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History of Kentucky.

EXHIBITING

AN ACCOUNT OF THE MODERN DISCOVERY; SETTLEMENT;
PROGRESSIVE IMPROVEMENT; CIVIL AND MILITARY
TRANSACTIONS; AND THE PRESENT STATE OF THE
COUNTRY.

IN TWO VOLUMES.

VOL. I.

very
BY H. MARSHALL.

FRANKFORT:

GEO: S. ROBINSON, PRINTER.

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1824.

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UNITED STATES OF AMERICA,
District of Kentucky, sct.

{ SEAL. } BE IT REMEMBERED, That on the fourth day of June, in the
year of our Lord one thousand eight hundred and twenty-four,
and in the forty-eighth year of the independence of the United
States, Humphrey Marshall, of the said district, deposited in this office, the
title of a book, the right whereof he claims as author and proprietor, in the
words following, to-wit:

"The History of Kentucky. Exhibiting an account of the modern discovery; settlement; progressive improvement; civil and military transactions; and present state of the country. In two volumes. By H. Marshall."

In conformity to the act of the congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned;" and also the act, entitled "An act supplementary to an act, entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned,' and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

JOHN H. HANNA,
Clerk of the District of Kentucky.

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PREFACE.

[BY THE AUTHOR.]

TWELVE years have elapsed since I determined to write and publish a history of Kentucky; and nearly that term has expired, posterior to the appearance of the first, of two volumes, which were intended to comprise the work. Why it was not accomplished, needs no explanation at this time. Adhering to the original design, its execution has been attempted, by revising the former volume, extending it to 500 pages, and writing a second, of equal size. Which are respectfully offered, TO THE PEOPLE OF KENTUCKY,—and of which, it is hoped they may profit.

The former Introduction, will accompany this edition—it appearing still appropriate, and expressive of my sentiments.

Viewing the preface to a book, as a kind of antechamber, where the author, and his readers meet, to hold free conference; in which the former, if he can, is to prepare the latter, for a favourable reception of what he is about to offer them; this will be so employed: but without an apology for my own defects.

Believing, nevertheless, that the motive with which any thing is done, must always make an essential constituent of its merit, I shall not hesitate to say, that PUBLIC UTILITY, has been the predominant object of my labour. While the wisest of books, teacheth, that—“no man lighteth a candle, and putteth it under a bushel, but on a table, that it may give light to those in the house.” The parable in the text, it will be perceived, may find an easy solution in the publication of a book, by its author. If it manifests vanity, so it does also benevolence—especially, when the paramount design is, to diffuse information, as the candle doth light to the household.

That history has not been more beneficial to mankind, than there is reason to conclude, from the state of the public mind, it has been, is not merely because men seldom profit by the experience of others—but also, because, from the intrinsic difficulties in the case, it has seldom been written in republics of a peaceful character, or especially, where their civil transactions furnish its subjects, until after both its precepts, and examples, have, in a great measure, lost their application and effect. While military annals, filled with different topics, having no such difficulties to encounter, are readily supplied; and, accordingly, every where furnished.

The history now offered, is in some of its material parts, an experiment, and may hereafter become an example. Allusion is made to those parts, which apply to the constitutions, and the laws: and which are predicated upon the assumption, that our government is but in its infancy—that it has much to reform—and that the only way, by which it can attain perfection, is, impartially to detect its errors, see whence they flow, and then, with a sound discernment and honest intention, correct them.

Another reason, why history has not imparted all its benefits to mankind, is, that it is not sufficiently read by adequate numbers, to produce a general opinion of practical, moral, and political results. While its place, if occupied, is supplied by newspapers—whence are propagated every kind of opinion; of course, not only those which are correct, but as frequently, those which are entirely the reverse—when, to be able to perceive the right from the wrong, some previous reading of a more general nature, seems to be ne-

cessary. Not that history is infallible, or newspapers unuseful: but the former, being written under the direction of one will, is more likely to be consistent; and by the multiplicity of its facts, presents more extensive views.

Again, history, although it treats of recent occurrences in our own country, in ever so proper a manner, yet owing to prepossessions, of a personal or party nature, may fail of its merited attention, and effect. The author is either somebody, or nobody. If the former, it is more than probable, that he has belonged to one, or the other, of the parties, which at different times, have agitated and divided the state, or the United States: and then, he will be suspected of partiality, and his book read, by opponents at least, with a jealous and suspicious eye. But to exercise any judgment, the most impartial author must discriminate between right, and wrong; and award his decisions accordingly. If he exposes the leaders, or the principles of a party—adherents and followers are offended. Those who are wrong however, and especially if they have power on their side, refuse to yield their opinions, or to correct their course—while they all join to blast the author, that they may suppress his book.

In such a state of things, history is read by one portion of the community, not to be studied for information or improvement, but to be criticised and execrated; because it does not promote the party purposes, of a possible majority.

Reasons analagous to those expressed, exist in every popular government, against writing a history of the last half century—being the period which mine embraces. A large number of the individuals who figured in the scenes described, are still living; and where the actors are dead, their immediate descendants may now occupy the stage. Suppose the author to possess every requisite quality, and qualification, for the work—impartiality must be one of them. Admit that he descends to the delineation and exhibition of personal character. He would, it is certain, find many persons whose principles, talents, and amiable dispositions, it were a pleasure to recount, elucidate and record.

To treat of these only, would prove him partial, and offend the rest of the same party, reciprocally. But, what popular favourite could bear an examination of his political conduct for twenty years past? Suppose one, the least exceptionable, selected, his course retraced—his measures scrutinized—his motives developed—his tergiversations noted—his inconsistencies set in array against him—his pretensions, feints and deceptions, as by him played off upon the people themselves, shewn—and the general selfishness of his patriotism duly exposed: to most honest men who would examine the portrait, it would be repulsive. What then must a faithful delineation of those be, who have not the ground work of a good moral character; and hardly a virtue with which to begin the picture? And yet, such there are. Consider what that history would be, which should collect and display the transactions of such men to public view. Not that I have attempted the task. On the contrary, deeming it expedient to decline personal history—since the prevalence of party feelings; although to the generality of the readers of the histories of other countries, peculiarly interesting and agreeable; and which might have been made entertaining in this; yet the defect is to be acknowledged in the history of Kentucky.

For this, I have sought a compensation—to myself, in the reflection, that individual peace, and complacency of mind, were left unmolested—and to the reader, that even the utility of the work was enhanced by substituting the results of public deliberation, to details of personal occurrences. That, in fact, the fair way of estimating the real character of a FREE PEOPLE, is by understanding their constitution of government—the spirit of their legislation; and the genius of their institutions; while the better part of history, lies in giving to these a faithful representation; rather than in retracing the steps which led to them, farther than illustrations demand.

In the composition of the work, the materials have been drawn, from conversations with the first settlers—my own observations and experience—Burck's History of Virginia—Boone's Narrative of 1784, by Filson; and public documents of various descriptions, to which I have had access.

The part relative to the late war, relies principally for the facts, on M'Afee's "History of the Late War in the Western Country." Other satisfactory documents supply the rest of the narrative with ample authority.

The epitome of the ancient history, and antiquities, of Kentucky, &c. introduced into the first volume, is the production of Professor Rafinesque; and which it is hoped will more than recompence for the matter it has displaced—without diminishing the interest in the history of recent, and present, times.

In relation to the individuals implicated in the different *intrigues*, carried on in Kentucky, their exposure was demanded, by every right of justice, and every principle of utility. While care has been taken, to introduce no name not previously before the public—nor of those which were, has means been used to render any conspicuous, against whom the alleged offences could not be established in the plenitude of historical evidence.

Hence the developments commenced in the first volume, have been concluded in the second.

It remains only to say, that whosoever would form an impartial opinion of the work, or profit by its contents, should first read it, and then estimate it, as a whole design, rather than try its several parts—by the matter, more than the manner—not omitting to include its main object, REFORMATION, in the estimate: and then, before he heartily condemns it, assure himself, that he could write a better, on the same subjects, and under similar circumstances.

INTRODUCTION.

IT is now thirty-seven years since the first permanent settlements were made in Kentucky. Many of the early adventurers, and first inhabitants, have disappeared, by the ordinary operations of nature, or the incidents of Indian hostility; and others best acquainted with the origin, rise, and progress, of its improvement, verging fast to the silent grave. Facts, and circumstances, which may now be attested by the living, in a few years, could only be reported upon the faith of tradition. It is always desirable, that the historian should be able to ascend to the sources of evidence, and thence to deduce his details. An important advantage, which a history of Kentucky, now written, will have over one that should be deferred for a number of years, is, that its narratives may be attested or corrected, by **LIVING WITNESSES.**

Being myself a resident of Kentucky for more than thirty years, and having occasion to witness, or to be well informed of, passing events; considering that it may be useful for the present, and future ages, to perpetuate the memory of the most important of those events; and not knowing that any other individual, with the same means of information, has it in contemplation to write a history of Kentucky—I have determined, with my feeble, but best abilities, *to present my countrymen with one*, which may be characterized, topographical, biographical, political, civil, and military. These topics are, it is believed, sufficiently copious to embrace the great objects of history; and to admit of all that variety, and detail, which constitute the amusement, and the utility, of historical composition.

There is not, probably, any thing which more distinctly marks the difference between savage, and civilized states, than the want, or possession of history. Mere savages, have no historical records—while nations, the least civilized, seem to possess some. The desire of preserving memorials of interesting events, must be one of the most universal emotions of the human heart; since we are taught to believe, that all nations, in proportion to the information which they have acquired, and the means of display which they possessed, have exhibited evidences of its existence. Some in the knotting of a string; some in the coarse painting, or rude sculpture, found in council houses, their places of worship, on their warlike instruments, or domestic utensils. Some have been seen to raise up huge piles of stones, destitute of art; some to rear simple pillars; others to erect obelisks, towers, pyramids; and (to denote subsequent, or less important events,) inscribe on these, hieroglyphic characters—the first rude essays, it is thought, in the art of writing.

