

United States Department of the Interior
National Park Service

1250

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the National Register of Historic Places registration Form* (National Register Bulletin 16A). Complete each item by marking "X" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Whitepath and Fly Smith Gravesite (preferred)
other names/site number Trail of Tears Park (CH-312)

2. Location

street & number P.O. Box 350/ US 41 not for publication
city or town Hopkinsville vicinity
state Kentucky code KY county Christian code O47 zip code 42241

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set for in 36 CFR Part 60. In my opinion, the property meets does not meet the National Register criteria. I recommend that this property be considered significant nationally statewide locally. (See continuation sheet for additional comments.)

David L. Morgan 10-12-04
Signature of certifying official/Title David L. Morgan, SHPO Date
Kentucky Heritage Council/State Historic Preservation Office
State or Federal agency and bureau

In my opinion, the property meets does not meet the National Register criteria. (See Continuation sheet for additional comments.)

Signature of certifying official/Title Date

State or Federal agency and bureau

4. National Park Service Certification

I hereby certify that the property is:

- entered in the National Register.
 See continuation sheet
- determined eligible for the National Register.
 See continuation sheet
- determined not eligible for the National Register
- removed from the National Register.
- other,
(explain:)

Edson H. Beall 11/26/04
Signature of the Keeper Date of Action

Whitepath and Fly Smith Gravesite

Name of Property

Christian, Kentucky

County and State

5. Classification

Ownership of Property

(Check as many boxes as apply)

- private, public-local, public-State, public-Federal

Category of Property

(Check only one box)

- building(s), district, site, structure, object

Number of Resources within Property

(Do not include previously listed resources in count)

Table with columns: Contributing, Noncontributing, buildings, sites, structures, objects, Total

Name of related multiple property listing

(Enter "N/A" if property is not part of a multiple property listing.)

Historic and Historic Archaeological Resources of the Cherokee Trail of Tears, 1837-1839

Number of Contributing resources previously listed in the National Register

0

6. Function or Use

Historic Functions

(Enter categories from instructions)

FUNERARY-Graves

Current Functions

(Enter categories from instructions)

FUNERARY-Graves

LANDSCAPE - Park

7. Description

Architectural Classification

(Enter categories from instructions)

N/A

Materials

(Enter categories from instructions)

foundation N/A

walls N/A

roof N/A

other N/A

Narrative Description

(Describe the historic and current condition of the property on one or more continuation sheets.)

Whitepath and Fly Smith Gravesite
Name of Property

Christian, KY
County and State

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A** Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B** Property is associated with the lives of persons significant in our past.
- C** Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and Distinguishable entity who's components lack individual distinction.
- D** Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations N/A

(Mark "x" in all boxes that apply.)

Property is:

- A** owned by a religious institution or used for religious purposes.
- B** removed from its original location.
- C** a birthplace or grave.
- D** a cemetery.
- E** a reconstructed building, object, or structure.
- F** a commemorative property
- G** less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance

(Enter categories from instructions)

ETHNIC HERITAGE/Native American

Period of Significance

October, 1838

Significant Dates

October, 1838

Significant Person

(complete if Criterion B is marked)

Whitepath

Cultural Affiliation

N/A

Architect/Builder

N/A

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibliography

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS): N/A

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- Previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # _____
- recorded by Historic American Engineering Record # _____

Primary location of additional data:

- State Historic Preservation Office
- Other State Agency
- Federal Agency
- Local Government
- University
- Other

Name of repository:
National Park Service, Long Distance Trails Office
Sante Fe, New Mexico

Whitepath and Fly Smith Gravesite
Name of Property

Christian County, Kentucky
County and State

10. Geographical Data

Acreage of Property Less than 1 acre

UTM References

(place additional UTM references on a continuation sheet.)

1	<u>16</u>	<u>457985</u>	<u>4078375</u>	3	<u> </u>	<u> </u>	<u> </u>
	Zone	Easting	Northing		Zone	Easting	Northing
2	<u> </u>	<u> </u>	<u> </u>	4	<u> </u>	<u> </u>	<u> </u>

See continuation sheet

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title Philip Thomason/Teresa Douglass
organization Thomason and Associates date June 30, 2004
street & number P.O. Box 121225 telephone 615-385-4960
city or town Nashville state TN zip code 37212

Additional Documentation

submit the following items with the completed form:

Continuation Sheets

Maps

A **USGS map** (7.5 Or 15 minute series) indicating the property's location

A **Sketch map** for historic districts and properties having large acreage or numerous resources.

Photographs

Representative **black and white photographs** of the property.

Additional items

(Check with the SHPO) or FPO for any additional items

Property Owner

(Complete this item at the request of SHPO or FPO.)

name City of Hopkinsville
street & number P.O. Box 707 telephone 502-887-4285
city or town Hopkinsville state KY zip code 42241

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listing. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 *et seq.*)

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P. O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Projects (1024-0018), Washington, DC 20303.

