother, embraced him affectionately, and having introduced him to Broadnax and the bar, proceeded to impanel a jury. The evidence in the main was in accordance with the fact already stated. Jo Daveiss made no labored effort at cross-examination, but permitted the witnesses to make their statements in their own way, sometimes putting a single question to elicit an explanation. When the attorney announced that the testimony was closed in behalf of the Commonwealth, Jo Daveiss exchanged a few words with Smothers, and then rose and said, that his client, from motions of delicacy, had positively refused to introduce his sister, who was the only witness that could state anything material to the defense; that the prosecuting attorney might proceed with his argument to the jury. By the feeling manner in which he made this simple statement, he seemed already to have gained the vantage ground. But John Daveiss was a man of no ordinary ability, and knowing that he had to cope with one of the greatest advocates of this country or the world, he put forth his full strength in his opening speech, endeavoring to forestall the impression which had always attended the powerful efforts of his brother. The evidence was arranged in a masterly manner, and he closed by a spirited and strong appeal to the jury to discharge their sworn duties honestly and faithfully, exhorting them to disregard alike the fame and passion of the orator who was to follow him, and assuring them that whilst the wicked might rejoice at acquittal, all good men would say amen to the condemnation and execution of a marauder, an outlaw, an assassin and a murderer.

That wonderfully eloquent and strangely eccentric man, Jo Daveiss, then rose to address the jury. It was his ambition to do everything after a fashion that nobody else in the world ever had attempted. He was never known to ride to a court-house, but made his circuit on foot, whilst a negro boy accompanied him on horseback, carrying his papers and clothing in a pair of saddlebags. His manner, his style, his tactics at the bar, were all his own, and they all lie buried with their master in the field of Tippecanoe. No fragment of a speech of his remains to-day; and from the erring and fading memories of men we derive our only ideas of the inspiration that moved upon the feelings and swayed the passions, until he could drive his triumphal car over any obstacle that might oppose his onward course. Tradition furnishes only a dim outline of his speech in defense of Smothers, which was probably the greatest forensic effort of his life. It was made for a friend, without hope of reward, and the whole power of mind, body and soul were poured forth in his cause.

He commenced as if he had a fee to assist in the prosecution. He reiterated the strong points in the attorney's speech, and offered additional arguments in favor of conviction. The friends of the accused began to whisper that he was a snake in the grass, and that he had come to help his brother, and the eyes of Smothers were raised in calm surprise to the face of his counsel. But

Daveiss went on urging that an acquittal, under all the circumstances, would be a monstrous outrage upon law and justice, and insisting that the jury ought, without hesitation, to hang the criminal. Adopting all the epithets which had been so liberally bestowed, he called upon them to hang the marauder, hang the outlaw, hang the assassin, hang the murderer. Proof or no proof, let the hangman proceed on his mission of strangulation.

That such, in effect, was the common reasoning of prosecuting attorneys, and he had been repeating in substance what had fallen from the gentleman who preceded him; but the law was established upon principles precisely of an opposite character. He dwelt upon the tenderness and mercy of the law, and the safeguard it threw around the life and liberty of the citizen. That malice, premeditated malice, was an essential ingredient in making out a case of murder, and without it there was no murder. That if the killing was in sudden heat, it was manslaughter; and if the blow was given in self-defense, or in defense of family and home, then it became a virtue, and was no crime at all.

Without a note he reviewed the evidence from beginning to end, calling the names of the witnesses as he went, and contended that the Commonwealth had failed to prove that his client had slain the deceased. That he was found dead in the house of the prisoner at the bar, but no man had seen the prisoner inflict the wound. That circumstances, however conclusive they might appear, were frequently deceptive. He read a case in the English Reports where an innocent man had been executed upon circumstantial evidence even stronger than that before the jury, and took the position that the unscrupulous and vindictive prosecutor was guilty of murder, and that the twelve jurors were his aiders and abettors, because they did not require that positive and undeniable proof which leaves no room for a reasonable doubt. That if, in truth, it was the hand of Smothers that directed the blade, the facts in the case warranted the conclusion that the other was the aggressor. That the prisoner was a man of sense and a man of prudence, and never would have sought an encounter with a giant, whose physical force was so great that he had never found an equal; and who had a host of thirty comrades who would have rushed to his call and staked their lives in the quarrel. That the deceased was the aggressor in the beginning, and it was a fair inference that he so continued to the end. That unbidden he had invaded the precincts of the prisoner's home, and in return for civility and hospitality, had offered insult and injury. That his foul, false tongue had aimed to fix the seal of infamy upon the spotless tablet of a maiden sister's fame. That when his companions, impelled by repentance and remorse, had left the house, he lingered upon the spot. That if Smothers had slain him, he slew him in the holy cause of religion and of virtue, and that the King of Heaven had strengthened the arm that drove the pointed steel to his heart.

He paid an eloquent and glowing tribute to the brave pioneers, who, by their toil, sweat and blood, had won the great valley fit the Mississippi from the Indians, and consecrated it to agriculture, to commerce and to the arts. He denounced in terms of the bitterest indignation the deep ingratitude of the Government which suffered them to languish and die in poverty and neglect, whilst all its favors and patronage were lavished upon fawning sycophants and cringing parasites and flatterers, who knelt and worshiped at the footstool of power. That a golden crown had been tendered to Julius Caesar for his victories in Gaul, and for the addition of that province to the Roman territory. That these men had conquered an empire thrice as great and thrice as fertile as Gaul; and neither the charity, nor the bounty, nor the justice of the Government had ever induced it to bestow upon one of them so much as an iron skillet. That a representative of that Government was here today appealing to a jury of the country for the blood of one of the bravest, because he had stood upon the threshold of his rude hut, which was his castle in the eyes of the law, and had defended his family against the licentious and wanton insults of a blackguard and ruffian. Were he

in place of his client he would leave his Government, and seek "some boundless contiguity of shade, where the rumor of oppression and of wrong might never reach him more."

That if Smothers had to die, it was meet and appropriate that he should die at Hartford. Hartford had been the theater of his valor, and Hartford should be the scene of his execution. That he came with the party that erected the first fortification; that his hand dug the ditch and planted the palisade; and when the Indians besieged and fired upon you from stump, bush and tree, whose aim was deadliest and whose rifle rang clearest in your defense? And when they were defeated and turned their backs in retreat, who was fleet-footed enough to lead the van in the pursuit? Who hovered around them like a destroying spirit until he had dyed the waters of your rivers in their blood? Who trailed them to their homes beyond the prairies, and restored your stolen property without ever receiving one cent in compensation? That whatever falsehoods may have been invented and circulated against his client, the forked tongue of slander itself had never charged that his soul had been stained by the sin of avarice. That with ample opportunities of securing an immense landed estate, there was not a foot upon the earth that he could call his own. That while others had enriched themselves by speculation, peculation, violence and fraud, the poverty of Smothers was a vindication of the sterling integrity of the man. That his public service needed no rehearsal. That Isaac Shelby, in a conversation, had endorsed the heroic conduct of the "boy Bill Smothers" at King's Mountain. That he carried in his pocket an honorable discharge from General Green, after the great battle of Eutaw. That after he came to the West, the hills and valleys and the rivers had witnessed activity that never tired, eyes that never slept, and courage that never flinched in the hour of danger. That if they met the demands of the Government official by the sacrifice of the life of the prisoner, let the martyrdom occur on the mound on which we stand; let the last glance of the departing soldier rest upon the scene where in the vigor of manhood he strove to give peace and security to your homes and firesides; and as his slender form swings in the air, take a long and a last look at the truest and boldest man that ever raised an arm in your defense.

In his charge to the jury, Judge Broadnax himself approved the able lawyer and the upright man. Forgetting the many annoyances of Smothers, he exhorted the jury to look in mercy upon the prisoner, and to give him the benefit of every reasonable doubt. The jury, after a retirement of ten minutes, brought in a verdict of "not guilty."

Smothers invited his counsel to go home with him, and Daveiss accepted the invitation. He was so well pleased with the country around Yellow Banks that he settled the place afterward owned by James Rudd, and planted the orchard which stands upon the slope of a hill. His brother, John Daveiss, not long afterward commenced opening the farm upon which the Crutchers subsequently resided, and now owned by Mr. Lostetter, and lived there for many years.