The invention of alphabetical letters may well be considered, as one of the most important events in the progress of the arts, were they only used in the composition of history: because they so far surpass in facility of fabrication, accuracy of delineation, and durability of existence, (including the ease of renewal) all other modes of transmitting to future times, the memory of past events. Hence all nations who have learned the use of letters, have written histories.

The number, and species, of these, have been greatly multiplied, as letters have been more and more cultivated, and a freer expression of knowledge obtained, by the improvement of paper, and the invention of the printing press.

History, to be useful, should be authentic. It should also preserve the series of the events, which it records—and it should record all those, which are susceptible of a moral, religious, or political application.

To those who have been accustomed to read the histories of ancient, long existing, or great and populous states, or empires, the history of Kentucky for the space of thirty-seven years only, may seem a subject equally unworthy of the author, and the reader. But when we reflect, that the little all of one man, is as dear to him, as the multiplied treasures of another; we may reasonably expect that to the people of Kentucky, at least, the history of their own country, will be an object of no common interest, or faint solicitude.

How far the history about to be offered to them, will answer their expectations, meet their wishes, or gratify their love of country, will depend essentially on the materials employed, as well as on the skill and judgment of the workman. When the author turns his attention to the ancient republics of Greece and of Rome, or contemplates the modern empires of the world, his mind is filled with a crowd of interesting, important, and brilliant figures; the mere investigation and display of which, would give animation to genius, sublimity to thought, and eloquence to style.

Should he trace the revolutions of ancient states, and develop their causes; should he single out the ambitious demagogue, who from time to time, deluded the credulous people, under the mask of *patriotism*, and the name of *REPUBLICAN*, and thence pursue him to the usurper, and the despot, he would have full scope for moral reflection, and political admonition: while the picture, made to glow with the most ardent passions of the human heart, could not fail to produce in the spectator, a coincidence of sensations and emotions.

Again, when we review the pride and pomp of authority, and the insolence of power, in the kings and emperors of countries once free, and happy; and contrast the present, with the former state of the people; the master with the slave; indignation, pity and contempt, successively take their turn; and require but the simple delineation of a faithful pencil, to give interest to the portrait, and reputation to the painter.

To this scene, add the sound of the trumpet—the parade of arms—the clangor of battle, and the triumph of victory—and you have subjects for the historian and the poet, of themselves sufficiently affecting, and potent, to create talents, brighten genius, inspire the historian, and fire the epic muse.

But Kentucky! brought forth in obscurity; lapped in simple industry; raised up in peace, after a few predatory alarms, and simple invasions of savages; what has she in common with the countries just reviewed? What splendid subjects for history does her short period of existence display? How shall the historian fill his empty page? How shall he give interest to his narrative? How shall he attract attention? How reward his reader?

Cease, inconsiderate enquirer; nor think the field barren, which has produced an independent state, encircled in the American union. Deem not the subject destitute of interest, which involves the birth and infancy of a growing nation, who may justly claim a high destiny in the federal galaxy of North American constellations. Nor has Kentucky been without her wars, revolutions, conspiracies: She, too, has had her generals, statesmen, patriots—and traitors!!!

The progress of improvement is here strongly marked—the face of nature has been changed. The recent forest is now the cultivated field; the bark hut has given place to the elegant farm house; and many parts of bare creation are now covered with populous towns. Here learning is encouraged; science cultivated; the useful arts cherished; and labour crowned with plenty,—its best hope, and just reward.

Kentucky has her moral, religious, and political character; themes, equally worthy the laborious investigation of the statesman, and the faithful record of the historian. These shall receive my most sedulous attention, in the production of the following work.

May 1st, 1812.

ANCIENT ANNALS OF KENTUCKY;

OR,

INTRODUCTION TO THE HISTORY AND ANTIQUITIES OF THE
STATE OF KENTUCKY.

BY C. S. RAFINESQUE, A. M.—PH. D.

PROFESSOR IN TRANSYLVANIA UNIVERSITY, MEMBER OF THE KENTUCKY
INSTITUTE, AND 15 OTHER SCIENTIFIC OR LITERARY SOCIETIES
IN THE UNITED STATES AND IN EUROPE.

(Nunquam otiosus.)

Exordium.

My enquiries during several years, concerning the antiquities of the western states, have led me to extend my researches over the whole circle of North American antiquities, and compelled me to enter the dedalus of ancient history.

The result of my researches may be given in a more ample form at some future period, when rendered adequate to illustrate the interesting primitive periods of human existence in both hemispheres. I shall merely attempt at present to delineate the first rudiments of the ancient history, involving the revolutions of nature and nations, in that central part of North America, now known under the name of Kentucky, and surrounded by Virginia, Tennessee, the rivers Ohio and Mississippi, extending upwards of 400 miles from east to west, and from latitude 36 1-2 to 39 degrees north.

In order to ascertain the filiation, migrations and annals of the American nations, all the sources have been consulted from which plausible or certain information might be derived. The evidences which they afford, stand in the following order:— 1, Features and complexions of nations; 2, their languages; 3, their monuments; 4, their religions; 5, their manners; 6, their histories; and 7, their traditions.

1. The white, tawny, coppery, brown and black varieties of mankind are connected by numerous links, and claim a common origin; they have been early divided, variously separated, and occasionally blended again, yet preserving a sufficient distinction to guide us in tracing their successive settlements.

The white men became tawny by constant exposure, brown in warm climates, coppery in cold regions, and black in the sands of India and Africa. The Mongol features had origin in the deserts of Northern Asia, and the negro features in those of Southern Asia and central Africa. There are Mongols with

different complexions, white, pale, tawny, yellow, olive, coppery, &c.; and there are white, yellow, brown and black negroes. Real negroes have been found in all the parts of the world, except Europe and North America, while in Africa they are confined to the central and western parts of that continent.

2. The primitive language of mankind was gradually modified and divided into dialects, which became languages after producing other dialects: their mixture has produced all those which have existed or still exist. The analogies of those dialects, in their roots and most important words, afford the best mean to trace the relative parentage of nations.

3. 4. 5. Monuments of arts, traces of various religions and similarity of manners, compared and elucidated by each other, are of high importance in historical investigation.

6. 7. There is such a diversity in the ancient history, chronology and traditions of the several nations, that it is very difficult to fix precisely the dates of many events; but we may trace with a bold hand a general view of their migrations and settlements: although the revolutions of the earliest empires are involved in fables, we can draw even from those fables, some correct inferences and true events.

It is almost impossible to make a plausible choice among the various chronological tables, even of the many texts of the Sepher or Hebrew Bible, and not easy to make them harmonize with the contradictory accounts of Berosus, Plato, Herodotus, Sanchoniato, Manetho, the Hindoux, Chinese, &c. I shall not attempt it at present, as this would require too many discussions, and I shall substitute thereto mere periods of time, or epochs, which may be composed of indeterminate ages.

Part I....Pro Clio,

OR, GEOLOGICAL ANNALS OF THE REVOLUTIONS OF NATURE IN
KENTUCKY.

1. EVERY complete history of a country ought to include an account of the physical changes and revolutions, which it may have undergone.

2. The documents for such a geological survey, are to be found every where in the bowels of the earth, its rocks and strata, with the remains of organized bodies imbedded therein, which are now considered as the medals of nature.

3. The soil of Kentucky shows, like many other countries, that it has once been the bed of the sea. In James's Map, the primitive ocean is supposed to have covered North America, by having a former level of 6000 feet above the actual level. Since the highest lands in Kentucky do not exceed 1800 feet above the level of the actual ocean, they were once covered with at least 4200 feet of water.

4. The study of the soil of Kentucky, proves evidently the successive and gradual retreat of the salt waters, without evincing any proofs of any very violent or sudden disruptions or emersions of land, nor eruptions of the ocean, except some casual accidents, easily ascribed to earthquakes, salses and submarine volcanoes.

5. There are no remains of land or burning volcanoes in Kentucky, nor of any considerable fresh water lake. All the strata are nearly horizontal, with valleys excavated by the tides and streams during the soft state of the strata.

6. After these preliminary observations, I shall detail the successive evolution of this soil and its productions, under six distinct periods of time, which may be compared to the six epochs or days of creation, and supposed to have lasted an indefinite number of ages.

1st Period.—General Inundation.

"In the beginning, God created the heavens and the earth."
 "And the spirit of God was moving over the waters."

The briny ocean covers the whole land of Kentucky, and the United States, rising above 4000 feet over the Cumberland or Wasioto mountains, and 5000 feet over the limestone region near Lexington. The Oregon and Mexican mountains alone rise above the waters in North America.

Gradual decrease of the ocean, by the decomposition and consolidation of the waters in the formations of rocks and deposition of strata. The rate of this decrease can only be conjectured, and is rather immaterial. The ocean subsides to 3000 feet.

The parallel strata are formed in the following order, or nearly: 1, limestone; 2, slate; 3, sandstone; 4, freestone; 5, grit; 6, pebble stone. They are not always superincumbent, nor co-existent: but are generally horizontal, except the four last towards the Cumberland mountains, which having probably a granitic nucleus, have compelled the incumbent strata to become obliquial or slightly inclined from 10 to 30 degrees.

By the operation of submarine volcanoes, the strata of coal, clay and amygdalvid are formed and intermixed at various intermittent times with the above strata.

Several minerals, flint, quartz, calcedony, onyx, ovulites, marls, barytes, iron, lead, pyrites, &c. are successively formed and imbedded or alternated with the prominent strata.

CREATION OF SEA ANIMALS, fishes, shells, polyps, &c.; the exuvia of many pelagic animals become buried under or within the strata, where they exist to this time: they belong principally to the genera *terebratula*, *gonotrema*, *orthocera*, *cerinities*, *pentremites*, *turbinotites*, *astrea*, *millepora*, *cyclorites*, *mastrema*, *favosites*, &c.

2nd Period.—Emersion of Mountains.

The Cumberland or Wasioto mountains emerge from the sea, which sinks to the level of 1500 feet above its actual level, and form a peninsula attached to the Allegheny Island or mountain. The schistose formations proceed under water.