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Whitepath and Fly Smith Gravesite
Christian County, Kentucky

DESCRIPTION

The Whitepath and Fly Smith Gravesite is located within a fenced cemetery southeast of the downtown area of Hopkinsville, Kentucky (2000 pop. 30,089). Hopkinsville is the county seat of Christian County, Kentucky and the gravesite is located to the northeast of US Highway 41 (State Route 109). This highway was originally laid out in the early 19th century and was known as the Hopkinsville-Nashville Road. It was along this road in 1837 and 1838 that over 12,000 Cherokee emigrated west along what became known as the "Northern Route." While camped on the outskirts of Hopkinsville in October of 1838, the prominent Cherokee leaders, Whitepath and Fly Smith, died and were buried in the Latham Cemetery just to the northeast of this roadbed. The graves are now located within a city park dedicated to the memory of the Cherokee who traveled and died along what became known as the "Trail of Tears." The nominated property includes the cemetery containing four graves which is a contributing site to the property. This cemetery is enclosed by a steel and wood fence which is a non-contributing structure to the property.

The Trail of Tears Park consists of a paved parking area, a visitor's center in a 19th century log building, statues and markers commemorating the Trail of Tears, and the historic Latham Cemetery where Whitepath and Fly Smith are buried. With the exception of the cemetery, all of these buildings, structures, and objects are commemorative in nature and built or moved to the site in the late 1980s. Only the cemetery is from the period of the Cherokee Trail of Tears and is included in this nomination.

The Whitepath and Fly Smith Gravesite is accessed by paved walkways which lead past commemorative statues and markers erected in 1989 (Photo 1). The life-size bronze sculptures were designed by artist Steve Shields and depict Whitepath standing on a boulder with Fly Smith below. Behind the statues is the cemetery which is situated on a slight rise and enclosed by a steel and wooden fence erected in 1989 (Photo 2). The entrance to the cemetery is on the east side of the fence and adjacent to this entrance is a brick marker inscribed with a metal plaque with information on Whitepath and Fly Smith (Photo 7). Within the cemetery itself are four known graves; John C. Latham, his wife Nancy Latham, Whitepath, and Fly Smith. Both John C. and Nancy Latham died and were buried in 1821 and they have limestone enclosed vaults above their graves (Photos 3 and 4). To the north of the John C. Latham grave are two unmarked fieldstones which may denote two additional burials. If these are additional gravesites the identity of the interred is unknown. Within the cemetery is an asphalt path, three raised flower beds, and two wooden benches which are non-contributing structures to the property.

The Whitepath and Fly Smith graves are identified by original fieldstones which are only partially visible and by rectangular marble grave markers added in 1988 (Photos 5 and 6). The easternmost grave in the cemetery is that of Fly Smith and his marker is inscribed:

Fly Smith
Cherokee Chief
Died 1838
Trail of Tears

Approximately ten feet southwest is Whitepath's marker which is inscribed:

Whitepath
Cherokee Warrior Chief
Died 1838
Trail of Tears

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Whitepath and Fly Smith Gravesite
Christian County, Kentucky

The Latham Cemetery is bordered on the northwest by residential development, on the southwest by an open field beyond which is a parking lot, and on the northeast and southeast by the park property. Beyond the parking area and visitor's center are open fields and woodlands which border the South Fork of the Little River.

This property contains three contributing features; the overall cemetery itself and the two historic fieldstones associated with the original 1838 graves of Whitepath and Fly Smith. The property contains thirteen non-contributing structures; the fence which encloses the cemetery, three raised flowerbeds, two wooden benches, the asphalt path, the two Latham vaults and nearby fieldstones, and the two modern headstones for Fly Smith and Whitepath.

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Whitepath and Fly Smith Gravesite
Christian County, Kentucky

STATEMENT OF SIGNIFICANCE - SUMMARY

The Whitepath and Fly Smith Gravesite is significant under National Register criterion A for its association with the Cherokee Trail of Tears of 1837-1839. Whitepath and Fly Smith were Cherokee elders who fell ill and died in late October of 1838 while emigrating west. Their deaths were among hundreds that occurred during the forced removal of the Cherokee from the southeastern United States in the late 1830s. Although hundreds died along the route, most were buried in unmarked graves. Very few gravesites associated with the Cherokee Trail of Tears have been documented and the individuals who are interred are rarely known. In the context of the Trail of Tears, the gravesite is significant under Criteria A as reflecting the suffering and hardships endured by the Cherokee people. This event was pivotal in the history of the Cherokee Nation, and both individual gravesites and mass graves are illustrative of the tragedy of this event. The vast majority of Cherokee graves along the Trail of Tears are undocumented and their locations unknown. The Whitepath and Fly Smith Gravesite is representative of the experience of the Trail of Tears and the Cherokee during their forced removal.

The property is also significant under National Register criterion B for its association with the noted Cherokee leader Whitepath. Born in 1793, Whitepath became prominent for his role in resisting Anglo-European encroachment on Cherokee land and his emphasis on retaining traditional tribal religion and traditions. He led the "Whitepath Rebellion" in the 1820s which was a movement opposing Christianity and supporting Cherokee spiritual traditions. He was also prominent for his role in leading the opposition against the Treaty of Echota and the forced migration west. Because of the significance of Whitepath, the property is also eligible under National Register Criteria Consideration C. The property meets registration requirements for the property type of "Gravesites" as outlined in the Multiple Property Documentation Form "The Historic and Historic Archaeological Resources of the Cherokee Trail of Tears, 1837-1839."