The speech of Jo Daveiss opened to the mind of Smothers a new field of thought and a new object of enmity. All his private and personal animosities were forgotten in the disgust and indignation which he felt toward his Government. Hitherto he had regarded bear-hunting and Indian-fighting as the greatest pleasures of his existence; but he now reflected that he had expended the flower of his youth and the strength of his manhood in destroying wild beasts and savages, that he might increase the power and resources of a Government which had sought his life; and that that Government, with means beyond his power of computation, had failed to make the slightest provision for his wants, and would neglect him to the end. The voice of Jo Daveiss ever sounded in his ears that he ought to seek some shade where he would be free from oppression and from wrong. Brooding in silence over such subjects, he came to the deliberate conclusion that a proper self-respect required him to leave the territory of the United States.

When he arrived at this conviction he confided his purpose to no one, but began to make necessary preparations for his departure. He had always felt a strong partiality for Bob Tarlton and other friends on Rough Creek, and he could not think of going without seeing them; and to make the visit as pleasant as possible he proposed a big bear-hunt. In company with Husk and Glenn, he started with his dogs to go directly to the house of Tarlton. He found Tarlton and his friends in a grand spree. After spending a day with them, they all started on a hunt, which lasted several days. They succeeded in killing a monstrous bear, which they quartered and took to their camp at the Falls of Rough.

On his return to his home, Smothers commenced making active preparations for his departure. About the first of February he went to the house of his brother James, who lived near Blackford, to spend a night with him and bid him a last adieu. When he announced his intention, his brother, overwhelmed by the sudden shock, gave free vent to his sorrow. He considered their separation the greatest calamity that could have befallen him. He clung to him and insisted on going with him. Bill remonstrated with him, "Jim, be a man. If I had been hung at Hartford, I should not have drawn a sigh nor shed a tear, and I don't like to see you crying as if you were a woman or a child."

When Smothers had taken leave of his sister and embraced his brother's children, he stepped out of the door and saw his brother James leading a couple of horses from the stable, and informed him that all hands were going to accompany him home. They remained with him several days. One day at dinner, Smothers informed his brother that he wished to start the next morning at sunrise. Rising from the table they took an affectionate farewell. James and family returned home, and the next morning Smothers, with his three dogs, stepped into his skiff, and they were shoved off by Husk.

After a prosperous voyage of two weeks, Smothers landed at New Orleans. He spent one day in that city in purchasing ammunition and embarked on the next, descending the Mississippi toward the delta. He passed through the right hand mouth of that river and entered the Gulf of Mexico; hugging the shore, he rowed along in the direction of Texas. After two or three detentions he rowed into Galveston Bay about the first of May, and spent a month on the Island of Galveston—the only quiet month he had known for forty years. He again started on his journey and this time landed at the mouth of Yeagua Creek, where he began to look about for a permanent home. He selected a place forty miles from the spot where he landed, a place combining more advantages than any other in the country.

For fifteen years, Smothers trod the wilderness alone, except an occasional meeting with an adventurer like himself who was willing to brave the dangers in order to enjoy the pleasures of the chase; and then he made it convenient to separate as soon as possible, believing that it was safest to be alone. He was satisfied with his manner of life, but it was his destiny to return to the habits of civilized life, and in view of his age he did not regret the change.

One of his daughters, Mrs. Berry, a woman of a kind and affectionate disposition, was devotedly attached to her father, and induced her husband to follow him to Texas, that she might at least provide for some of his wants. The tears streamed from her eyes as she beheld his emaciated form and tottering steps. She made every effort and used every argument in her power to induce him to make her house his home that she might care for him in his old age. But her importunate attentions wearied him, and he declared he would never go to see her again as he could have no peace in her house. He was very fond of his grandchildren and spent a great deal of time in play with them. At last Smothers told his daughter that some friends from the Brassos had promised to be at his house early in the fall and that no consideration would induce him to be absent on their

arrival. A presentiment that she was seeing her father for the last time overwhelmed her with sorrow at their separation. Even the fortitude of Smothers was shaken by this manifestation of filial affection.

Early in October, his friends started to take the hunt with Smothers. They hitched their horses near a spring, walked up the hill and got over the yard fence. The dogs sallied forth to resist intrusion upon their prostrate master, but they were quieted upon hearing familiar voices. When they entered the house they saw the form of Smothers extended upon a bear skin. He wore a white woolen cap, but his locks and his beard were whiter still. His tomahawk was belted to his side and his open palm rested gently upon the back of his gun which stood in the corner. The active limbs were stiff and cold. The tongue that had urged on the strife was mute. The pulse that had beaten high in the van of battle had ceased to throb. The devoted friend, the implacable enemy, the lion-hearted SMOTHERS WAS NO MORE.

The hero of the foregoing history is thus noticed by the celebrated Washington Irving in his "Experiences of Ralph Ringwood," who was Governor Duval, of Florida. The latter was hunting in the wilds near Yellow Banks, when he saw a stranger, and the following conversation ensued: "What are you after?" cried he. "Those deer," replied I, pettishly; "but it seems as if they never stand still." Upon that, he burst out laughing. "Where are you from?" said he. "From Richmond." "What! In Old Virginy?" "The same." "And how on earth did you get here?" "I landed at Green River from a broad-horn." "And where are your companions?" "I have none." "What! All alone?" "Yes." "Where are you going?" "Anywhere." "And what have you come for?" "To hunt." "Well," said he, laughingly, "you'll make a real hunter; there's no mistaking that! Have you killed anything?" "Nothing but a turkey; I can't get within shot of a deer; they are always running."

"Oh, I'll tell you the secret of that. You're always pushing forward, and starting the deer at a distance, and gaze at those that are scampering; but you must step as slow and silent, and cautious as a cat, and keep your eyes close around you, and look from tree to tree, if you wish to get a chance at deer. But come, go home with me. My name is Bill Smothers; I live not far off; stay with me a little while and I'll teach you how to hunt."

I gladly accepted the invitation of honest Bill Smothers. "We soon reached his habitation, a mere log hut, with a square hole for a window, and a chimney made of sticks and clay. Here he lived with a wife and child. He had "girdled" the trees for an acre or two around, preparatory to clearing a space for corn and potatoes. In the meantime, he maintained his family entirely by his rifle, and I soon found him to be a first-rate huntsman. Under his tutelage, I received my first effective lessons in "woodcraft."

After I had passed ten or twelve days with Bill Smothers, I thought it time to shift my quarters, for his home was scarce large enough for his own family, and I had no idea of being an incumbrance to any one. I accordingly made up my bundle, shouldered my rifle, took a friendly leave of Smothers and his wife, and set out in quest of a Nimrod of the wilderness, one John Miller, who lived alone, nearly forty miles off, and who I hoped, would be well pleased to have a hunting companion.

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(Biography of William F. Newsom):

... "Peter Shown, was a Pennsylvania Dutchman by birth. He came from Frederick town, Md., to Owensboro, or Yellow Banks, in 1804, and stopped at the only house there for a day or two, where he met with the red of the forest. It was the house of William Smithers...



A History of Elizabethtown, Kentucky, Samuel Haycraft, written in 1869, The Woman's Club of Elizabethtown, KY, 1921, pp.23-24:

SPUNKY DEPUTY SHERIFF

Edward Rawlings, son of Stephen, was then a young man, afterwards Captain Rawlings. He was a slender, tall man, with but little surplus flesh, nearly all muscle, very active, and prided himself on his manhood and high sense of chivalric honor. A warrant was placed in his hands to arrest "Bill Smothers," who was a rollicking kind of outlaw, and frequently guilty of personal outrages. He infested the lower end of the county — now Daviess county (which I omitted in my first number to set down as part of Hardin), about 130 miles from the present Court House. Rawlings, by strategem and some help, arrested Smothers, tied him on a horse and started with him on a long journey for the jail. When on the road between Hartford and Hardin's settlement, Smothers addressed Rawlings something after this manner :

"Ned, I have heard of you, and that you boast yourself to be much of a man. Is it fair if you are a better man than me? I promised to go with you untied, and if I prove to be the better man then let me go."

Rawlings was too high strung and chivalric to stand that, immediately dismounted and untied his prisoner, and at it they went. — and, like James Fitz James and Rhoderic Dhu, without a spectator to behold the contest, they were well matched. Their brawny arms encircled each other, and every power of muscle, sinew and bone was put in requisition and it would have afforded a rare chance for a special artist. The contest was long and doubtful. But Smothers, being as accustomed to hardships and lying in the woods as the wild beasts, outwinded the Deputy and came off the victor, and accordingly went his way, and Rawlings considered that the matter had been settled by the code of honor, fist and skull, and was content with the issue. His fee in case of success would have been three shillings in tobacco at a penny ha-penny per pound.