The Black, Laurel, Pine, Log and Gelico mountains emerge successively, after the Cumberland mountains, and an inland sea remains between them, surrounded by sandy hills.

The heavy tides and rains furrow these new lands, and form valleys through the soft sandy strata.

Grass and reeds grow, VEGETATION BEGINS. Springs appear. Streams begin to flow, and gradually increase in length as the land extends, but decrease in depth and bulk by the excavation of valleys.

3d Period.—Emersion of Table Lands.

Further diminution of the sea, till its level is reduced to 1100 feet above the actual level, and all the table lands and high lands of Kentucky become uncovered.

An inland sea remains over the Ohio limestone basin, covering part of the states of Ohio and Indiana, and extending from the actual mouth of Scioto river to that of Salt river. It is bounded W. and S. by Muldrow hill, or the ascent of the central table land of Kentucky, E. by the Knob hills of Kentucky and Ohio, N. by the Silver hills of Indiana.

Another inland sea fills the actual Cumberland basin, bounded N. by the Green river knobs, S. by the Cumberland mountains, and open to the west.

The upper Cumberland sea is drained, the Cumberland river flows, forms its upper valley, the Falls, and empties into the Gulf of Cumberland.

The Ohio flows above the Scioto, and falls into the large Limestone sea; a long and narrow straight is formed below the Silver hills.

Green river forms its valley, &c. All those streams and their branches excavate deep valleys. The Kentucky river falls into the Limestone sea below Red river.

The knobs are formed like downs on the shores of the Limestone sea. Muldrow hill shaped like a wall by the currents, being principally composed of slate schist.

Sea animals still living in the Limestone sea, and their exuvias imbedded in the last limestone schist.

CREATION of land animals, insects, reptiles, birds and quadrupeds on the dry land.

Vegetation increases, a thin soil is formed, trees and shrubs begin to grow, and form forests: they succeed the mosses, reeds, grasses and maritime plants produced in the second period.

4th Period.—Draining of the Limestone Sea.

Level of the sea gradually reduced to 700 feet above the actual level. The Limestone sea of Kentucky drained, but full of marshes, and muddy swamps; licks, clay and marl salses, &c.

The Ohio river and its branches, Kentucky, Licking, Salt, Miami, &c. excavate their valleys in the soft muddy lime strata, which only became indurated after a long lapse of time.

The plains and glades of the Cumberland gulf are drained, and the sea recedes west of them, to the alluvial gravel hills, formed under water, between the actual Cumberland and Tennessee valleys.

The alluvions and bottoms begin to form in the valleys and gulfs, by the attrition of the strata and soil conveyed and deposited by the streams.

Animals and plants increase and spread; the sea animals become gradually extinct, while the land animals multiply their individuals and species.

Some small lakes and ponds left over the land. The sinks and caves of the limestone regions are formed. A soil is formed by the decomposition of strata and the decay of vegetable substances.

CREATION OF MANKIND in Eden, in the highlands of Asia.—*Adam*, or *Admo*, or *Adimo*, (first man;) and *Eve*, or *Evah*, (life;) are the parents of the primitive or antediluvian nation, called the Adamites.

This fourth period of Kentuckian history, answers therefore to the sixth day or period of the general creation. The first and second periods of creation having produced the light, suns, stars, planets, and the earth with her primitive crystallized mountains, rising from 10 to 30,000 feet above the actual ocean, besides the burning volcanoes, &c.

5th Period.—Noah's Flood.

Great flood of Noah, Nuh, Menu, or Nahu, in the eastern continent, which may have reached America; but has not left any evident traces of any such violent convulsion, (in Kentucky at least;) the organic and human remains buried in the soil, are all in gradual depositions.

In Kentucky the ocean, which still bathes its western corner, subsides gradually to 300 feet above its actual level, and abandons Kentucky forever; forming merely a gulf in the Mississippi valley.

The great northern inland sea of North America, which included all the great lakes, and extended from the Mississippi to the Gulf of St. Lawrence, is gradually drained. The great lakes with their outlets and falls are formed.

South of Kentucky, the Gulf stream of Mexico deposits the alluvial ground reaching from Louisiana to New York.

All the valleys of rivers and creeks in Kentucky, &c. receive their present shape.

Stratas begin to consolidate. The ponds and marshes decrease; but the salses or muddy volcanoes increase. Vegetation overspreads the soil. Animals multiply. Earthquakes are frequent; some strata are deranged by them.

6th Period.—Peleg's Flood.

Great volcanic eruptions of the sea in Europe, America, &c. with awful earthquakes, convulsing the Atlantic ocean, West Indies, Mediterranean, &c.; destroying many countries and men.

The ocean acquires its actual level, and the American continent its actual shape.

The strata become indurated, and the soil firm and solid. Lakes disappear. Springs diminish, and streams decrease in bulk; rains are less heavy, &c.

Huge animals ramble over the soil, such as the mammoths or mastodons, elephants, megalonyx, big bears, elks, buffaloes, jaguars, &c.; they form licks. Some of them become extinct; their bones are found at Big-bone lick, Drennon's lick, the Ohio valley, &c. in the mud or alluvions.

Part II.....Clio,

OR, HISTORICAL ANNALS OF MANKIND IN KENTUCKY.

CHAP. I.—ADAMITES, &c.

RELIGION, philosophy, geology, history, and tradition, combine to teach and prove that mankind was created in Asia, and that the second cradle of mankind after Noah's flood was also in the lofty lands of Asia, where mountains and peaks from 20 to 30 thousand feet high (over our actual ocean,) arise among table lands elevated from 10 to 15,000 feet. The loftiest table lands and mountains of America are much less elevated, from 6 to 22 thousand feet at utmost, and they are besides entirely volcanic, unfit therefore to have been the cradles of mankind. It is an evident and positive fact therefore, that America was populated from the eastern continent in the first instance.

The first cradle of mankind was called Eden, or Ima, and was in the highest land of Asia. The Adamites, or Antedelvians, were spread over the eastern continent; but we have no positive proofs that they came to America, as very few, if any, remains have been found that might be ascribed or traced to that previous existence of mankind. I shall not venture therefore to offer mere conjectures on that subject. All the American nations can be traced to the second human stock, and need not therefore be deemed descendants of the Adamites.

The second cradle of mankind has received many names,—Theba, Tibet, Meru, Iran, Taurus, Ararat, &c.; all referring to lofty mountains of Asia. Noah, the second parent, monarch and legislator of mankind, was known to all the ancient nations under many consimular names: He is the

Nuh of the Persians;

Menuh of the Hindoux;

Ta-nauh of the Scythians;
 Ni-nuh of the Assyrians;
 U-ra-nuh of the Celts;
 Pe-non of the Chinese;
 Me-non of the Armenians;
 Ac-mon of the Atlantes;
 Mc-nu of the Egyptians;
 Oa-nes of the Chaldeans;
 Noch or Cox of the Mexicans;
 Noch or Moch of the Chiapans, &c.

The three sons of Noah were also known by many ancient nations under peculiar names.

The principal nations of the eastern continent which have contributed to people North America and Kentucky, were

The Atalans and Cutans, who came easterly through the Atlantic ocean;

The Iztacans and Oghuzians, who came westerly through the Pacific ocean.

CHAP. II.—THE ATALANS AND CUTANS.

THE history of those two nations, and of their settlements in America, may be divided into five periods, as follows:

1. From the dispersion of mankind to the first discovery of America, including several centuries.
2. From the discovery of America to the foundation of the western empires, including some centuries.
3. From the foundation of these empires to the Pelegian revolution of nature, including several centuries.
4. From the Pelegian revolution to the invasion of the Iztacan nations, including about twelve centuries.
5. From the Iztacan invasion to the decline and fall of the Atalan and Cutan nations in North America, including about thirty centuries to the present time.

1st Period.—To the Discovery of America.

After the Noachian revolution of nature, mankind was spread again over the earth, from Iran, Aran, Meru; Shinar or Cashmir, different names given to the highlands of Asia.

The first colonies of the primitive nation, preferred to reside on mountains:—the mounts Shingar, Hima, Liban, Ghaut, Shensi, Laos, Altay, Caf, Arat, Cush, Ural, &c. in Asia; the mounts Carpath, Hemus, Arcad, Appenines, Alps, Pyrenees, &c. in Europe, and the mounts Atlas, Samen, Tigreh, &c. in Africa, became the first abode of nations, who gradually spread in the plains.

Several empires were successively established in Hindostan, China, Turan, Persia, Egypt, Abyssinia, &c. which underwent many revolutions, and sometimes attained universal dominion or preponderance.

The nations which peopled the western shores of the eastern continent, were the Gomerians in Europe and the Atlantes in Africa. The Atlantes formed a powerful empire in North Africa, which gave laws to many nations, such as the Lehabim or Lybians, the Phuts, Naphlthuhim or Numidians, the Warbars, Barabars or Berbers, the Darans, the Garamans, the Corans or Guanches, &c.

In Europe, the Gomerians divided into many nations; those that occupied the sea shores were—1st. the Pelasgians, scattered from Greece to Ireland, under the names of Tirasians in Thracia, Arcadians in Greece, Lestrigons in Sicily, Ænotrians &c. in Italy, Tubalans in Spain, Cunetans or Henetans in France; Termurians in Ireland, &c.;—2nd. the Celts, or Pallas, who became Hellens or Yavanas in Greece, Meshokians, Ausonians and Ombrians in Italy, Sicules in Sicily, Gaels in France, Hesperians and Gadelians in Spain, Direcotians in Ireland, Cumrics in Scotland, Feans or Feines in England, &c.;—3d. the Sacas, who became Magas in England, Saxons and Rasins in Germany, Etruscans or Tuscans in Italy, Sicanians in Sicily, &c.;—4th. the Garbans, who became Cyclops in Greece and Sicily, Ligurians in Italy, Cantabrians in Spain, Bascans in France, &c.