ADDITIONAL INFORMATION

The Treaty of New Echota signed in December of 1835, led to the forced removal of the Cherokee Nation in 1838 and 1839. The Cherokee were rounded up by US soldiers and state militia in May of 1838 and during the summer the Cherokee were concentrated at three emigration depots in Tennessee and Alabama. Here the Cherokee were divided into various detachments of 800 to 1,900 persons each for the journey west. After delays due to drought conditions, the Cherokee detachments began their overland march to the Indian Territory in early October. The majority of the detachments utilized the "Northern Route" and passed through Nashville and Hopkinsville, Kentucky enroute to the Ohio River crossing at Golconda, Illinois.

Whitepath (also spelled White Path) and Fly Smith traveled with the Elijah Hicks detachment, which was the second group to depart on the journey. The Elijah Hicks detachment departed from Gunstocker Creek in the Cherokee Agency area in southeast Tennessee during the first week of October, 1838.¹ Whitepath was chosen to be assistant conductor of this detachment and the seventy-six-year-old Cherokee leader rode in a place of honor at the head his group, which contained 858 people.²

Whitepath was born in 1763, and along with Dragging Canoe he fought against white settlement on traditional Cherokee lands in the late 18th century. Following treaties with the U.S. government, Whitepath fought alongside Andrew Jackson in the Creek War of 1813-1814. As Christianity spread among the Cherokee, Whitepath led a

¹ Vicki Rozema, *Voices From the Trail of Tears*, (Winston-Salem, North Carolina: John F. Blair, Publisher, 2003), 190.

² Joan Gilbert, *The Trail of Tears across Missouri* (Columbia, Missouri: University of Missouri Press, 1996), 40.

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Christian County, Kentucky

religious and political rebellion from 1824 to 1827 calling for a return to traditional ways. This rebellion was non-violent action opposing the spread of Christian missionaries and attempts at acculturation with whites. Whitepath and his followers initially objected to the establishment of the Cherokee Nation fearing that it was one more step in losing tribal identity. However, Whitepath finally ceased these efforts in order to unify the Cherokee Nation to oppose removal efforts.³ Originally opposed to the Cherokee constitution, Whitepath went on to be a member of the Cherokee Council and a delegate to Washington, DC.⁴

After departing in 1838, the elderly Whitepath insisted on riding on his horse rather than resting in a wagon. Whitepath felt that his presence served as a symbol of Cherokee culture and traditions, which his people maintained in spite of their suffering and the loss of their homeland, and he wanted to remind them of this.⁵ On October 16th Elijah Hicks wrote from Nashville stating that five members of his detachment had already died and another forty or fifty were ill, including Whitepath.⁶ As the journey continued, the health of Whitepath continued to decline.

Traveling with the Old Fields detachment was Fly Smith, a respected village leader and member of the Cherokee Council. Like Whitepath, Smith fell ill along the journey. As the detachments entered Kentucky they camped around the Gray's Inn just north of the state line at Graysville. Cherokee and local tradition states that an ailing Cherokee leader, possibly Whitepath, drank from the inn's well and was refreshed, naming it Utok Anawaha or "The Well of Sweet Water."

When the detachments reached Hopkinsville, Kentucky, they camped along the South Fork of the Little River southeast of the community. Hopkinsville resident James F. Buckner visited the detachments in late October and wrote down his remembrances some 40 years later. Among his recollections were the deaths of Fly Smith and Whitepath. Fly Smith was described as accompanying the Old Fields detachment in which Steven Foreman served as assistant conductor.

On the morning when the detachment was paraded to start on its journey it was found that Fly Smith was sick and unable to resume his journey. His friends were compelled to proceed without him. Forman (sic) and his wife remained to take care of him. He was very old, broken in spirit, and travel-worn. The next detachment came up in charge of Whitepath. His fame had preceded him and there was great curiosity to see him. He was accompanied by Jesse Bushyhead and his family. He was a Baptist minister, well educated, a celebrated orator, and one of the most influential men in the nation. When the detachment halted at the camping ground in the grove, the fires had been lighted, and the provisions issued, many citizens, myself among them, sought out the tent of Whitepath. We were met by Bushyhead, and told the chief was ill, and as he

³ Barbara R. Duncan and Brett H. Riggs, *Cherokee Heritage Trails Guidebook* (Chapel Hill, North Carolina: University of North Carolina Press, 2003), 25.

⁴ Gilbert, 40.

⁵ Ibid.

⁶ Ibid, 41.

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Christian County, Kentucky

believed, would die. He was old and feeble and much exhausted by travel. Physicians of the town offered to administer to him but he declined. He died the next morning. He had lately been president of the Cherokee Council of which Fly Smith was a member. They were both buried in the evening on the east bank of the river near the camp in a clump of cedars, and a simple monument placed over each grave. Addresses were delivered in the church by both Bushyhead and Forman to crowded audiences, in which sketches were given of the lives of these distinguished chiefs, with occasional allusions to the history and trials of the Cherokees, and while I have since heard many eloquent funeral sermons, yet none more impressive or eloquent than those spoken by these two Indian ministers over the graves of Fly Smith and Whitepath.⁷

Fly Smith and Whitepath died in late October but the exact date of their deaths is unknown. No contemporary newspaper accounts or other records have been located which provide an exact death date. They were buried in a small family cemetery on the property of John C. Latham. Within the cemetery were the graves of Latham's parents, John C. Latham and Nancy Morehead Latham, both of whom died in 1821. The cemetery was later owned by Richard Underwood during much of the late 19th century who farmed the adjacent land. During the 20th century the property had several owners until Ramsey Morris donated 41 acres to the City of Hopkinsville for use as a park in 1987.⁸ Over the next two years the site was transformed into a commemorative park to the Trail of Tears with construction including a visitor's center, restrooms, markers and statuary (Maps 2 and 3). The cemetery itself was enclosed with a steel and wood fence and new marble markers were placed over the graves of Whitepath and Fly Smith.