A History of Owensboro and Daviess County, Kentucky, Hugh O. Potter, Herff Jones-Paragon Publishing, Montgomery, AL, 1974, pp.5-9:

**Chapter II
WILLIAM SMEATHERS**

It is amazing how much can be learned about an individual more than 150 years after his footprints on earth have been obscured by the passing of time. Court and family records a man leaves behind do not always paint an accurate picture of his life, but these facts plus a little imagination can serve to provide a very acceptable likeness or profile.

The man in whose life we are here interested was William Smeathers, also known as Bill Smothers, a woodsman, Indian Hunter, scout, part-time farmer, soldier and the first known settler of the Yellow Banks.

Bill Smeathers was born in 1762 in Virginia. Tradition says his father was killed by Indians about 1770 to 1774, and his mother died from shock and grief after her husband's ravaged body was found.

Over his father's grave, the same legend has it, young Bill took an oath that he would kill every Indian who came across the sights of his rifle from that day on, and the story of his life indicates he tried to keep his vow.

About 1782, after the Revolutionary war in which he was a youthful soldier, Smeathers came to Kentucky with his bride, Cecelia Fitzpatrick Smeathers, and his sister, Polly.

Their first stop was in the Bluegrass, but there were too many white men, a relative scarcity of wild game and too few Indians left in that area, so he made his way west in Jefferson county and helped build Barnett's station, a fort which preceded Hartford in that part of a vast wilderness which would successively be in Nelson, Hardin and Ohio counties.

Smeathers hunted up and down Rough river, throughout the Green river valley and to, and beyond, the Ohio river, as well as along Panther, Blackford and Pup creeks. As the Hartford section became more thickly settled, he decided to move again and chose the future location of Owensboro on the Ohio, which would give him a lesser used hunting ground without having to travel too far from home. His first wife died while they lived in the Hartford section. Family records list his second wife as the former Mary Winters of Tennessee to whom he was married on April 22, 1795.

It is believed Smeathers came to the Yellow Banks in 1797 or 1798. During this period Owensboro's original settler gained future recognition in his nation's literature through the accident of meeting a lone, inexperienced hunter in the heavily wooded section of what would become Daviess county, near where the Green and Ohio rivers come together.

Washington Irving told of this meeting between Smeathers and the man who was to become the first territorial governor of Florida, in **The Early Experiences of Ralph Ringwood** in his book, **Wolfert's Roost**, published in 1855. Ralph Ringwood was the assumed name Irving gave Governor DuVal for whom streets and other geographical locations from one end to the other of the Florida peninsula were later named.

Smeathers, who was recommended to posterity by the author as "honest Bill Smither", was quoted as saying to DuVal when he chanced upon him not long after the future governor had ended a long and lonely longhorn boat trip down the Ohio river:

"My name is Bill Smithers; I live not far off; stay with me a little while, and I'll teach you how to hunt."

DuVal accepted the invitation because his efforts to shoot sufficient game to satisfy his needs had been notably unsuccessful. They walked to the future site of Owensboro and, as DuVal said in Irving's narrative, they soon "reached his habitation, a mere log hut; but with a square hole for a window, and a chimney made of sticks and clay." This is the first description that has been found by local history researchers of the first home built at the Yellow Banks.

The records of Kentucky's early, "Corn Stalk" militia, according to research done by the late Glenn Clift, show Smeathers was an ensign and then a lieutenant in the 49th Regiment at Hartford in 1803. Thus, posterity has documentary evidence that Bill Smeather's military and leadership talents were recognized by his associates.

Another ensign in this regiment was James Gentry who later moved to Indiana when that state was opened to settlers. He went there, because its virgin acres offered more room and more free food for his droves of hogs. He settled at what is now Gentryville, and it was his flatboat, loaded with smoked meat, salt pork, corn and possibly other farm products, which his son, Allan Gentry, and Abraham Lincoln took to New Orleans from Rockport, some 24 years later. It was on

this trip that Lincoln is said to have seen his first slave auction, an experience that left a lasting impression on his young mind. While Lincoln was helping to build the flatboat at the foot of the Rockport bluff, he lived at the home of Alfred Grass, son of Daniel Grass who was a leading early resident of Rockport. Mrs. Daniel Grass was—before her marriage Jean Smeathers, the eldest daughter of Bill Smeathers.

When the War of 1812 broke out, Smeathers became a captain in Dubois' Battalion of Mounted Spies, under General Hopkins, the man for whom Hopkins county was later named.

An official copy of Captain Smeathers' discharge, in the Hugh O. Potter collection in the Kentucky Library at Western Kentucky University, Bowling Green, shows he received \$40 a month plus an allowance for his horse for serving in the Kentucky Volunteer Mounted Battalion of Spies. His company saw no action but was sent up the Wabash river for the purpose of containing the Indians around Vincennes.

A profile of William Smeathers, a description of his home and an incident which created an early 19th Century sensation here and at Hartford, are contained in a copy of talk made in 1931 before the General Evan Shelby Chapter of the Daughters of the American Revolution in Owensboro by Miss Laura Mercer [sic] Wright of Rockport, a great-great-granddaughter of the pioneer and Indian hunter. This copy is in the DAR collection of the Owensboro-Daviess County Library. It says that "William Smither had many gifts, enumerated as personal courage, inferior to no man; a good understanding, sensing quickly the value of any situation, for the operations of his mind were alert, keen and spirited to the point of conception. He never failed to interest his listeners, both the literate and the illiterate. He rarely descended to vulgarity, and never affected a coarse manner, nor used the rude speech of the ruffian. His voice and mind were clear and distinct, and all could understand. But his lack of a thorough education, and an environment dominated with illiteracy, and little culture, led him into many improprieties.

"William Smither was five feet, eleven inches high. He had dark brown hair, a thin brown beard, prominent clear, deep blue eyes, and a fair complexion. His countenance was playful and intelligent. His figure was erect, and body and limbs had a singular roundness that gave him symmetry of form. Due to his muscular power he was easy and graceful in motion, and of great action. What he did was done deliberately. He was never in a hurry. He was frank, hospitable, and spoke the truth, excepting when he planned mischief for fun. Then it is said his imagination invented what was necessary to the success of scheme or joke,—miraculous lies, and particular and attendance circumstances being so earnestly told, as well as minuteness of detail, that the listeners accepted his incredulity as substantiated truth.

"The home of Smither. . . was made of round logs, with two doors. From one of them he had the view of the Ohio river, and the other opened into his garden. A shed-room, where he kept his peltries and groceries, was built on the lower side of his house, be extending the main roof. It was enclosed by slabs of timber, planted firmly in the ground. The passage way to this shed was an opening four feet long cut in a single log. This shed served also for a bed-room, when he entertained a large company, and this was not infrequent."

Skipping over several pages of Miss Wright's manuscript we find her colorful report of the killing of a keel-boatman and Bill Smeathers' dramatic trial on a murder charge, which she adopted from the 1883 Daviess county history.

"May we draw aside the curtain of time, and see William Smither sitting by the side of his sister Polly on their doorstep as the sun was sinking in the West, with a view of the beautiful Ohio flowing peaceably on its downward course skirted on either side by a dense woodland. A keel boat had landed, unnoticed and seven men were already in the yard before this brother and sister were

aware of their presence. The foremost man was of Herculean strength. His name was Norris. It is said he had never been matched in a fist-cuff from Louisville to New Orleans. Smither rose and invited them in. Their language was too free, and their behavior such that his sister Polly sought safety at the home of a neighbor, Felty Husk, to avoid their insulting manners. Smither reminded the men that their behavior was unbecoming. Six of the men returned to the boat. Norris did not go. In the dim twilight ten or twelve of the crew returned, and when they entered the house they found the lifeless body of Norris on the floor. Smither hid at first in the garden, but spent the night in the woods. A charge of murder was made against him, so he demanded a judicial investigation. A court of inquiry was held (by Squire Ben Duncan, on Pup Creek, 10 miles east of the Yellow Banks). Smither's friends rallied to his cause. He gave bond and was ordered to appear at Hartford on the first day of the next court.

"In all previous offenses which had been minor ones, Smither appeared in his own defense, but in this case of life and death he was afraid to trust himself. He was a poor man, and lawyer fees were high. He did not know what to do. Joe Daveiss, for whom this county was later named, who had always admired Smither because of his indomitable courage, sent him this message from Frankfort: 'Don't ruin yourself hiring a lawyer. I will be with you on the day of the trial.'