All those nations were intimately connected in languages and manners. The Pelasgians were bold navigators, and ventured to navigate from Iceland to the Azores and Senegal. The Azores, Madera, Canary and Capverd islands were then

united in one or more islands, called the Atlantic Islands, which have given the name to the Atlantic ocean, and were first populated by the Darans and Corans or Western Atlantes. Iceland was called Pushcara, and was not settled, owing to the severe climate and awful volcanoes.

Numerous revolutions and invasions took place among those nations, until at last the Atlantes of Africa, united them all by conquest in one powerful empire, which extended over North Africa, Spain, France, Italy, part of Greece, Asia, &c.; and lasted many ages under several dynasties and emperors.

It was during the splendor of this empire, that America was discovered, by some bold navigators who were led by the trade winds, to the West Indies, in a few days from the Atlantic islands. They called them Antila Islands, which meant before the land, and America was called Atala or Great Atlantes. —Returning to the Azore land, by a north east course, they extolled the new country, and a great settlement was soon formed in Ayati or Ayacuta (Hayti,) and the neighbouring continent by the Atlantes.

2nd Period.—To the Foundation of Empires.

The Atalans, or American Atlantes spread themselves through North and South America, in the most fertile spots; but the marshy plains of Orenoe, Maranon, Paraguay, and Mississippi, as well as the volcanoes of Peru, Chili, Quito, Guatimala and Anahuac, prevented them from settling those parts of the continent. Many of the subjects of the Atlantic empire, such as the Tubalans, Cantabrians, Cyclops and Cunetans, follow the Atalans in America, and become the Cutan nations.

It is very difficult to trace the American nations, who have sprung from those early settlers, owing to the numerous revolutions and intermixtures which they have undergone: nor is it my intention to give now a complete genealogy of the Atalan and Cutan nations. I must confine myself to North America, or even Kentucky.

The Allegheny mountains were called Localoca. Beyond them the country was called Great White Land, (Mahasweta-Bhumi of Hind:) and it became the seat of a great empire,

or the Western Atlantic Empire. This included of course Kentucky, but extended from lake Ontario in the north, to the Mississippi. The Atlantic shores called Locuta, or Lachacuta, were not settled, owing to their arid soil, lately emerged from the sea. This western empire may be called the Atalan empire.

3d Period.—To the Revolution of Peleg.

The country watered by the Ohio and its branches was the centre of the Atalan empire, and its metropolis stood somewhere on the Ohio. It was divided in several provinces, and ruled by a powerful monarch of the Atlas family. The Atlantic monarchs of Africa, Europe, Atlantia and Atala, often contended for supremacy, and the Atalan emperors obtained it once. Their dominion extended from Atala to Syria: they were repulsed in Greece and Egypt. The African emperors were acknowledged generally as lords paramount; but they resided in Europe as often as in Africa, and had to contend against the Titans, a branch of their family reigning in the Alps.

There were successively many Atlantic emperors and monarchs, bearing the names of Ian, Atlas, Acmon, Ouran, Ilan, Silvan, Sann or Satur, Japet or Yudish, Titan, Neptune or Naphtar, Plut, Evenor, Oanes, Derceto, Tritan, Muth, Lucip, Rahu, &c. in both continents, who were often at war with the monarchs of Egypt, Ethiopia, Scythia, Iran, and Bharata or Hindostan.

An intercourse was kept up more or less regularly between all the primitive nations and empires from the Ganges to the Mississippi. Crishna or Hercules, and Ramachandra, two heroes of India, visited Atala and the court of the western monarchs, which is called one of the heavens on earth, by the holy books of the east.

The Atalans were civilized like the Atlantes; lived in towns; built houses of wood, clay and rough stones. They worshipped the sun and moon as emblems of the Deity, and built them circular temples. They knew geometry, architecture, astronomy, glyphic signs, or writing; the use of metals, agriculture, &c.

They had public games, festivals, &c. Their food was flesh, fish, fruits, roots and corn which they brought from the east.

At the time of their highest prosperity, a dreadful convulsion of nature happened in the Atlantic ocean, and other parts of the world, which is recorded in the oldest annals of many nations, the Hebrew, Hindoux, Chinese, Mexican, Greeks, Egyptians, &c. It appears to have been occasioned by simultaneous eruptions of volcanoes and earthquakes, which sunk, destroyed or convulsed many islands and countries, and among others the Atlantic land, of which the volcanic islands Azores, Madera, Canary and Capverd are the remains.

In America, the Antilan lands were severed, the Carib islands formed, the Atlantic shores inundated by awful tides, and many countries sunk or altered. This cataclysm is the division of the earth under Peleg, the flood of Ogyges or Ogug, the sanscrit convulsion of the White sea or Atlantic ocean.—The terror occasioned by this phenomenon interrupted the intercourse between Europe and America. The Eastern Atlantes thought that the whole American continent had sunk, like the Atlantic and many Antilan islands; and the Atlantes of the interior of America became insulated and separated from the Atlantic empire.

4th Period.—To the Iztacan Invasion.

The Atalans of North America became now divided in many states and nations, such as

The Apalans or Tlapalans, scattered from Florida to Virginia.

The Timalans from Texas to Guatimala.

The Pocons or Locans from the Allegheny to Panama.

These divided again into Golocas, Conoys, Nanticoes, Zolucans, Lomashas, Popolocas, Wocons and Poconchians.

The Corans from Missouri to Mexico.

The Talegans in Kentucky, Illinois, Ohio, Virginia, &c.

While the Cutans of North America became also independent, and formed many nations, such as

The Ayacutans of Hayti, &c.

The Lachacutans of Cuba and Alachuans of Florida.

The Yucutans of Mexico. and Yucuyans of Bahama.

The Arohuans of many islands and South America.

The Tunicas of Louisiana, Tepenacas and Tenonacas of Anahuac.

The Panucans of Texas, and Tanutans of Tennessee.

The Catabans of Carolina and Florida.

The Cuzans, Cuzadans or Quezedans of Tennessee and Alabama.

All those nations were often contending for supremacy; except the Islanders, who became happy peaceful nations, whence the West Indies were called the Fortunate Islands when discovered again.

It appears that the Talegans of the Ohio, and the Apalans south of them, were two of the most powerful empires of that period. The Apalans had many provinces or tribes, such as the Apalachis, Apalehen, Tlapan, Akitamaha, Ichiti, Opalusas, &c.; and were often at war with the Talegans.

These Talegans, which we found named Talegawes or Alleghany after wards, had dominion over a large extent of country. Their several provinces were situated in the most fertile regions, such as Kentucky, Ohio, the Kenhaway valley, the Illinois, the banks of lake Erie and Ontario.

After some centuries, America was visited again by the nations of West Europe and Africa, but neither frequently nor in numbers. A casual intercourse was restored between the two continents. The Azores were visited as well as Madera, but not peopled owing to their active volcanoes; but the Canary or Hesperides islands were; from thence the navigators went to Cerne or St. Jago, and in 13 days to the Carib islands.—About this time the Carib, or Galibis, must have come to South America; they appear of Cantabrian origin. The great nation of Guarani which extended all over Guiana, Brazil and Paraguay was of Daran origin and previous arrival.

When the Arcutans or Fermurians of Ireland, were expelled by the Dannans, a tribe of Pallis or Gaels, (after many revolutions in the island,) they fled to Ayacuta, or Western Island of Hayti, and became probably the Arohuac nation.

Till then all the inhabitants of America had come from the east; but now a great invasion took place from the west or from Asia. Perhaps these Asiatic nations had crossed the ocean before the Pelegian or Ogugan catastrophe. They are traced to the north west coast of America, and gradually came in contact with the Atalans and Cutans on the Missouri and in Anahuac. I shall call them Iztacan, from their ancestor Iztac.

5th Period.—Decline and Fall of the Atalans, &c.

The wars which happened in consequence of the Iztacan invasions, had the effect to annihilate some nations, and scatter many other, while several were subdued and incorporated with their conquerors. Kentucky was conquered by the Ulmecas, the Huasiotos and Taensas, three Iztacan nations. After the successive rule of these nations on the Ohio, the Siberian nations or Oguzian tribes began to appear and wage war on the Iztacans and the Atalans, which they drove away to the south. The last remains of the former Atalans and Cutans, which can be traced to have escaped these conflicts and were still existing towards 1500, were the following:—The Wocons in Carolina, the Homoloas, Malicas, Apalachians and others in Georgia and Florida, the Conoy's of Virginia, the Nanticoes of Maryland, the Catabas of Carolina, the Cahuitas and Calusas of Alabama, the Tunicas of Louisiana, the Corans, Coroas or Escoros of the Missouri, Arkanzas, Carolina, California and Mexico; besides many nations of Anahuac, &c.

Before the christian era a casual intercourse was kept up between the two continents. The Phenicians and Gadesiems traded to America: this continent was known to the maritime nations of West Europe and North-west Africa. The Numidians went there 2000 years ago, as well as the Celts; they frequented Paria and Hayti principally. The Etruscans, a powerful nation of Italy, who settled there from the Rhetian Alps about three thousand years ago, went to America and wanted to send colonies there, but were prevented by the Carthagenians. This intercourse gradually declined, owing to the numerous shipwrecks and warlike habits of the Caribs,

Iztacans and Oguzians, till the knowledge of America became almost lost or clouded in fables and legends.

During the decline of the Atalans, some fled to Anahuac and South America, where they founded new empires, or civilized many nations, such as the Cholulans of Anahuac, and the Muyseas, Puruays, Collaos, Tiahuanacos and Cojas of South America, who ascribe their ancient civilization to white and bearded strangers.

Thus the ancient arts and sciences of North America were transferred to the South. In the greatest splendor of the Atalans and Cutans, they had built above one thousand towns on the waters of the Ohio, of which nearly two hundred were in Kentucky, and the remains of above one hundred are seen to this day. The population must have been as great as the actual one, and Kentucky must have had half a million of inhabitants at least. The monuments of these early nations are easily distinguished from the subsequent Iztacan monuments, by a greater antiquity, their circular, elliptical and conical shapes.

CHAP. III.—HISTORY OF THE IZTACANS.