The Whitepath and Fly Smith Gravesite meets the registration requirements for the property type "Gravesites" as outlined in the Multiple Property Documentation Form, "The Historic and Historic Archaeological Resources of the Cherokee Trail of Tears, 1837-1839." These registration requirements outlining integrity are as follows:

Location: One of the great tragedies of the Cherokee Trail of Tears is the tremendous loss of life that occurred along the route, and gravesites associated with the Cherokee Trail of Tears are significant as reflecting the suffering and hardships endured by the Cherokee people. In order to meet National Register registration requirements, a gravesite must be located on a documented Trail of Tears route and have substantial historical evidence that it is the gravesite of one or more of those who traveled the Trail of Tears. The Northern Route of the Trail of Tears through Hopkinsville, Kentucky is well documented and both Whitepath and Fly Smith are known to have been buried adjacent to the Latham family graves. This location has remained consistent and identified as their gravesite from the 1830s to the present.

**Design/
Materials/**

Workmanship: No known grave markers from this time period are known to exist and integrity of design, materials, and workmanship are not applicable for this property type.

⁷ Charles Mayfield Meacham, *A History of Christian County, Kentucky*, (Nashville: Marshall and Bruce, 1930), 64-65.

⁸ "Trail of Tears Park, brochure on file at the Trail of Tears Park Visitor's Center, Hopkinsville, Kentucky.

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Whitepath and Fly Smith Gravesite
Christian County, Kentucky

Feeling/
Setting/

Association:

Integrity of feeling, setting, and association is conveyed through a gravesite's ability to evoke a sense of time and place of its period of significance. This can include no markers at all, the nearby presence of memorials or markers related to the Trail of Tears, or its presence within a larger cemetery. The Whitepath and Fly Smith Gravesite is composed of the original graves within an enclosed fenced cemetery. The site is located within the Trail of Tears Park which contains information related to the Cherokee and their emigration to the Indian Territory. The memorial park provides contextual information on the deaths of Whitepath and Fly Smith and enables the visitor to understand what took place at this location in 1838. Although the rural landscape of the area has changed since the 1830s, the memorial park has the ability to convey the feeling and association of the Trail of Tears experience and the importance of the Whitepath and Fly Smith Gravesite.

The Whitepath and Fly Smith Gravesite possesses sufficient integrity and significance to meet National Register criteria for its association with the Cherokee Trail of Tears. The location of known gravesites along the Trail of Tears is limited and this gravesite possesses a strong sense of time and place from the period of the Trail of Tears of 1838.

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Whitepath and Fly Smith Gravesite
Christian County, Kentucky

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- United States Department of the Interior, National Park Service. "Trail of Tears (The Cherokee Removal Route/1838-39) National Historic Trail Study and Environmental Assessment)." June, 1986.

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Whitepath and Fly Smith Gravesite
Christian County, Kentucky

Verbal Boundary Description

The boundary for the Whitepath and Fly Smith Gravesite includes part of parcel 5.2 on Christian County tax map 121 which is drawn at a scale of 1" = 660'. The boundary is defined by the steel and wooden fence which encompasses the rectangular plot on which the cemetery is located. Within the cemetery are four known graves, two of the Latham family and those of Whitepath and Fly Smith. To the northwest of the boundary is residential development. To the southwest is an open field and a parking area. To the northeast and southeast of the cemetery is a parking area, visitor's center, and markers and statuary which are part of a commemorative park to the Trail of Tears.

Verbal Boundary Justification

The boundary for the Whitepath and Fly Smith Gravesite includes all of the property historically associated with their burial. Both were interred in the Latham family cemetery and few, if any, burials have been added to the site since 1838. The boundary is confined to the small cemetery and does not include the commemorative properties located to the northeast and southeast. The remaining buildings, structures, and objects on the property were added in the late 20th century and are not within the period of significance.

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Whitepath and Fly Smith Gravesite
Christian County, Kentucky

Whitepath and Fly Smith Gravesite
Trail of Tears Park, US 41, Hopkinsville, Kentucky
Photo by: Thomason and Associates
Date: March, 2002
Location of Negatives: Thomason and Associates, Nashville, TN

Photo No. 1 of 7: View of the Trail of Tears Park showing the statues of Whitepath and Fly Smith. The gravesite is within the fenced enclosure, view to the west.

Photo No. 2 of 7: View of the rise containing the fenced enclosure of the gravesite, view to the north.

Photo No.3 of 7: Cemetery containing the graves of Whitepath and Fly Smith. Their markers are in the foreground, view to the southwest.

Photo No.4 of 7: Cemetery containing the graves of Whitepath and Fly Smith. Their markers are in the distance, view to the northeast.

Photo No. 5 of 7: Marker at Whitepath's grave.

Photo No. 6 of 7: Marker at Fly Smith's grave.