"Joe Daveiss was no mean orator. But he did things different from other folks. He stayed at the home of Stephen Stateler on Monday night, preceding his trial. On Tuesday morning, leaving directions that his Negro boy was to ride in town that evening, Joe Daveiss and Stephen Stateler walked the four miles to Hartford. They sat on a bench in a remote corner of the courtroom. Dressed in blue jeans, they resembled the farmers who had gathered to hear the trial. Stateler had no idea he was talking to Joe Daveiss, a foremost lawyer in the state of Kentucky. Judge Brodnax called the case. Joe Daveiss left Stateler and took his seat beside his client. Smither was not surprised, and shook his hand. John Daveiss, a brother of Joe Daveiss, was the prosecutor. When he saw his brother he was surprised, fully realizing his brother's superiority, now knew his case was lost. The two men embraced. The Judge repeated the call of the case with emphasis and said he wished to be advised if the commonwealth was ready. The trial proceeded.

"When Joe Daveiss rose and addressed the jury, it was done in a manner of style and tactics that were all his own. Naturally eccentric and eloquent he began repeating in substance what had fallen from the lips of the prosecuting attorney, 'Hang the marauder! the out-law! the assassin! the murderer! Proof or no proof, let the hangman proceed on his mission of strangulation!' He dwelt upon the tender mercy of the law; the safeguards it threw around life and liberty of its citizens. The friends of Smither began to whisper he was a snake in the grass. He was helping his brother. But Joe Daveiss had merely used the substance of his brother's speech, to obtain the effect he desired with the jury, by means of contrast. At the right time he presented the side of his client, stating a case was not one of murder unless done in malice, and that this deed was done in self-defense of family and home. This manslaughter was a virtue and not a crime, and it had not been proved his client had slain Norris. Moreover, if Smither did direct the blade, Norris was the aggressor. He said, too, that his client was a man of sense and prudence, who would never have dared an encounter against a giant; thirty of his comrades said they would stake their lives that Norris had never found his equal, and that he, unbidden, invaded a quiet home, and for civility and hospitality had returned injury and insult, and his foul tongue aimed at infamy upon a maiden sister's name. For these things the prisoner slew, through the holy cause of religion and virtue, said Joe Daveiss. Then he paid a tribute to these brave and hardy pioneers, who through their intrepidity had won the Great Valley from the Indians, and had converted it into farmlands, trade centers and the cultivation of the arts. As a fitting climax he said Julius Caesar received a golden crown for his

victories in Gaul, and its addition to the Roman Empire, but these pioneer patriots had conquered a territory three times as fertile as Gaul, and neither had charity, nor the bounty, and justice of this government induced this country to bestow upon one of these noble frontiersmen as much as an iron skillet.

"The jury was out just ten minutes. Smither was found not guilty." This verdict brought an end to the trial and to Miss Wright's adopted description of it.

Records of the Smeathers trial may be found in the Ohio circuit court clerk's office at Hartford in old Order Book No. 3, where his name is spelled "Smeathers". It contains a report of the indictment, the full name of the slain boatman, which was Andrew Norris, and the names of the members of the grand jury. It also details the day-to-day continuances of the trial from Monday, April 10, 1809 until Thursday, April 13, 1809. Each day that the trial was delayed the jury was ordered kept "enclosed, separate and apart from all other persons". The court order for the day of the trial, reads:

"This day came the attorney (meaning Joe Daveiss), as well as the attorney on behalf of the commonwealth, as the said defendant in his proper person and the jury herein empannelled (sic) being called, again appeared in court, and the evidence being furnished, and the arguments as well on behalf of the commonwealth as the said defendant being heard, the jury retired to consider of their verdict and after some time returned with the following to-wit:

"We of the jury find the defendant not guilty. Michael Robertson, foreman. It is therefore considered by the court that the said defendant be acquitted of the murder aforesaid and go thereof without day."

Members of the trial jury were listed in the order book under the date of Tuesday, April 11, 1809, when Smeathers was arraigned and entered a plea of not guilty. They were Joseph D. McFarland, Lewis Odam, Byram Condict, Timothy Tichenor, John Powers, Elijah Myers, Samuel Crawford, Jacob Lewallen, Jod Sugg, Michiel Robertson, George Bell and Robert Barnett.

Members of the Ohio county grand jury which returned the murder indictment against Smeathers, some of whom were ancestors of present-day Ohio and Daviess county residents, were Joshua Griffith, foreman, Richard Taylor, John D. Miller, John Bennett, Jr., Lenard Leach, John Douglas, William Stephens, Pardon Tabor, John Mosely, Roger Potts, James Jordan, Zachariah Galloway, Joseph Young, John Rogers, Clark A. Hall and Charles Wallace.

A deposition which was taken on September 8, 1827 at the "house of John Daveiss in Daviess county", which was discovered by Mike Edgeworth among old records in the basement storage room of the courthouse in Owensboro, revealed that Joseph Hamilton Daveiss moved from Cornland at the Yellow Banks to Lexington immediately after the Smeathers trial.

The law suit in which the testimony was written and made a part of the permanent record was instituted by John L. May and Mary P. Epps against John Rowan, executor of the estate of Colonel Daveiss, in an effort to gain legal ownership of the Daveiss estate, a short distance east of the then small settlement of Owensborough.

Daniel Grass was the witness being questioned by General John Daveiss, brother of Col. Joseph H. Daveiss. Daveiss asked Grass:

Q—"Did Jessie Potts keep a tavern at the Yellow Banks during the residence of Joseph H. Daveiss in this county?"

A—(By Grass) "I think he did not for Potts purchased the stand where Smothers lived and did not get the stand till after Smothers' trial . . . Joseph H. Daveiss started two or three days after the trial to Lexington to live, he having only waited his removal for the trial of Smothers as he appeared for him."

Q—(B John Daveiss) "Was you at Joseph H. Daveiss' after he returned from Smothers trial at Hartford and did you continue there until the said Daveiss started to Lexington

A—"I returned from Hartford at the same time that J. H. Daveiss did but I went to the Yellow Banks that night to old Mrs. Smothers. The next morning I went up there

This portion of the deposition, taken 18 years after the Smeather's trial, suggests that the "stand" Mr. and Mrs. Smeathers were operating when Bill Smeathers fatally slashed a giant keel-boatman by the name of Andrew Norris, was a tavern. Smeathers' son-in-law said the place later became known as "Potts Tavern."

Stories which were written by early Owensboro historians say Smeathers was advised by his lawyer that it would be safer for him to leave Kentucky, after he was acquitted, and that this was the reason he moved to Texas, where he remained until he died years later, the victim of infirmities incident to advanced age. However, the record of his service in the war of 1812 gives evidence that he remained in Kentucky at least three-and-a-half years after his trial. His discharge from the Dubois Battalion of Spies is dated October 30, 1812.

A suit which was filed in Ohio county against Smeathers, by the executors of the estate of Joseph Hamilton Daveiss, indicates that Smeathers may have employed Daveiss as his attorney on February 26, 1809, for that was the date of a note for \$91.50 Smeathers gave Daveiss payable "at Christmas". This could also approximately fix the date on which Smeathers killed Norris.

Sometime about July of 1812, following Colonel Daveiss' death in the Battle of Tippecanoe, John Rowan and James Meed, his executors, went to court at Hartford in an effort to collect on the note. Smeathers demurred, and after a continuance until April 13, 1813 the case was dismissed and Smeathers was awarded as damages 150 pounds of tobacco plus his court costs. Meed had died and Rowan failed to answer when the case was called for trial, causing the court to rule in favor of Smeathers. The court records do not specify whether Smeathers had, or had not, paid the note.

In another court case, Smeathers was awarded \$400 in damages in a suit against Henry Roberts. At the October 1811 Ohio circuit court term a jury found Roberts "guilty of speaking the words charged upon him in the (Smeathers) declaration." What the words were was not revealed by the court record, but a reasonable guess is that they had something to do with the murder charge or outcome of the trial. However, the offensive words could have been spoken in connection with another case in which William Smeathers was placed under a peace bond on October 11, 1809. Matthew Rogers then claimed, in a court petition, that he feared "some great bodily harm will be done him by the said William Smeathers". He also asked peace bonds for Jesse Potts, Richard Potts, Henry Jones and John Smothers, each of whom was accused of being "concerned with" throwing Rogers' mill stone in the Ohio river. Apparently Bill Smeathers and the mill stone throwers kept the peace for no court record was found of further action in the case.