THE annals of the numerous nations who claim this origin, may be divided into five periods of time.

1. From the Iztacan empire of Asia to the Iztacan settlements in America and Kentucky, including many centuries.
2. From the invasion of Kentucky to the foundation of the Natchez empire, including about ten centuries.
3. From the Natchez empire to the Oghuzian invasion, including about five centuries.
4. From the Oghuzian invasion to the expulsion of the Natchez from Kentucky, including about five centuries.
5. From the Natchez expulsion to the present time, including the Chicasa and Cherokee dominions in Kentucky,—about ten centuries.

1st Period.—To the Invasion of Kentucky.

Soon after the formation of the great Asiatic empires of Iran, Ayódhia, Vitofa, China, &c. another was founded near the

Caspian sea, on the mountains of Caf or Caucasus and Vipula or Bactria, which was successively called Aztula, (strong land) Aztlan, Tula, Tollan, Turan, &c. The first monarch of it was Iztac-mixcoatl, (strong head snake:) He had six sons, who became the heads of as many nations; they were

Xelhua or Colhua, the father of the Colhuans, &c.

Tenoch or Tenuch, ancestor of the Tenuchs, &c.

Olmecatl or Ulmecatl, ancestor of the Olmecans, &c.

Xicalancatl or Xicalhan, of the Zicalans, &c.

Mixtecatl or Miztecatl, of the Tecas, &c.

Otomitl, ancestor of the Otomis, &c.

From these have sprung all the Iztacan nations, scattered all over North America and part of South America.

Many other empires having begun to rise in the vicinity of Aztlan, such as those of Bali, Scythia, Thibet, Oghuz, the Iztacan were driven eastwards, north of China; but some fragments of the nation are still found in the Caucasus, &c. such as the Abians or Abassans, Alticezecs, Cushazibs, Chunsags, Modjors, &c.

The six Iztacan nations being still pressed upon by their neighbours the Oghuzians, Moguls, &c. gradually retreated or sent colonies to Japan, and the islands of the Pacific ocean; having discovered America at the peninsula of Alasca, during their navigations, the bulk of the nation came over and spread from Alasca to Anahuac, establishing many states in the west of America, such as Tula, Amaquemecan, Tehuajo, Nabajoa, Teopantla, Huehue, and many others.

After crossing the mountains, they discovered and followed the Missouri and Arkansas rivers, reaching thus the Mississippi and Kentucky.

2nd Period.—To the Foundation of the Natchez.

The Olmecas or Hulmees were the first Iztacans who ventured to come to Kentucky, where they did not make a permanent settlement. They came in contact with the Talegans, and not being able to subdue them, they left the country, invaded Tennessee, &c. The Winginas and Westoes of Carolina, as well as the Yamassees of Georgia, may be remains of these Olmecas; but the bulk of the nation went to Anahuac,

with the Xicalans, having made an alliance with them. The Xicalans were another Iztacan nation who had come down the Arkansas; meeting on the Mississippi with powerful Atalans, such as the Corans, Talagans, &c. they joined the Olmecas in a confederacy against them.

After partly settling in Alabama, Tennessee, Georgia and Florida; they were both compelled to go to Anahuac, which they reached from the north-east, and where they became powerful in time.

The Otomis were the most barbarous of the Iztacans, being hunters rather than cultivators; they had spread gradually from the Missouri to Anahuac, in the rear of the Xicallans, under the names of Mazahuas or Mahas, Huashashas or Ozages, Capahas or Arkansas, Otos or Huatoctas, Minowas or Missouri or Ayowas, Dareotas or Nadowessis, Huatanis or Mandans, &c. They began to make war on the Talegans of Illinois, Ohio and Kentucky, and the Otos appear to have become the Sciotos of Ohio, the Huasiotos of East Kentucky, and the Utinas of Florida.

The Colhuans and Tenuchans came the last on the Arkansas, and settled the kingdoms of Tollan, Tula, Huehue, Copatta, &c. in that region. The Atalans and Iztacans were successively at war or in peace; but the Iztacans prevailed at last in West Kentucky, when all the Iztacans east of the Mississippi formed a confederacy against the Atalans; this was the beginning of the Natchez dominion.

During these struggles, many peaceful Atalans left the country and went to Anahuac, Ayati, Onohualco and South America, where they became legislators and rulers.

3d Period.—To the Oghuzian Invasion.

The Natchez empire, or confederacy of Iztacan nations, extended from the Ohio to Florida, and from the Alleghenies to the Mississippi; west of it were the kingdoms of Capaha, Pacaha and Copatta, (perhaps only one,) also Iztacan. This confederacy consisted of five hundred towns, and many tribes, such as the Natchez, Taensas, Chitimachas, Movila, Yasoos or Hiazus, and many more. East of them were the Apalachian

and Cataba confederacies, and north the Talegans who had retreated on the north side of the Ohio.

The nations forming this empire or league, were civilized and cultivators; they became polished by their intercourse with the Atalans, and borrowed many customs from them.—They worshipped the sun and fire; but did not build circular temples, erecting instead pyramids and high altars, generally of a square or angular form. Each tribe had a king, each town a governor; but the Natchez kings who were called Suns, had the supremacy over all. Agriculture and trade were well attended to. Many contentions and revolutions happened; but the Oghuzian invasion was the most fatal.

The Siberian nations, which had spread over the north of Asia at the dissolution of the Oghuzian empire, having come to America across Behring Strait, sought milder climates by travelling south, and coming in contact with the civilized but less warlike nations of anterior origin, began to wage war over them, and drive them gradually further south, towards Florida and Anahuac.

4th Period.—To the expulsion of the Natchez from Kentucky.

At the Oghuzian invasion, the Taencas, a Natchez tribe, occupied West Kentucky, the Huasiotos were in East Kentucky, and some Talegans still held the banks of the Ohio, &c.

The Cherokees or Zulocans, an Atalan nation dwelling west of the Mississippi, being driven by the Oghuzians, came to Kentucky and Tennessee, and settled at last after many wars in the mountains of Carolina, where they became a nation of hunting mountaineers, and gradually destroyed the Huasioto nation of the Cumberland mountains.

The Shawanees, an Oghuzian tribe, came then in contact with the Natchez and expelled them from Kentucky, which they occupied for a long time.

The Talegans north of the Ohio, were partly destroyed or driven south, through Kentucky, to join the Apalachian, or down the Mississippi towards Louisiana and Mexico.

5th Period.—To the present time.

The Natchez confederacy declined gradually, becoming di-

vided into several independent nations, such as the Taensas, Chitimachas, Alabamas, Coosas, Cahuitas or Cowetas, Winginas, &c. spread from Louisiana to Carolina, which however did not wage war together, but were often united against the Cherokees, Catawbias and Oghuzian nations.

When the Toltecas of Mexico drove away the Xicallans, the bulk of that nation came to the Mississippi, and settled on both sides of it, above the Natchez; many nations have sprung from that stock, all intimately connected in language and manners, such as the Chicasas, Chactaws, Yazooos or Tapousas, Muscolgees, Cofachis, &c. spreading north and east of the Natchez, they formed a bulwark between them and the northern invaders; the Chicasas extended their conquests to the banks of the Ohio in Kentucky.

The great Otomi nations, extending from the Missouri to Anahuac, divided into numerous tribes, such as the Osages or Wahashas, Missouriis, Ottos, Mazahuas, or Omahuas, Capahas or Arkansas, Mandans, &c.: the Osages, Missouriis and Arkansas, penetrate as far as West Kentucky, the banks of the Wabash, &c.

A succession of wars and contentions take place between the numerous nations of various stocks scattered in North America, by which they are weakened and prevented from improving their civilization, or uniting against the encroachments of the Europeans.

The Spanish, French, and English, after the discovery of America by Columbus, settle in North America, and in three hundred years occupy all the land from Canada to Mexico, except a few small spots, acquiring possession of it by various means, conquests, cessions or purchases.

CHAP. IV.—HISTORY OF THE OGHUZIANS.

SOMETHING like a chronological order can be now introduced. The records of the Mexicans, the traditions of many Oghuzian nations, and the annals of the Europeans, afford sufficient materials for a complete history; but I must be very brief.

1st Period.—From the Invasion of North America by the Oghuzians, towards the first year of our Era, to the Defeat of the Talegans, towards 500, including five hundred years.

Nearly two thousand years ago, great revolutions happened in the north of Asia; the Oghuzian empire was severed, and a swarm of barbarous nations emigrating from Tatory and Siberia, spread desolation from Europe to America. In Europe they nearly destroyed the powerful Roman empire, and in North America they subverted many civilized states.

Several of those Oghuzian nations, driven by necessity or their foes to the north-east corner of Asia, came in sight of America, and crossing Berhing Strait on the ice, at various times, they reached North America. Two of them, the Lenap and the Menguy, seeking milder climates, spread themselves towards the south; while another, the Karitit, which came after them, spread on the sea shores from Alaska to Greenland, and some others settled on the north-west coast of America.

The Lenaps after settling some time on the Oregon and Multnomah rivers, crossed the Oregon mountains, and following the Missouri, fighting their way through the Ottomies, &c. they reached the Mississippi, nearly at the same time with the Menguys, who had come north of the Missouri. They found the powerful Talegans in possession of Illinois, Ohio, Kentucky, who opposed their progress and cut off the first party that ventured to cross the Mississippi. A long war ensued, in which the two Oghuzian nations joined in a confederacy against the Talegans, and succeeded after a long struggle to drive them away to the south.

2nd Period.—From the Defeat of the Talegans, towards 500, to the Dispersion of the Lenaps, towards 800,—including three hundred years.

When the Lenaps had defeated the Talegans, they had to contend with the Natchez of West Kentucky, the Huasiotos of East Kentucky, the Sciotos of Ohio, besides many remaining branches of the Atalans, Cutans, &c. scattered in North America, which they vanquished, destroyed or drove away, occupying all the country from the Missouri to the Allegheny mountains; while the Menguys settled north of them on the lakes.