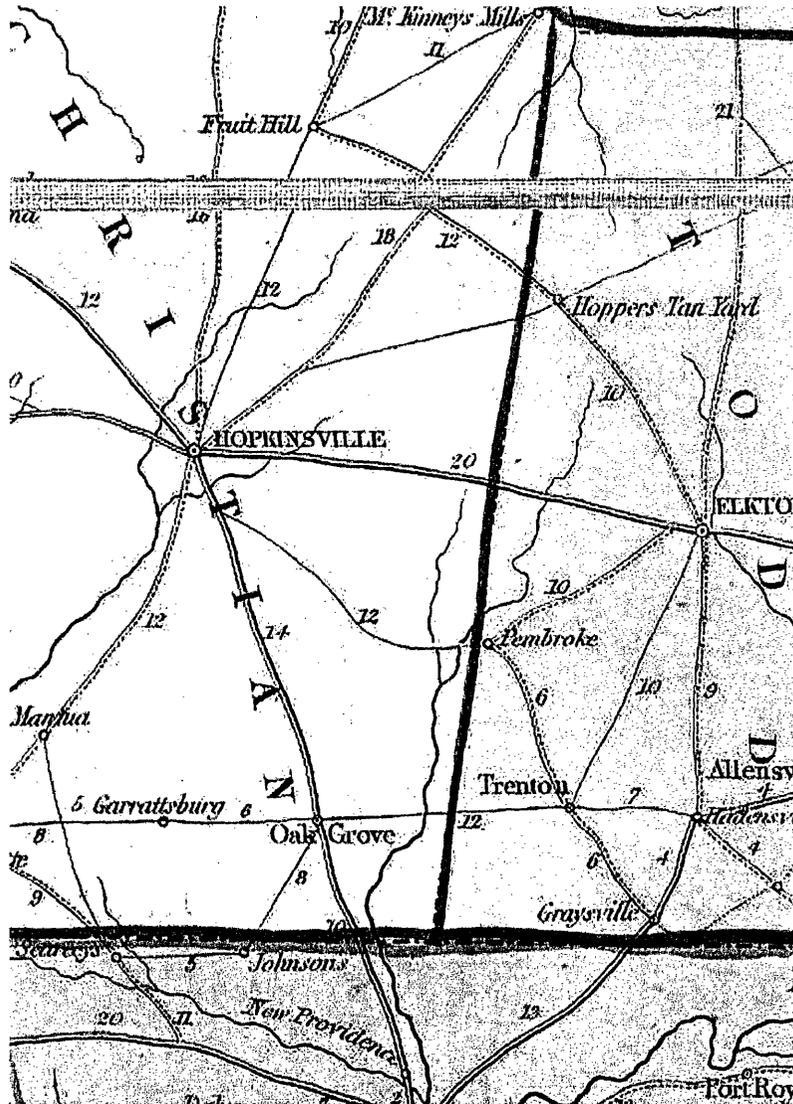
Photo No. 7 of 7: Memorial plaque on walkway leading to the enclosed cemetery.

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Whitepath and Fly Smith Gravesite
Christian County, Kentucky



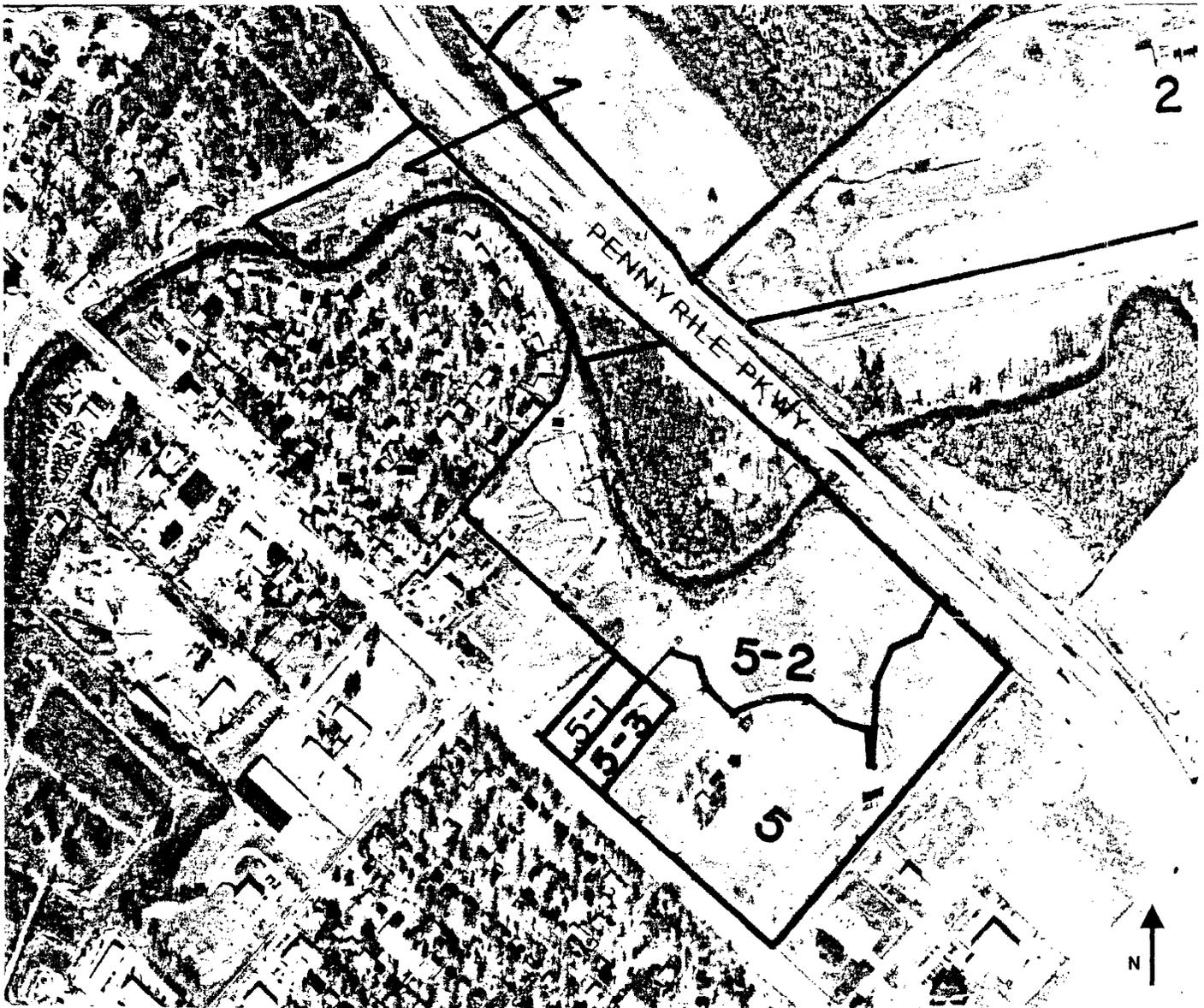
Map 1: The Northern Route used by the Cherokee passed through Gray'sville, Trenton, Pembroke, and Hopkinsville. (David H. Burr Map of Kentucky and Tennessee, 1839, David Rumsey Map Collection at www.davidrumsey.com).