In January 1803, when the first Ohio circuit court term was conducted William Smeathers was listed as a member of the grand jury. He was also on the next three grand juries, in June and September of 1803 and in April of 1804. In 1808 he served as a commissioner in several land cases and conveyed title to more than 1,000 acres of present Daviess county land to Joseph Hamilton Daveiss. This may have been the way Smeathers first met the famous lawyer-soldier who represented him the next year at his trial.

Sometime after 1813 (possibly as many as six or seven years later if Texas reports are accurate) Smeathers left the Yellow Banks by a small boat for New Orleans and from there went to Texas to make his future and final home. He lived in Texas, on Galveston Island and in the prairie country near the Brazos river, at a place later known as Fort Bend, before civilization again

disturbed him. When it did Smeathers was an old man with heart trouble and could not pack-up and move on to greener fields. His poor health also regretfully forced him to decline an offer to guide James Bowie (of Bowie knife fame) and a squad of men into the Comanche territory.

Finally, on August 19, 1837 the Houston, Texas, Telegraph contained this oddly-phrased news report:

"At Columbia, on the morning of the 13th inst. in the 71st year of his age, Mr. Wm. Smeathers, who was one of the earliest pioneers of this country, having resided in Texas nearly 17 years, subject to all the privations of a new and then wild, uncultivated country, and bravely maintaining himself single-handed on a frontier against the assaults of numerous hords of predatory savages in many a hard-fought fray. But his course is finished, and he has gone to his final audit. In his death his country has lost a bold and hardy defender, and his family a kind parent".

William Smeathers made his last will and testament on August 5, 1837, eight days before his death, in which he left a half league of Texas land to his son, Archibald Smeathers, his son-in-law, John Berry, and grandsons, John Berry, Jr., and Jackson Berry. He also directed that his son was to receive his "present sorrel riding nag" and that his grandson, John B. Berry, was to get his trusted "hunting rifle gun."

The will, properly witnessed and recorded in Probate Record Book A, Page 83, "in the county of Brazoria and the Republic of Texas", was signed in the barely legible hand of "William Smeathers."

When he lived in the Yellow Banks and at Hartford, Ky., Smeathers apparently was a "squatter", no records having been found that he entered claims or filed deeds for record to any Kentucky land. In Texas, where he was a personal friend of Stephen F. Austin, early land records show Smeathers was given a 20-square-mile tract of land by the Mexican government.

With Bill Smeathers in Texas were his daughter, Betsy, and her husband, John Berry. They had earlier lived at Rockport, Indiana, and Berry had served under Captain Smeathers in the War of 1812.

So ends the story of William Smeathers, the man who chose the Yellow Banks as the site of his cabin in 1797 or 1798 when Kentucky was five or six years old. The Buffalo trail over which he traveled was the forerunner of routes that have since been followed by many thousands of Owensboroans.

Had it not been for Bill Smeathers selecting this particular spot of land with its high, yellow banks overlooking the Ohio river to make his home, it is possible that the acres and square miles of land on which Owensboro is located might yet be a corn field or a tobacco patch, as are so many other former wilderness acres in Kentucky.

Owensboro waited more than 165 years to give due official recognition to its founder and first settler. On Friday, April 19, 1964, at the request of the Daviess County Historical Society, the Owensboro Board of City Commissioners voted to change the name of Riverside Park to "The William Smeathers' Pioneer Park." The Kentucky Historical Society later provided an historical marker for the park, which is approximately two city blocks east of the spot where Bill Smeathers built I "log hut".



**Owensboro: The City on the Yellow Banks, Lee A. & Aloma W. Dew,
Rivendell Publications, Bowling Green, KY, 1988, pp.23-24**
(pages 16-22 also contained references to Bill Smothers that were repeated

from previously published sources and were not reproduced here):

Yet Smothers lingered at the Yellow Banks even after the end of the war in 1815, as the record of his 1816 lawsuit testifies. Perhaps he had problems getting his affairs in order, or perhaps there was sickness in his family or some other unrecorded reason for the delay. At any rate, sometime in 1816 or thereabouts Smothers loaded his family and possessions into a boat and cast off from the Yellow Banks, bidding farewell to the home he had occupied for nearly 20 years, a home which he had seen grow into a little village, a "settlement". After a journey downriver to New Orleans, Smothers and his family made their way, probably by ship, to Galveston, where they lived for a while, and then moved to the prairie country in the valley of the Brazos River. There, on August 13, 1837, Bill Smothers died in his seventy-first year, having witnessed the evolution of Texas from Spanish province to Mexican state to independent nation.

Smothers died as he had lived, a pioneer on the cutting edge of the evolutionary processes which characterized the frontier in North America. Like his contemporary Daniel Boone, he became restless when he could see the smoke from his neighbor's chimney. He was a loner, a private man, who sought solitude and wanted nothing more than to be left alone. He was the personification of Rousseau's "noble savage," man in a state of nature unfettered by the constraints of civilization. Smothers' strengths were the strengths of his own abilities—as hunter, Indian fighter, pioneer. His weaknesses were to be found in getting along with other people—with conforming. Yet this does not mean that Smothers was anti-social or a law-breaker. Rather it means that Smothers, like so many other frontiersmen, felt constrained by society and by laws not because they intended to break the law but because they felt that the law and the rules of society limited and bound them, denied them their freedom.

Yet the main contribution of Bill Smothers is the founding of a city—a city which would come to develop all of the things which Smothers fled to Texas to escape. And while Smothers did not, in his wildest dreams, set out with the intention of founding a town when he built his cabin at the Yellow Banks, it must have been with a sense of satisfaction that he pondered the fact that he had made a good choice of site. His business had boomed and he had sold it for enough money to finance his trip to Texas. The new owner was Jesse Potts, Smothers' companion in the affair of Matthew Roger's millstone back in 1809, and soon the old Smothers place was known simply as "Potts' Tavern."

Life went on at the Yellow Banks, as Smothers knew it would, for already he had become an outsider in his old home—the "settlement" at the Yellow Banks was outgrowing its founder. A new era on the Yellow Banks was dawning as Bill Smothers and his family disappeared downstream into the shadows of history.



Messenger-Inquirer, Owensboro, KY, 12 January 1997, p.3G:

Bill Smothers: Owensboro's First Citizen

By Lee Dew, Owensboro historian

Hollywood should have made a movie about Bill Smothers. He would have been a natural for John Wayne.

He was one of those great American frontier characters, larger than life, with a constant urge for adventure. His eye was always on the horizon.

Like his contemporary, Daniel Boone, Smothers was never content where he was, he was always longing to be somewhere else. The call of the West, the frontier, was always with him.

He is known as Bill Smothers, but the eighteenth-century spelling was less formal, and the name has been rendered as Smither, Smithers, and Smeathers, all probably equally correct.

He hailed from Virginia, where he had been born near the Holston River. His father, a hunter, was killed by Indians when Bill was 12, and his mother died, apparently of grief, nine days later, leaving young Bill, his brother James, 9, and sister Mollie, 7.

Now the head of the household, Bill rented the family's farm to a newcomer who in return agreed to care for the two younger children. Bill moved in with an uncle who promised to educate him and stake him to \$100 when he became of age.

The uncle proved abusive, and Bill ran away, living by his wits. Today, we would think of him as a homeless person.

The American Revolution brought the first real taste of adventure to Bill Smothers. He enlisted in the Virginia Line and fought in the bloody battle on the dense forested slope of King's Mountain in South Carolina. Discharged from the army, he was pressed back into service as a wagon driver until after the battle of Guilford Court House.

Bill returned from the war at age 21. He came back to the family farm, married the daughter of his renter after a five-day courtship and departed with his new bride and sister Mollie for Kentucky.

The bluegrass disappointed him. After the long trek through the Cumberland Gap, he found central Kentucky too crowded and land prices too high. He and his growing family joined a party headed westward down the Green River.

They settled on the banks of Rough Creek and began to build a settlement known as Fort Hartford at the site of a river crossing. Bill also helped in the construction of Fort Vienna, later Calhoun, on the Green River.

About this time Mrs. Smothers died and Bill, accompanied by the faithful Mollie and his children, determined to leave "crowded" Fort Hartford, which boasted some 85 people.

He was determined that there was money to be made at a place called Yellow Banks on the Ohio River, and Bill, with a family to support, needed a livelihood. But it had to be a livelihood that did not involve farming, an occupation that he loathed. He was a hunter.