The Lenaps were hunters, but lived in towns, and became partly civilized by the prisoners and slaves that they made.—They began to cultivate corn, beans, squashes, tobacco, &c. Their hunters having ventured across the Allegheny mountains, discovered a fine country, not occupied by any nations, in Maryland and Pennsylvania. Many were induced to remove to that country, where they should be more distant from their southern foes.

A settlement was made east of the mountains; and the great Lenapian nation became thus divided into many distant tribes, independent of each other; but connected by a similarity of language, religion, manners, and acknowledged origin.

The principal of these tribes, which thus became independent nations, were the Chinucs on the Oregon, the Anilcos and Quiguas on the Missouri, the Utawas and Miamis north of the Ohio, the Shawanees or Massawomees in Kentucky, the Mohigans and Abnakis in New England; the Sankikans in New Jersey, the Unamis and Minsis in Pennsylvania, the Powhatans in Virginia, the Nanticoes in Maryland, the Chipeways and Clistenos on the upper Mississippi, &c.

A similar division took place in the Menguys, and the independent nations sprung from them, were the Hurons or Wyandots near lake Huron, the Eries or Erigas on lake Erie in Ohio, the Tuscororas in Kentucky, the Senekas, Mohawks, Cayugas, Oneidas on the St. Lawrence, &c. That portion of the nation which remained west of the Mississippi, became mixt with some Otomian tribes, and formed the great Darcota nation, since divided into many tribes, such as the Sioux, Assiniboils, Tintons, Yancions, &c.

3d Period.—From the Dispersion of the Lenaps, towards 800, to the Shawance Confederacy, towards 1100—including three hundred years.

The Oghuzian nations had united for a long while against their southern enemies; but many Menguy tribes became jealous of the Lenaps when they saw them possessed of the best lands and growing very powerful. Dissentions occurred between the various tribes east and west of the mountains. The

Senekas and Mohawks begin to quarrel with the Mohigans and Lenaps. They endeavour to excite wars between them and the Cherokees. Several wars occur between the Lenaps and many Menguys, in which the Wyandots and Erigas take no part.

Meanwhile the Shawanees of Kentucky have many quarrels and wars with their neighbours; they drive away the Tuscaroras to Carolina, and some Erigas towards Florida. They wage war by turns with the Natchez, Tapoussas, Cherokees, and Apalachians to the south, with the Catabas, Wocons and Westos to the east, the Capahas, Ozages, &c. to the west. Not satisfied with the possession of Kentucky, they extend their conquests and settlements as far as lake Ontario to the north, in Carolina and Georgia to the south. The Cumberland river became the centre of their settlements. They were hostile to all their neighbours except those of Lenapian origin, and being in contact with many more than any other branch, were considered as the bulwark of that nation.

In order to resist their numerous enemies, they formed a general confederacy extending from the Lakes to Florida, which soon became formidable even to their former allies, under the name of Massawomees or Wassawomees. The branches of this great alliance were known by the names of Sakis and Kicapoes in the west, Uchees and Chowans in the east, Satanas in the north, Savanas in the south, &c.

4th Period.—From the Shawance Confederacy, towards 1100, to the Utawa Supremacy, towards 1400,—including three hundred years.

The Utawas were a branch of the Lenaps, settled north of the Lakes, and holding supremacy over the Northern Lenaps; being driven south of the lakes, by their wars with the Menguys, they assumed a superiority over the Miamis of Ohio, whom they defeated in battle; but they had more difficulty in their contentions with the powerful Shawanees. A long war was the result; the Utawas conquered part of central Kentucky, and compelled at last the Shawanees to acknowledge

them as superiors and entitled to hold the great council fire in the west, as the Lenaps did in the east.

During this struggle many revolutions had occurred around Kentucky. The Conoys had become powerful in the Kenhaway valley, and the Illinois on the Wabash. The Shawanees enter into an alliance with them. The Chicasaws begin to grow powerful in the south-west, and wage war with the Shawanees, &c.

The supremacy of the Utawas was acknowledged gradually by all the Lenapians west of the mountains, and the chief of that tribe was considered as the greatest chief. They settled in many parts of lake Huron and Michigan, on the Mississippi, and left Kentucky to the Shawanees.

5th Period.—From the Utawa Supremacy, towards 1400, to the Invasion of Soto, towards 1540,—including about 140 years.

Towards the discovery of America by Columbus in 1492, the situation of the nations residing in Kentucky or the immediate neighbourhood was nearly as follows:

The Massawomees or Shawanees had possession of the greatest part of Kentucky, the Cumberland valley in Tennessee, nearly all the banks of the Ohio, and they had settlements or colonies in Illinois, Georgia, Carolina, Genessee, &c. They had nearly one hundred towns, many of which very populous.

The Chicasaws claimed by conquest the west of Tennessee and Kentucky, and resided southerly of the Ohio.

West of the Mississippi near Kentucky, the most powerful nations were the Capahas, Ozages, Anileos, Quiguas, &c.; the two last of Lenapian origin, and extending east as far as the Wabash.

In Ohio were the Miamis, Erigas, Tongorias, &c.

In Virginia, the Conoys, Monacans, Powhatans, &c.

In Tennessee, the Cherokees, Chugees or Ichias, &c.

On the St. Lawrence, five tribes of Menguys—the Senecas, Mohawks, Oneidas, Cayugas and Onondagos, had united into a league, which soon became formidable (under the name of Iroquese or Five Nations,) to all the Oghuzian nations.

On the Atlantic shores the Lenapian tribes had divided into numerous nations, often at war with each other for supremacy or dominion.

Several other nations, besides the Atalans, Cutans, Iztacans, and Oghuzians, had reached various parts of America, before the modern Europeans, such as the Mayans or Malays, the Scandinavians, the Chinese, the Ainus, of Eastern Asia, the Nigritians or African negroes! &c.; but as they did not settle in or near Kentucky, they do not fall under my present scope.

CHAP. V.—HISTORY OF KENTUCKY, &c.

From the Spanish Discovery or Invasion under Soto, towards 1543, till the Settlement of Kentucky by the Virginians in 1773—including about two hundred and thirty years.

1st Period.—Introduction.

1492. Discovery of America by Christopher Columbus.

1496. Discovery of North America by Sebastian Cabot.

1512. Discovery of Florida, by J. Ponce De Leon.

1520. Discovery of Georgia by Mirvelo, who calls it Cicoria.

1525. Invasion of Georgia by D'Aillon and Mirvelo, who are defeated by the Shawanees and other nations.

1528. Second invasion and defeat of the Spaniards in Florida.

1536. Third invasion of the Spaniards in Florida. Alvar Nunez discovers the Mississippi, and reaches Culiacan on the Pacific ocean across the continent.

2nd Period.—Sixteenth Century.

1539. Fern. Soto, governor of Cuba, invades North America with an army of 1050 men and three hundred horses: he lands in Florida, defeats many nations, and winters in Apalachia.

1540. Soto visits the Cofas, Cherokees, Shawanees, Curas, &c.; discovers Tennessee, wins a great battle at Mobile, and winters at the Chicasas.

1541. Battle with the Chicasas; Soto crosses the Chuca-gua or Mississippi, visits Capaha and Tula, discovers Arkansas, and winters in Utiangue.

1542. Soto wanders west of the Mississippi, discovers the Missouri, and dies at Guachoya, (the Washashas or Ozages) near

the Anilcos or Illicos, (Illinois.) He is succeeded by Moscoso, who vainly attempts to reach Mexico by land, goes no further than the Aches or Panis, and returns to the Missouri near the Ozages, winters at Minoya or Minowas.

1543. The Spaniards reduced to 350 men, and threatened by the king of the Quiguas (or Wiwas,) with a powerful attack, embark in 21 boats, and going night and day, reach the mouth of the Mississippi in twenty days, after losing many men in battle with the Quiguas, who pursued them for ten days.—Only 300 Spaniards reached Panuco and Mexico. Discovery of Illinois and KENTUCKY in descending the Mississippi.

1545. The Muscogeas settle east of the Mississippi, and become afterward the head of the southern confederacy.

1550. The Menguys begin to wage war with all their neighbours; they destroy the Satanas, a branch of the Massawomees, and settle in their country south of lake Ontario.

1560. The Massawomees of Kentucky are at war with the southern nations, and many eastern nations; but at peace with the nations north of the Ohio;—they form a settlement on the Susquehannah.

1562 to '63. Settlements and wars of the French and Spaniards in Carolina and Georgia, in which many nations take a part.

1584 to '89. First settlements of the English in North Carolina; wars with the Winginans, &c. Three unsuccessful colonies. Kentucky was included in the charter of the colony.

1590. Wahun-Sanacoc, king of the Powhatans in Virginia, conquers many tribes, and becomes formidable to all his neighbours, even the Massawomees and Erigas of Kentucky. He adopts Opechan, a wise Shawanee, for his brother, and makes him king of Pamunkey.

1595. The Erigas, a powerful nation of Menguy origin, is now scattered from lake Erie to Florida in various tribes, called Erieronons, Tongorias, Rechehecrians, Grigras, &c. and is at war with the Menguys of Genessee.

3d Period.—Seventeenth Century.

1607. Permanent settlement of the English in Virginia colony including Kentucky in its charter. The French settle in Canada.

1608. First interview of the English with the Shawanees or Wassawoomees of Kentucky. Sir J. Smith meets one of their war party in the Chesapeake, going to attack the Susquehannoes and Tocwoys. The Nantaquaes or Nanticoes of Maryland went to trade with them beyond the mountains.

1618. Death of Wahun Sanacoe, king of the Powhatans; he is succeeded by Opechan, the Shawanee king of Pamunkey, who takes the title of Mango-Peomen, and becomes the foe of the settlers.

1640. The Menguys succeed to destroy the Erigas of Ohio: the remains of that nation fly to East Kentucky, &c.

1642. End of the wars between the English and Powhatans, which had lasted twenty years; Opechan is taken, and dies, 95 years old: he is succeeded by his son Totopotomoi, who makes peace.