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Whitepath and Fly Smith Gravesite
Christian County, Kentucky



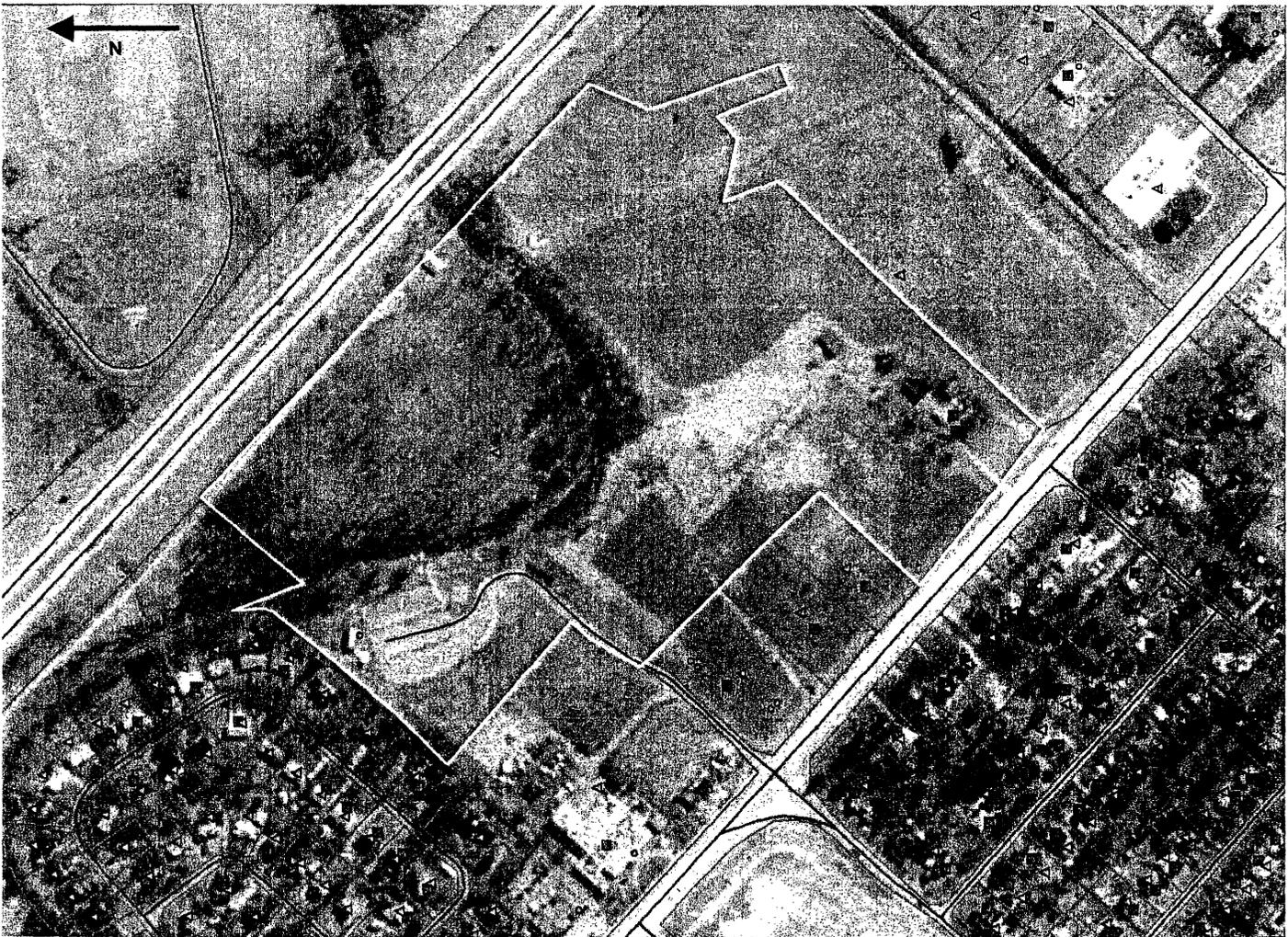
Map 2: Tax Map of the Whitepath and Fly Smith Gravesite from Christian County Tax Map 121, Parcel 5-2
(scale: 1" = 660')