At the Yellow Banks he picked out a cabin site at the end of a buffalo trail on the bank of a deep ravine that led to the Ohio River. Over time the animals had worn a path along the slope of the ravine to water level, thus providing easy access to a sheltered harbor on the Ohio River. Today the Daviess County Detention Center is located on the approximate site of Smothers' cabin. The year was 1797.

The cabin, the first structure of what would eventually become a city, was of typical frontier architecture. Made of round logs chinked with grass and clay, it had two doors - one that faced the Ohio River and the other that looked out on the garden - and a square window in front. On the back of the cabin was a shed, built French-style of upright logs planted in the ground.

The cabin roof extended over the shed, and a door provided an outside entrance. This was the storeroom where he kept furs and supplies and could be used as a bunkhouse.

Smothers' house was also his business. He ran a tavern, or "public house," catering to the growing number of flatboatmen floating down the Ohio. He offered food, drink and a place to

spend the night. His children, sister Mollie, and his second wife, whom he married at Fort Hartford, lived amid the constant ebb and flow of wild and unruly boatmen.

Eventually this meant trouble. In early 1809 a keelboat tied up at the landing, and the crew made their way to Smothers' house. One of the men, named Norris, had a reputation as a troublemaker, and apparently began "insulting" Mollie. Smothers persuaded the other men to leave, but Norris remained, telling his friends that he "would be along directly." When he failed to appear they returned, finding his still-warm dead body and finding Smothers gone.

Eventually Bill was brought to trial and acquitted, but was reported to be embittered by the experience and unhappy that the area around his cabin was attracting other settlers.

Bill's legal troubles continued. In 1809 a miller named Rogers placed Smothers under a peace bond declaring that he was afraid for his life after an incident in which the miller's millstone had been thrown into the Ohio River.

Two years later Smothers was in court again. He was awarded damages from one Henry Roberts, who apparently had slandered him. In 1816 he sued a neighbor for a \$10 debt.

Smothers also continued to serve as a soldier. He was commissioned in Kentucky's "Corn Stalk" militia in 1803. Later, during the War of 1812, he was a captain in Dubois' Battalion of Mounted Spies. He saw service along the Wabash River providing information on Indian movements, but, probably to his regret, was not involved in combat.

By this time his children, Elizabeth and Archibald, were teen-agers, Smothers knew that if he were to fulfill his dream of moving to the Spanish colony of Texas, now opened for American settlement, it would have to be soon.

Hostilities with the British delayed his departure until 1816, at which time he loaded his family and possessions on a flatboat and cast off from his cabin on the Yellow Banks.

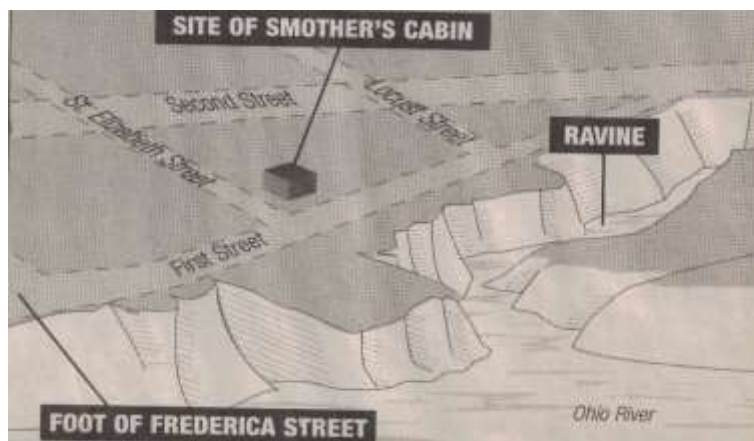
By now quite a little "settlement" had emerged around Bill's cabin. It was a town, and as such, it had outgrown the loner who had first seen its possibilities.

For Bill there were other adventures. After a flatboat trip to New Orleans and then a passage by ship to Galveston, the family moved to the prairie country in the valley of the Brazos River.

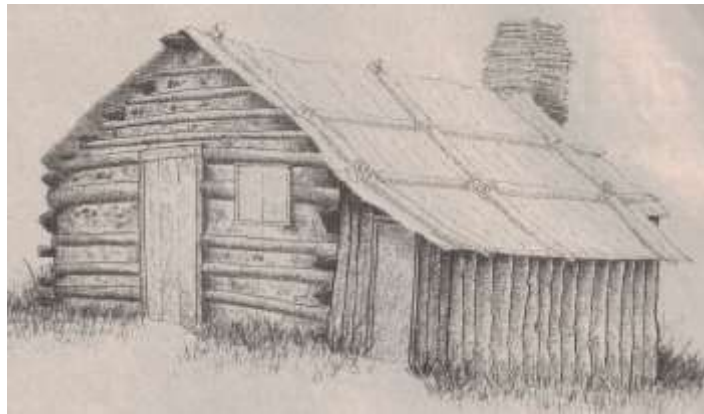
There Bill Smothers died in his 71st year on August 13, 1837, having witnessed the evolution of Texas from Spanish province to Mexican state to independent nation.

As for the town he left behind, it still bears the stamp of Bill Smothers. It was still tied to the Ohio, which remained its lifeline, and Smothers' old cabin still sold "refreshment" to the men of the river.

It had been sold to Jesse Potts, Smothers' companion in the affair of the millstone back in 1809, and was known simply as Potts' Tavern.



Ravine and street layout based on an illustration of Owensboro in 1881 and published in Hugh O. Potter's *History of Owensboro and Daviss County, Kentucky*.



Bill Smother's cabin was made of round logs chinked with grass and clay. Smothers lived in and ran a tavern in the main room, and used a shed built into the side of the cabin as a store-room for furs and supplies, as well as a bunkhouse for guests. Historians believe the cabin floor was dirt. Other amenities included a chimney made from notched logs and mud, a roof of split cedar shingles, and two doors the front facing the Ohio River and the back leading to a garden. The cabin site at the approximate location of today's Daviess County Detention Center was near a deep ravine located at the end of a buffalo trail. [Illustrations by Craig O'Bryan, Messenger-Inquirer]



Some other records and accounts of William Smothers (Smeathers, Smither, Smithers, etc.)

compiled by Jerry Long:

- In the first tax list of Ohio County, KY in 1799, four “Smeathers” are listed: James, Jacob, John and William, Early Settlers of Ohio County, Kentucky, 1799-1840, Jerry Long, McDowell Publications, Utica, KY, 1983, p.15.
- Ohio County, KY Court Order Book 2: November term 1806, on the motion of William Smeathers, he is exempted from paying one levy, listed this year on account of his son who is infirm. Ohio County Kentucky Court Order Books 1 & 2, Shirley Watson Smith, McDowell Publication, Utica, KY, p.13.
- Ohio County, KY Deed Book C, pp.286-289, 11 April 1808, Benjamin Duncan and William Smeathers, Commissioners for the division of the land of Samuel Beall, dec'd, convey title to James Morrison and Joseph Hamilton Daviess, executors of George Nicholas, dec'd, for 1,750 acres of land. A contract was entered into between Samuel Beall,

dec'd and George Nicholas, dec'd on 29 October 1787 for the sale of divers land in Kentucky among which was one moiety of 6,000 entered in the name of John Smith, assignee of Nathaniel Gist on Panther Creek, which contract is now filed in the Circuit Court of Kentucky in a suit between the representatives of Nicholas and Beall. The agent of Beall had exchanged the Entry with another for 5,000 acres in the name of Smith, with George Mason for a tract of 8,000 on the Ohio River. The Executors of Nicholas have since obtained a decree in the Ohio Circuit Court against the heirs of Mason to convey legal title. The Commissioners now divide the tract among the several persons entitled to a share in the two claims of 11,000 acres which were exchanged, part of which has been conveyed to Joseph H. Daviess and the rest in this deed conveying 1,750 acres on Yellow Creek. Eli Beall, William H. Moore, James Mead, witnesses. Recorded 13 July 1808. Ohio County Kentucky Records, Volume 1, Michael L. & Bettie A. Cummings Cook, Cook Publications, Evansville, IN, 1986, pp.277-278.