1654. Col. Wood explores Kentucky as far as the Mississippi.

1656. The Rechehecians or Grigras cross the Allegheny, and invade Virginia, being molested by the Menguys; Captain Hill and King Totopotomoi who attack them, are defeated; the king is killed. They soon after leave the country, and are admitted by the Natchez into their confederacy.

1660. The Menguys rendered powerful by fire arms, lay waste all the country on the Ohio, and make war on the Tongorias, Shawanees, Miamis, Illinois, Chicasaws, Natchez, &c.; often coming down the Ohio in war parties. They destroy the Conoys or Kenhaways.

1667. Captain Batt visits the Allegheny mountains, from Virginia.

1670. Captain Bolt visits Kentucky from Virginia. Is he the same as the above?

1672. Father Marquette descends the Mississippi from Illinois, and discovers the Missouri, Ohio, Wabash, &c. He finds 40 towns of Shawanees on the Ohio and its lower branches.

1680. Father Hennepin descends the Mississippi to its mouth from Illinois, and visits Kentucky, &c. The Tennessee is called Cherokee river.

1683. Captain Tonti descends the Mississippi to its mouth, for the first time, with Lasalle. Kentucky visited again.

1685. Second voyage of Tonti down the Mississippi.

1688. Third voyage of Tonti down the same.

1700. At the end of this century, the Shawanees of Kentucky were defeated and humbled by the Menguys. Those of Georgia were compelled to enter the Muscolgee confederacy. The Tongorias of East Kentucky were united with the Cherokees; and the Illinois, Miamis, Kicapus, &c. often crossed Kentucky, to go to war against the Chicasas.

4th Period.—Eighteenth Century.

1710. Col. Spottswood, governor of Virginia, crosses the Allegheny mountains and explores the country near Kentucky.

1712. The great Apalachian nation destroyed, partly by the Carolinians in 1702 and the Alabamous in 1705; the remains blend with the Muscolgee confederacy.

1720. The French traders begin to descend the Ohio.

1722. Treaty at Albany between the Virginians and Menguys or Iroquese; the land west of the Allegheny ridge is acknowledged as belonging to the Iroquese, who claim it by conquest over the Erigas, Conoys, Tongorias, &c.

1731. The Natchez are destroyed by the French; the remains of that great nation take refuge with the Chicasas; a war follows in consequence with the French, which lasts many years.

1739. Mr. Longueil descends the Ohio, from Canada, and discovers Big-bone lick in Kentucky. Many Canadians follow that road.

1745. The Shawanees of Kentucky had retreated on the banks of the Ohio, Miami and Muskingum, to avoid their southern enemies, being now at peace with the Menguys, and allied with them against the Cherokees, Catawbas, Muscolgees, Chicasaws, &c. Kentucky remained the hunting ground of the northern and southern nations where they met at war.

1750. Dr. Thomas Walker, of Virginia, crosses the Allegheny and Wasioto mountains, which he calls Cumberland. He discovers Cumberland Gap, the Shawanee river, which he calls Cumberland river, Kentucky river, which he calls Louisa, &c.

1751. Several Indian traders descends the Ohio.

1752. Lewis Evans publishes his map of Kentucky, &c. from the account of those traders.

1754. James McBride descends the Ohio as far as the mouth of the Kentucky.

1760. Second visit of Dr. Walker to Kentucky, as far as Dick river.

1764. The Shawanees remove to Ohio from Pennsylvania, and to the Wabash from Green river.

1767 to 1774. Kentucky is visited by traders and hunters from Virginia and North Carolina, and begins to be settled, after extinguishing the claims of the Cherokees and Iroquese; but the Shawanees' best claim having never been attended to, this was the cause of the war which they waged with their allies, against the Virginian settlers for more than twenty years. Ever since 1756 an alliance of all the Oghuzian tribes north of the Ohio having been formed against the Iroquese, Cherokees and Chicasas, the Virginians were considered as new intruders, who had bought the land from their foes.

CONCLUSION.

ALL the details which might have explained, and the notes which would have proved, my statements, have been unavoidably omitted, in order to confine myself within the short prescribed limits. I am merely allowed to add the enumeration of the principal monuments of antiquity, and a mere list of the authors in which all the facts are to be found which I have asserted, except those derived from my personal examination of the geology, antiquities and languages of North America. A philological and ethnological view of nearly four hundred American and eastern nations or languages, with their comparative names for *land* and *water*, was also found by far too long for insertion, although this is now considered as the base of historical researches.



I. APPENDIX.

ENUMERATION

Of the Sites of Ancient Towns and Monuments of Kentucky, &c.

THE following Catalogue contains the first general account ever published of the ancient monuments hitherto discovered in this State, the greatest part of which have been discovered, surveyed, drawn, and described by myself in my large manuscript work on the antiquities of Kentucky, which has nearly 100 maps and views. As a further illustration of the subject, I add a short account of the monuments of the surrounding States, so intimately connected with ours. They are all very ancient, except these marked L. which appear to be less ancient (from 100 to 1000 years) and to belong to the Lenapian nations.

Total No. of Sites Mons.		COUNTIES, &c.
1	3	In Adair, on the Cumberland river
1	3	Bath, on the waters of Licking river
4	8	Boone, on the Ohio, a town near Burlington, &c.
5	46	Bourbon, a circus of 1450 feet on Licking River, a town, polygon of 4675 feet on Stoner's creek L. &c.
4	0	Bracken, great battle ground, &c near Augusta, iron rings and a copper medal with unknown letters, &c.
1	1	Caldwell, a stone fort on Tradewater river
1	1	Calloway, a mound 15 feet high on Blood river
2	4	Campbell, near Covington and at Big-bone lick
5	12	Christian, near Hopkinsville, &c L.
5	18	Clarke, near Winchester, Boonesborough, &c.
6	6	Clay, near Manchester, &c.
15	36	Fayette, on North Elkhorn, a beautiful circus, a dromus, &c. on South Elkhorn, near Lexington, a polygon town, L. several squares, mounds, graves, &c. 9 East Indian Shells found in the ground, &c.
1	1	Gallatin, at the mouth of the Kentucky river
3	12	Garrard, principally mounds and small circus on Paint Creek, Sugar Creek, &c.
1	3	Greenup, fine remains opposite the mouth of the Scioto
2	5	Harlan, on the Cumberland river, near its source
2	7	Hart, mounds near Green river &c. mummies in caves
5	16	Harrison, a circus near Cynthiana many mounds, round, elliptical or ditched, 16, 20, 25 and 30 feet high.
1	1	Hickman, a fine Teocalli on the Mississippi below the Ironbanks, 450 feet long 10 high, only 30 wide
4	1	Jefferson, on the Ohio near Louisville
4	10	Jessamine, mounds, graves, embankments,
3	7	Knox, On the Cumberland river, and near Barboursville
1	1	Lewis, on the Ohio

Total No.
of
Sites Mons.

COUNTIES, &c.

2	1	In Lincoln, on Dick's river, and near Wilmington
3	14	Livingston, an octogone of 2852 feet on Hurricane creek, &c. mouth of the Cumberland
10	42	Logan, towns and mounds on Muddy river, &c. a silver medal found in a mound
3	7	Madison, near the Kentucky, &c. mounds, &c.
2	2	Mason, near Washington, a small teocalli
3	35	M'Crachan, on the Ohio, a fine square teocalli of 1200 feet and 14 high, on the Mississippi, 5 rows of mounds, &c.
6	12	Mercer, a fort on Dick's river, several remains on Salt river, &c.
10	48	Montgomery, squares, hexagons, polygons, &c. on Somerset and Buck creek, many high, round, elliptical or ditched mounds. A fine circus or circular temple, &c.
1	1	Pendleton, at the fork of Licking river
1	1	Perry, a long dromus near Hazard
2	7	Pulaski, stone mounds on Pitman and Buck creeks
1	1	Rockcastle, a stone grave 200 feet long, 5 wide, 3 high, near Mount Vernon
5	12	Scott, a ditched town near Georgetown, on the South Elkhorn, a square on Dry-run, &c.
2	2	Shelby, near Shelbyville, and south of it
5	24	Trigg, a walled town, 7500 feet in circumference, at Canton, on the Cumberland, inclosing several large mounds and a square teocalli 150 feet long, 90 wide, 22 high. Many mounds on Cumberland, Little river, Cadiz, &c.
3	16	Warren, a ditched town, irregular octogone of 1385 feet on Bigbarren river, near Bowling-green, inclosing 5 houses, and 2 teocallis. Mounds, &c.
6	66	Whitley, a town on the Cumberland, above Williamsburgh, with 20 houses, and a teocalli 360 feet long, 150 wide, 12 high.—Remains of towns with houses on the waters of Laurel river and Watts creek
6	12	Woodford, a fine octogon teocalli of 1200 feet, and 8 high. A town of 2700 feet on South Elkhorn, a square on Clear creek, &c.
148	503	The total number of ancient sites known to me in Kentucky, amounts therefore to 148, and the ancient remains or monuments are 503. Those already known to me in the remainder of North America, are the following :—
14	54	In Alabama, many towns, forts, mounds, &c. An elliptical teocalli of 800 feet, and 15 high, on Cedar creek. A teocalli of 1120 feet, and 75 high, on the Etowee. A circus of 25 acres in Jones' valley, with a square teocalli in the centre, of 720 feet and 30 high, &c.
10	45	Arkansas, towns, mounds, &c. several mounds and teocallis, as high as 40 feet, below the town of Arkansas. Remains of a town built of sunburnt bricks, on the St. Francis river, &c.
3	7	Canada, mounds and forts between lake Huron and Erie
2	3	Connecticut, inscribed rocks at Seaticook and Tiverton. L.
12	32	Florida, many embankments, excavations, mounds, &c. not very ancient, L.—Many high mounds, avenues and artificial ponds or tanks, near lake George, &c.
16	30	Georgia, many large square teocallis, some with 3 stories; and avenues leading to square excavations on the Oakmulge, &c.

Total No.
of
Sites Mons.