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Whitepath and Fly Smith Gravesite
Christian County, Kentucky



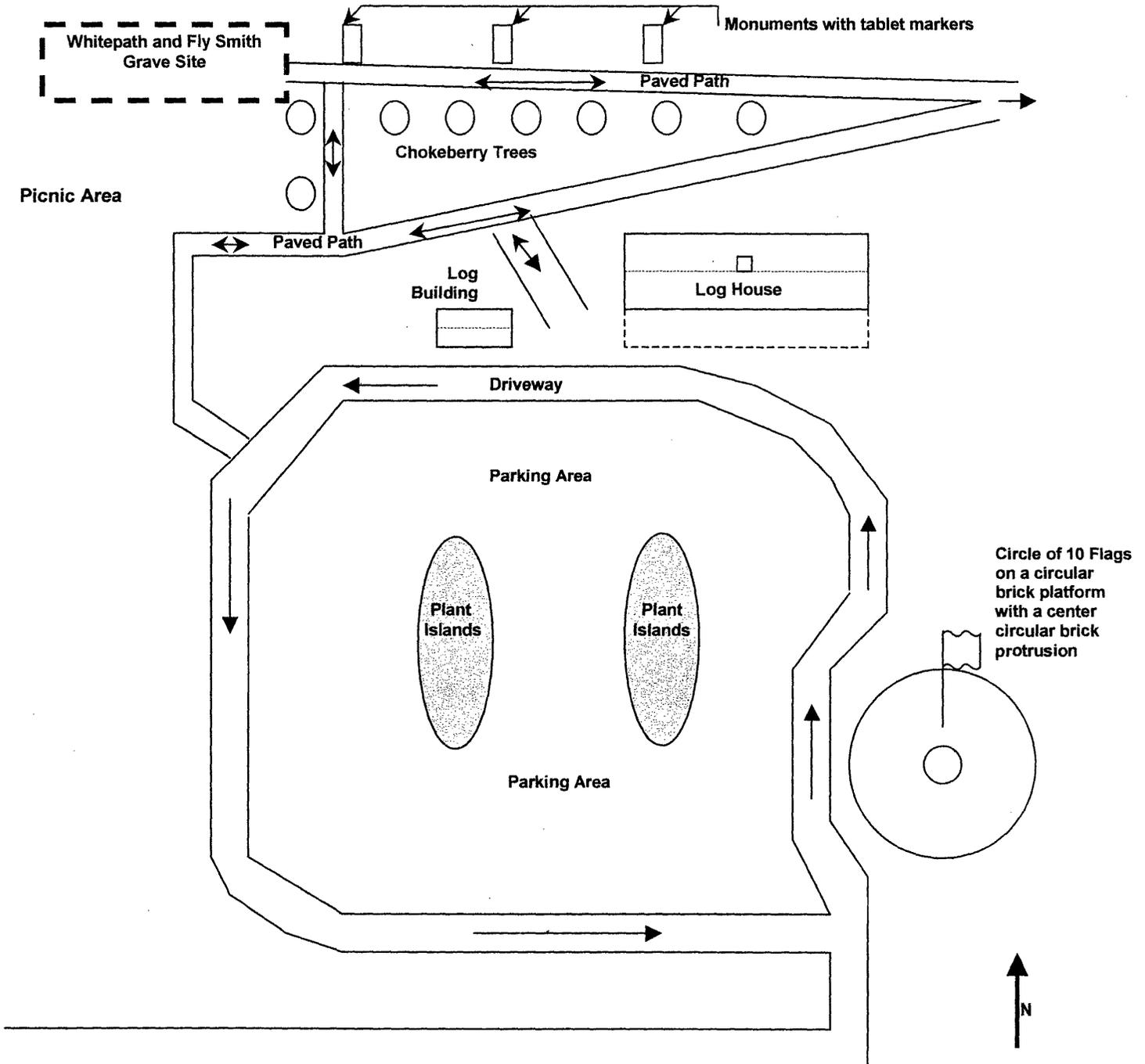
Map 3: Tax Map of Whitepath and Flysmith Gravesite from Christian County Tax Map No. 121, Parcel 5-2
(Scale: 1" = 774').