- Ohio County, KY Deed Book C, pp.289-292, 13 April 1808, Benjamin Duncan and William Smeathers, Commissioners for Samuel Beall, dec'd, to Joseph Hamilton Daviess convey title to 2,500 acres. A contract entered into between Samuel Beall, dec'd and George Mason, dec'd on 23 October 1787 for the sale of one moiety of 6,000 acres entered in the name of John Smith, assignee of Nathaniel Gist on Panther Creek. The contract is filed in the Circuit Court of Kentucky in a suit between the representatives of Nicholas and Beall. The agent of Beall exchanged the Entry with another for 5,000 acres in the name of Smith with George Mason for a tract of 8,000 acres on the Ohio River, and the Executors of Nicholas have since obtained a decree in the Ohio Circuit Court against the heirs of Mason to convey title. The Commissioners now convey title to the representatives of Nicholas the two claims he has in 11,000 acres which were exchanged. In consideration of a contract on 22 March 1804 between the Executors of David Meade and another contract between Meade and Joseph Hamilton Daviess also dated 22 March 1804, the Commissioners convey title to 2,500 acres on Yellow Creek. W. H. Moore, James Mead, Eli Beall, witnesses. Recorded 10 April 1809. Ohio County Kentucky Records, Volume 1, Michael L. & Bettie A. Cummings Cook, Cook Publications, Evansville, IN, 1986, p.278.
- Ohio County, KY Deed Book C, pp.292: p.292-295, 13 April 1808, Benjamin Duncan and William Smeathers, Commissioners for Samuel Beall, to Joseph Hamilton Daviess. title to 1,000 acres. A contract was made 5 April 1805 between David Ross of Virginia and Joseph H. Daviess for the 1,000 acres on the Ohio River, near Yellow Banks, part of 5,650 acres in the name of Theodoric Bland. On the 28 May 1805 the Executors of John May dec'd who held an undivided interest in said tracts did ratify the contract and the Commissioners now convey title. Eli Beall, W. H. Moore, James Mead, witnesses. Recorded 10 April 1809. Ohio County Kentucky Records, Volume 1, Michael L. & Bettie A. Cummings Cook, Cook Publications, Evansville, IN, 1986, p.278.
- Ohio County, KY Court Order Book 2: December term 1807, ordered that William Smeathers be appointed a commissioner under the acts of assembly for the division and conveyance of lands within this county in place of Mason Jones. Ohio County Kentucky Court Order Books 1 & 2, Shirley Watson Smith, McDowell Publication, Utica, KY, p.59.

- William Smethers is listed in the 1810 federal census of Ohio County, KY. In his household 5 individuals were enumerated – 1 male 16-26, 1 male 26-45, 1 female 10-16, 1 female 16-26 & 1 female 26-45. Early Settlers of Ohio County, Kentucky, 1799-1840, Jerry Long, McDowell Publications, Utica, KY, 1983, p.29.
- Ohio County, KY annual tax lists 1810-1813 William Smeathers is listed; he does not appear in the 1814 & 1815 lists and he is also not listed in the first tax list of Daviess County, KY in 1815. Images on Internet site familysearch.org
- “The Early Experiences of Ralph Ringwood”, Washington Irving, Louisville Daily Journal, Louisville, KY, 27 August 1840, p.2 (part of serial): account of William P. Duvall’s encounter with Bill Smithers.
- "Early Reminiscences of Owensboro: William Smither or Bill Smothers", by Thomas Clay McCreery (1816-1890), Owensboro Monitor, Owensboro, KY: 14 February 1866 p.3; 21 February 1866 pp.1 & 2 (first installment of a 10 part serial); 28 February 1866 pp.1 & 4; 7 March 1866 p.1; 14 March 1866 p.1; 21 March 1866 p.1; 28 March 1866 p.1; 4 April 1866 p.1; 11 April 1866 p.1; 18 April 1866 p.1 & 25 April 1866 pp.1 & 3 (part 10 – conclusion); 13 June 1866 p.3; 22 May 1867 p.3 (article reprinted in book form); 29 May 1867 p.2 (ad for book, "Bill Smothers", by Thomas C. McCreery); 18 November 1874 p.3 ("Bill Smothers" to be reprinted in the Owensboro Monitor); 6 January 1875 p.1 (first of 10 installments of "Bill Smothers" by Thomas C. McCreery); 13 January 1875 p.3; 20 January 1875 p.1; 27 January 1875 p.1; 3 February 1875 p.1; 10 February 1875 p.1; 17 February 1875 p.1; 24 February 1875 p.1; 3 March 1875 p.1; 10 March 1875 p.1. Abstract: Bill Smothers built first cabin at Yellow Banks (Owensboro); born on the western frontier of Virginia near the Holston River; when he was 12 his father was killed by Indians, brother, Jim, was then about 9 & his sister, Mollie, about 7; mother was formerly Mary Chrisman; uncle Henry Chrisman lived in the Big Bend of James River near the old road to the Louisa, VA Courthouse; served as a teamster in Revolutionary War under Col. Isaac Shelby, present at Battle of King's Mountain; soon after war came to Kentucky in hopes of fighting Indians, joined group who built a fort at Hartford on Rough Creek; wife was buried at Yellow Banks a short distance beyond the ravine and his cabin on the bank of the Ohio River, daughter married John Berry; brother, James, lived on Blackford Creek, married daughter of Ely Bell, they had sons, Archie & Amos Smothers; other early settlers of Daviess-Ohio County area named in serial include Felty Husk, his son, George Husk, Natty & Ely Bell, James Gentry, Anthony Thompson, Kit Dicken, Ben Duncan, Glenn, Jo Daviess, John Daviess, Bob Tarlton, Jo Barnett, Jesse & Abram Potts, Moses Cummins; at his cabin killed a man named Norris in defense of his sister, Miss Mary Smothers, in murder trial at Hartford he was found not guilty, his counsel was Jo Daviess; moved to Texas and settled along the Brassos River, where he died. "Early Reminiscences of Owensboro: William Smither or Bill Smothers", by Thomas Clay McCreery was also reprinted in the Owensboro Messenger-Inquirer during 10 June 1934 – 27 August 1934. Copy of book, "Early Reminiscences of Owensboro: William Smither or Bill Smothers", by Thomas Clay McCreery "is also in the biography section in the Kentucky Room at the Daviess County Public Library, Owensboro, KY (library call #KR B Smot).

- "Bill Smeathers - A Clearing Up of Some History Regarding Him", Owensboro Inquirer, 20 February 1902 p.5.
- Trial of Bill Smothers, Owensboro Messenger, 23 February 1902 p.12
- "First Settlement In Daviess County Made By Bill Smothers In 1799", George V. Triplett, Owensboro Messenger, 11 November 1923 pp.1B & 9B.
- "Miss Cora Lee Webb Gives Very Interesting Story Of The 'Early Days of Yellow Banks' And Settlers", Cora Lee Webb, Owensboro Messenger, 14 August 1927 p.1B.
- "William Smithers Alias Bill Smothers", Laura Mercy Wright (a great-great-granddaughter of Bill Smothers), 1931, Internet – West-Central Kentucky History & Genealogy, Biographies section. Copy in the Kentucky Room, Daviess County Public Library, Owensboro, KY, library call #KR B Smot
- Descendant of William Smeathers writes from Texas, L. D. Gasser, Messenger-Inquirer, Owensboro, KY, 26 March 1961 p.11C.
- "Bill Smothers Had His Place In The Sun In Texas As Well As Owensboro", Mrs. W. E. Daniel, Messenger-Inquirer, Owensboro, KY, 27 August 1961 pp.1C & 5C.
- "Late Dr. Dan Griffith Provided Answer To Smothers Cabin Site", located near where jail now stands, Mrs. W. E. Daniel, Messenger-Inquirer, Owensboro, KY, 14 July 1963 p.1C.
- Name of Riverside Park changed to William Smeathers Pioneer Park by resolution passed yesterday by the Owensboro city council, the designation was requested by the Daviess County Historical Society", Messenger-Inquirer, Owensboro, KY, 18 April 1964 p.1. See also 3 August 1963 p.3A, 10 August 1963 p.5A, 15 August 1963 p.2B, 24 August 1963 pp.1A & 5A, 31 August 1963 pp.1A & 5A
- "4 Historical Markers Are Dedicated Here", marker commemorating Owensboro's first settler, Bill Smothers, erected in Smothers Park, formerly Riverside Park, dedicated yesterday, Messenger-Inquirer, Owensboro, KY, 26 October 1964 p.1B (pictures) & 28 October 1964 pp.1A & 14A.
- Messenger-Inquirer, Owensboro, KY, 5 October 1965 pp.1C & 2C ("Colorful Man of Courage, Bill Smeathers, First Settler of Yellow Banks, Now Owensboro, Blazed Trail From Hartford About 1798"), p.4C & p.15C ("Smeathers' Home, Noted For Its Hospitality, Once The Scene Of Land Lawsuit Hearing", by Margaret Morgan).
- "Smothers' Descendant Visits Ohio County", Ohio County Times, Hartford, KY, 12 June 1975 p.20.
- "Smothers' descendants here to visit cabin site", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 13 June 1975 p.1B.