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Whitepath and Fly Smith Gravesite
Christian County, Kentucky



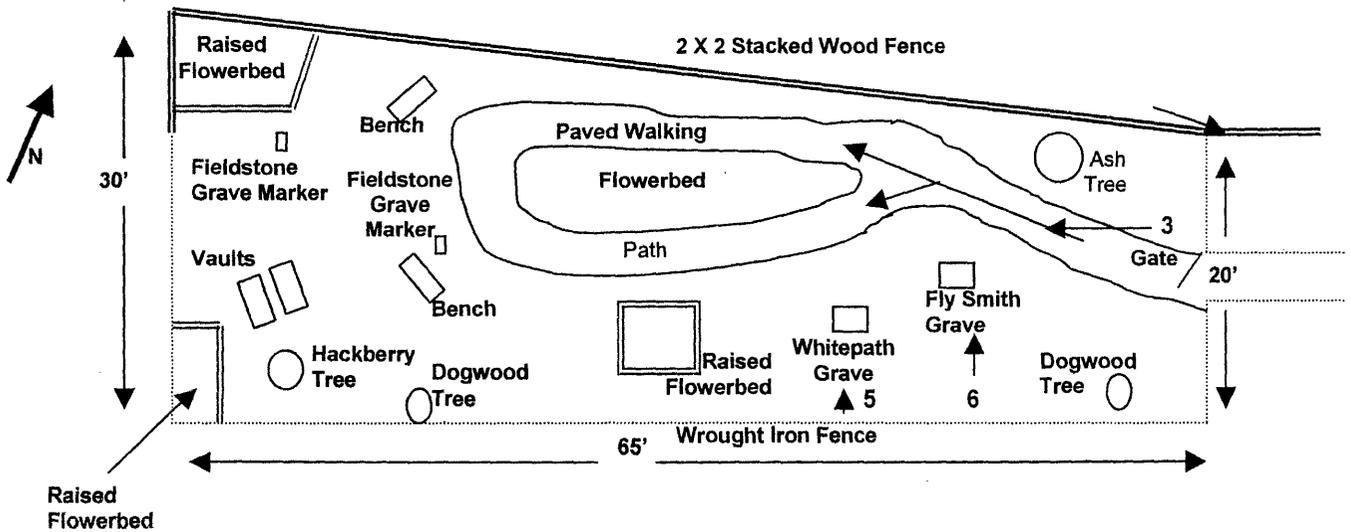
Map 4: Overall Site Plan of the White Path and Fly Smith Gravesite

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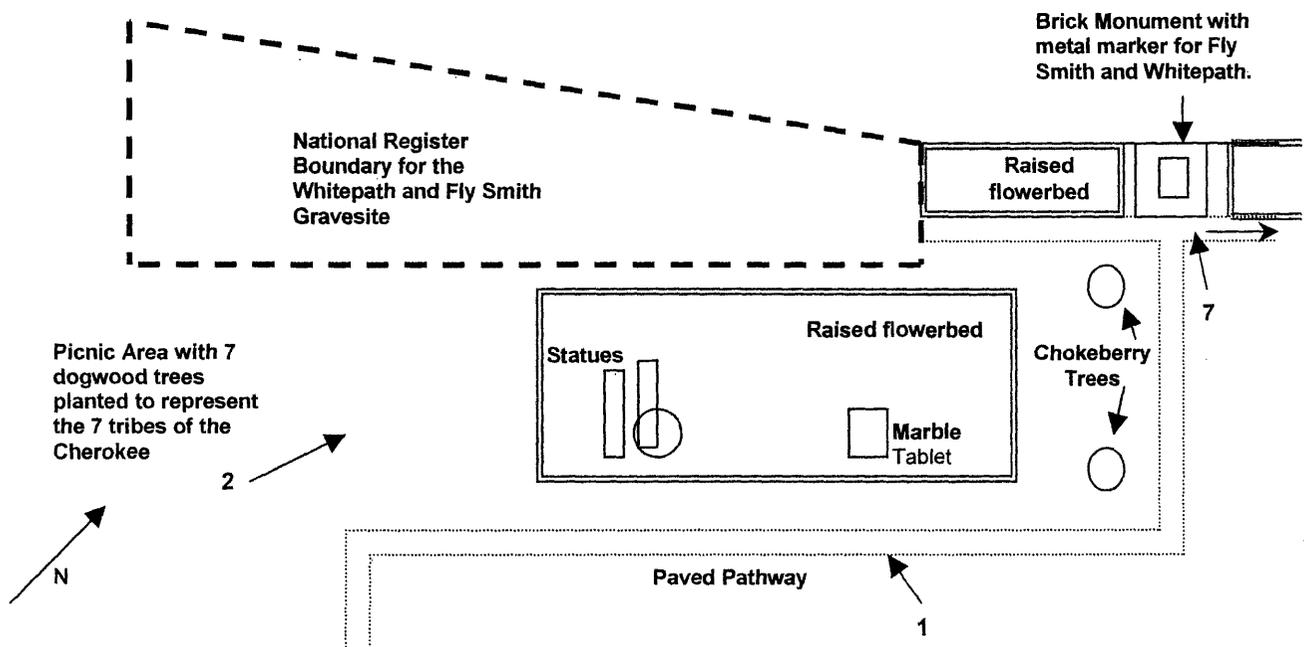
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Whitepath and Fly Smith Gravesite
Christian County, Kentucky



Map 5: Site Plan and Photo Key within the National Register Boundary of the Whitepath and Fly Smith Gravesite. (not to scale)



Map 6: Vicinity Site Plan and Photo Key for the Whitepath and Fly Smith National Register Boundary. (not to scale)