- "Smothers was not 1st person", Messenger-Inquirer, Owensboro, KY, Bicentennial Edition Part 3, 4 July 1976 p.10.
- ""Revised Record of the William Smothers Family", Elsie Smothers, Wharton, TX, Kentucky Family Records, Vol. 9, 1980-81, West-Central Kentucky Family Research Association, Owensboro, KY, pp.59-60.
- Research on Smothers family by Elsie Turk Smothers of Wharton, TX, file of Society of Kentucky Pioneers' member #217, 1983, McLean County, KY History Museum & Regional Family Research Center, Calhoun, KY.
- "William Smothers, Father of Betsy Smothers Berry", Elsie Turk Smothers, John Berry and His Children, Jack Pope (editor), John Berry Association, Georgetown, TX, 1988, pp.123-162.
- "First settler not interested in starting a town", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 30 May 1992, Kentucky Portrait section p.2.
- "Bill Smothers: Owensboro's First Citizen", Lee Dew; Messenger-Inquirer, Owensboro, KY, 12 January 1997 p.3G
- "Mollie Smothers' Unrecorded Life", Aloma Williams Dew, Messenger-Inquirer, Owensboro, KY, 9 February 1997 p.3G,
- "200th birthday party may be a bit late", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 3 July 1997 pp.1C & 4C.
- "Owensboro founder was no saint", Lee Dew, Messenger-Inquirer, Owensboro, KY, Owensboro Bicentennial Celebration special edition, 4 July 1997 p.12S.
- "Is Owensboro older than believed?", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 11 January 1998 pp.1A & 2A.
- "Did Bill Smeathers or pirates settle Owensboro?", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 29 October 1998 p1C.
- "Origins of Owensboro are a bit confused", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 13 July 2000 pp.1C & 3C.
- "Trial of Smeathers would be good drama", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 9 October 2008 p.1C.
- "Owensboro's true origin has been lost", proof that the settlement of Owensboro / Yellow Banks was much earlier than the generally accepted 1797 or 1798 when Bill Smothers

reportedly built the first cabin there, Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 14 June 2012 pp.1B & 3B.

- "Washington Irving wrote about Green River country", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 9 August 2012, pp.1C & 3C.
- "Smeathers' cabin could be re-created", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 23 May 2013 p.1B.
- "Was Smeathers a 'rollicking outlaw", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 27 June 2013 pp.1B & 3B.
- "Yellow Banks settled two decades before Smeathers", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 11 July 2013 pp.1B & 3B.
- "1807 lawsuit sheds light on history", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 8 October 2015 pp.1B & 6B.
- "Sometimes history just isn't correct: Who really settled in Owensboro first?", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 5 July 2018 pp.1C & 3C.
- "When first cabin was built is uncertain", Keith Lawrence, Messenger-Inquirer, Owensboro, KY, 11 March 2021, p.1C.



Memorial erected in 1964 by the Kentucky Historical Commission and Kentucky Department of Highways. (Marker Number 744). Marker is in Smothers Park, on the riverfront in Owensboro, Daviess County, KY, at the intersection of West Veterans Boulevard and Frederica Street.



Memorial erected in 1970 by the Kentucky Historical Society and Kentucky Department of Highways. (Marker Number 1307). Marker is in Owensboro, Daviess County KY; at the intersection of West 10th Street and Frederica Street.



Memorial erected in 1976 by the Kentucky Historical Society and Kentucky Department of Transportation. (Marker Number 1548). The marker is behind the Ohio County Historical Society Museum, 415 Mulberry Street, Hartford, Ohio County, KY.



WILLIAM SMOTHERS

(1760-1837)

A VETERAN OF THE AMERICAN REVOLUTION

A NATIVE OF VIRGINIA WILLIAM SMOTHERS WAS ORPHANED AT 12 WHEN INDIANS KILLED HIS FATHER, AND HIS MOTHER DIED OF SHOCK. IN THE AMERICAN REVOLUTION, HE FOUGHT AT KING'S MOUNTAIN, GUILFORD COURTHOUSE, CAMDEN, AND EUTAW SPRINGS. HE MOVED TO KENTUCKY IN 1781, BUILT TWO FORTS NEAR PRESENT HARTFORD, ORIGINALLY CALLED "SMOTHERS STATION," AND IN 1798 FOUNDED AN OHIO RIVER PORT THAT LATER BECAME OWENSBORO. HE WAS A LEADER IN CIVIL AFFAIRS IN EARLY KENTUCKY, WAS A MILITIA CAPTAIN, AND COMMANDED TROOPS IN THE WAR OF 1812. SMOTHERS PARK IN OWENSBORO IS NAMED IN HIS HONOR.

SMOTHERS SCOUTED IN TEXAS BEFORE 1820, RETURNED IN 1821 WITH THE EXPLORING PARTY OF STEPHEN F. AUSTIN, AND HELPED BUILD FORT BEND FOR THE SAFETY OF THE "OLD 300" SETTLERS. IN 1824 MEXICO GAVE HIM A LAND GRANT; IN 1826 HE AND TWO SONS HELPED SETTLE DEWITT'S COLONY, RECEIVING LAND GRANTS IN THE VICINITY OF THIS MARKER. FEARLESS AND A SKILLFUL GUIDE, HE OFTEN HUNTED WITH HIS FRIEND JIM BOWIE. REPUTEDLY HE TOMAHAWKED BEARS IN HAND COMBAT. MARRIED TWICE, HE WAS AN ANCESTOR OF MANY LEADING TEXANS. HE DIED IN 1837, AFTER SEEING A SON AND THREE GRANDSONS HELP TO WIN THE TEXAS WAR FOR INDEPENDENCE.

(1977)

Memorial erected in 1977 by the Texas Historical Commission. (Marker Number 5846). Marker is near Hallettsville, Lavaca County, Texas. It is on U.S. 77, 0.7 miles south of Farm to Market Road 318, on the right when traveling south.



Handbook of Texas (online)
Texas State Historical Association

Smeathers, William (ca. 1766–1837)

By Elsie M. Smothers

William Smeathers (Smithers, Smothers), Texas pioneer and veteran of the War of 1812, was born in either Pennsylvania or North Carolina, the son of a young man named Smither. He was twice married. He married his second wife, Mary Winters of Tennessee, about 1788. In 1782 Smeathers was one of the first settlers of the Rough River area of Kentucky where he built Smeathers Station. In 1794 he and his family were living in Tennessee where he enlisted in the Tennessee Militia. Smeathers was in Hardin County, Kentucky, in 1795. In 1797 he built a home on the Ohio River, at a site that became known as Yellow Banks, now Owensboro, Kentucky. He was appointed land commissioner of Ohio County, Kentucky, in 1808, to distribute land and settle land disputes. In 1809 Smeathers was accused of murdering a man named Andrew Norris in Ohio County. According to *History of Daviess County, Kentucky*, Smeathers was tried in the Ohio Circuit Court and was acquitted. He most likely traveled to Texas around 1810 and may have spent a month on Galveston Island. He was soon back in the United States, and in the War of 1812 he served under Major Touissant Dubois as a captain in the Kentucky Mounted Spies. He was discharged in October 1812 at Vincennes, Indiana.

On his second trip to Texas, in 1821, he joined Stephen F. Austin and his band of a dozen men in exploring the coastal region to decide on a location for Austin's first colony. Smeathers and four other men were left on the Brazos to build Fort Bend while Austin returned to Natchitoches, Louisiana, for his first group of settlers. Smeathers is listed as one of the Old Three Hundred. The following year he lived on Caney Creek in present Matagorda County. In 1824 he received his land grant on the Brazos, and a large lake nearby was named for him. The 1826 Austin Colony census listed him as William Smithers, single, in present Bastrop County. In 1828 he joined DeWitt's colony and settled on the west bank of the Lavaca River, where he was joined by his two sons, John and Archibald. The census listed him as a widower. In 1834 he received land in Lavaca County on Rocky Creek. Smeathers died at Columbia, Texas, on August 13, 1837. His four daughters remained in Indiana. Several historical markers stand in his honor, one in Texas (in Lavaca County), and two in Kentucky; Smothers Park in Owensboro, Kentucky, is named in his honor. His grandsons Andrew Jackson Berry, John Bate Berry, and Joseph Berry distinguished themselves in the Texas Revolution.