COUNTIES, &c

		Four square teocallis and 4 square excavations near Apalachicola. Two oval teocallis on Sooque creek, one is 100 feet high, the other 40. A stone fort on a high hill, &c.
12	170	In Illinois, many conical mounds in the American bottom, on the Mississippi; a squared teocalli of 1200 feet, 100 high, and with 2 sloping stages on the Cahokia; a square teocalli of 600 feet and 20 high, near St. Louis.—A stone fort on Saline river. Mounds near the mouth of the Ohio, &c.
3	18	Indiana, towns and mounds on the Wabash, White river and the Ohio, near the falls, &c.
6	20	Louisiana, many mounds on the Mississippi, at Baton Rouge, &c. Four square teocallis of 240 feet and 22 high, equal, forming a square, joined by a wall and ditch, with an avenue leading to a conical teocalli 115 feet high, (spiral road on it) on Bayou Cataoulou. Five mounds of shells near lake Cataoulou is 80 feet high. A high mound on Red river, built in 1728 by the Natchez. Many in Tensa, &c.
1	1	Maine, a conical teocalli of 600 feet, 50 high; with a paved summit, on the river Kennebeck
2	3	Massachusetts, the sculptured rocks of Dighton, and the inscribed stone of Rutland, of which many opinions have been formed, supposed Atlantic, Phœnician, Coptic or Lenapian!
12	106	Mexico, many towns, teocallis, stone buildings, &c. in Anahuac. Michuacan, Yucatan, Guatemala, &c.
6	16	Michigan, towns, forts and mounds on river Huron, lake St. Clair, near Detroit, &c.
25	60	Mississippi, several square, octagon and round teocallis on the Mississippi, Yazoo, &c. A great teocalli at Sultzertown with mounds on it, 90 feet high. A teocalli 150 feet long, 100 broad, 35 high near Natchez. A teocalli of 2650 feet square, 20 feet high, on Big-black river, with a wall and ditch 2400 feet long, joining the highlands, &c.
24	64	Missouri, many mounds, forts, graves, &c. at the mouth of Osage, Missouri, Merrimack, Chepousa, &c. 27 mounds and a prismatic teocalli at St. Louis. A square teocalli of 800 feet and 14 high, below the mouth of Ohio. A conical teocalli of 1200 feet, 40 high, with a ditch on the lake Chepousa, &c.
4	10	Multnomah Country, on the Pacific ocean. Several towns and mounds on the Columbia or Multnomah river
9	20	Nadowessie or Sioux Country, or Upper Mississippi. Many forts, excavations and mounds on the river St. Peter, Menomonie, Gaspard, Wapisinekan, &c. A polygon below lake Pepin. A small square teocalli on Racine river, lat. 44
12	70	New-Mexico. Ruins of towns built of clay or stones, in Sonora on the Rio-gila and in Cibola, lat 36, &c.
36	125	New-York. All in the western part of the state; the most easterly site is on the river Chenango. Many ancient towns, forts and mounts, on the rivers Seneca, Genessee, Black. &c. near Auburn, Pompey, Buffalo, Onondago, Canandagua, &c. some of which appear modern or built by the Menguy nation: an inscription with unknown letters was found at Onondago. A circus at Unadilla; two parallel rows of towns or forts extending 50 miles, on the ancient shores of lake Erie,

Total No.
of
Sites Mons.

COUNTIES, &c.

		Many towns south of lake Ontario, beyond the mountain ridge or most ancient land very ancient; &c.
6	8	In North Carolina, some mounds near Saraw, towns on Holston river. On Enoe river 2 inscriptions were found in ploughing, on octogon stone pillar and a circular piece of brass! with unknown letters!—In Rowan County, 2 iron-stone walls under ground, supposed basaltic by many, but erroneously.
72	150	Ohio, this state contains numerous fine monuments like Kentucky, but only a part have been described, although more than of any other state; another portion has been surveyed by myself, many are yet hardly known At Cincinnati, a large town, circus, mounds, &c. On Paint Creek, 3 towns with stone walls, mounds, teocallis, &c. At the mouth of Scioto, a town. dromus, mounds, &c. At Circleville, a fine circus and mound Near Chillicothe, five towns, with temples, avenues, &c. In Belmont county, a mound of 16 feet, where iron and silver has been found On Lake Erie, many towns in Ashtabula cty. with mounds, &c. On the Little Miami, many towns, stone forts, temples, &c. a copper coin was found with Persian letters! At Marietta, a town, mounds, &c. a silver cup found there Near Newark, 2 towns. with avenues, pits, mounds, etc. In Perry county, a town with a stone mound Mouth of Big Miami, a stone fort, a town with round pits, mound and ditch, elleptical teocalli 550 feet, 25 high. Mouth of Maumee, a town and fort On Twin creek, two elleptical teocallis Many other monuments near Granville. Franklinton, Worthington, New Athens, Gallipolis, etc.
15	28	In Panis, county of Upper Missonri, many fortified towns on the Missouri, at the mouth of Osage, Chayenne, Laplate; also on rivers Kanzas, Laplate, Yellowstone, Jaques, etc. Two squares of 1200 feet on Petit-ark creek. A large pit 200 feet long, 150 wide, 30 deep, near the Panis, etc.
15	32	Pennsylvania, mostly in the western parts; mounds and forts near Pittsburgh. Near Meadville 7 circles, mounds, etc. Several towns and forts on the Monongahela, also carved rocks. On the Allegheny, some towns, etc. A town on a hill near the Tyoga river with a circus, etc.
1	5	South Carolina, near Cambden, in the Wateree, many monuments, a teocalli 20 feet high, a wall or parapet three miles long! wrongly supposed to be built by Soto, who never was there.
44	74	Tennessee; this state was anciently united to Kentucky and its monuments are very important for our history On the south fork of Forcadeer river, several towns, teocallis, mounds; the finest pyramid of the United States is there, it is 150 feet high, 1200 feet at the base, 120 at the top, perfectly square. It was discovered only in 1822. On Duck river, a stone fort Near Clarksville, on the Cumberland, a town, many teocallis; and near Palmyra, on Ditto, another town, busts found there.

Total No.
of
Sites Mons.

COUNTIES, &c.

		Near Nashville, on ditto, several towns, teocallis, statues, etc.
		On the Canyfork of Tennessee, a circus where the triune vessel was found
		Near Pulaski, a subterranean brick wall
		Near Carthage, a fort, graves
		On Big Harpeth river, several mounds, one is 40 feet high, a sun and moon painted yellow in a perpendicular cliff of 70 feet
		On French broad, paintings and letters on a vertical cliff, 100 feet above the water!
		In Warren county, a town with mummies, etc.
		Near Brasstown, on Tennessee, the enchanted mountain with carved tracts of men and beasts
3	3	In Texas, at the head of river Sabine, an elliptical teocalli 6 feet high, a mound on the river Trinity, etc.
1	1	Vermont, sculptured rocks at Bellows falls on Connecticut
32	172	Virginia, principally on the Ohio, Kenhaway and Holston
		Near Abington, a circus and mound
		On Clinch river, a late town, with a ditch round it, L.
		On the Ohio, painted rocks near the mouth of King's creek, with figures and letters! mounds near them. Towns near Belleville, Letart's falls, Parkersburgh, Park's bottom, Galipolis, etc.
		On the Kenhaway, 105 circular temples, towns, mounds, etc. one mound is 40 feet high and 420 round
		At Big Grave creek, many mounds, the largest is a conical pyramid surrounded by a ditch, 70 feet high, base 540 feet round, top 180 feet
		At little Grave creek, many mounds, the largest is like that of Big Grave, but 75 feet high
		At Burning Springs, sculptured hieroglyphics on rocks. Many mounds, etc. on the Guyandot, Elk river, Shenandoah, Monongahela, Fluvanna, Rivanna, etc. L.

The actual number of ancient seats of population or sites already ascertained by me, in North America, amount therefore to 541, of which 293 out of Kentucky, and 148 in Kentucky, while the ancient monuments found in those sites amount already to 1830, of which 505 in Kentucky and 1325 out of it.

If by my researches during 4 years, I have been able thus to increase the knowledge of the number of ancient sites and monuments in the single State of Kentucky, from 25 sites to 148, and from 100 monuments to 505: it is very probable that when equal industry will be exercised in the other States, that number will be more than doubled; since I entertain no doubt that 1000 sites and 4000 monuments exist still in the United States, exclusive of Mexico, besides the small burrows, and those that have been destroyed.

II. APPENDIX.

CATALOGUE

Of the Authors and Works consulted.

- | | |
|-------------------------------------|---------------------------------------|
| Adair, Hist. of Creeks, etc. | Diodorus, history |
| Adelung, Mithridates, | Douglas, History of North America, |
| Adelung, Fr. Catal. of Languages, | Duponceau, on Amer. Lang. &c. |
| Arrian History. | Duprats, History of Louisiana |
| Archeologia Americana, Vol. 1. | Drake, Cincinnati |
| Asiatic researches, 12 Vol. | Dwight, travels |
| Atwater Antiq. of Ohio | Edwards, West Indies |
| Azara, travels in Paraguay | Edinburgh Review |
| Barrow, travels in China, etc. | Egede, Greenland |
| Barton, Indian languages, etc. | Ellis, travels |
| Bartram, travels in Florida | Filson, Kentucky |
| Beck, Missouri ect. | Forster, travels and observations |
| Boone, adventures in Kentucky | Gage, travels in Mexico |
| Bossu, travels in Louisiana | Garcilago de la Vega, conquest of |
| Boudinot, Has. in the West | Florida, his. of Peru, &c. |
| Breckenridge, Louisiana and memoir | Gebelin, Monde primitif |
| Bruce, Abyssinia, etc. | Gilleland, Ohio Pilot |
| Buffon, Natural History, etc. | Grosier, Histoire de la Chine. |
| Cabot, Discovery of North America | Gumila, Orenoko |
| Campbell, Western Antiquities, etc. | Harmar, West Caledonia |
| Carli, American Letters | Haywood, Tennessee |
| Cartier, travels in Canada | Heckenwelder, hist. of Lenapians &c. |
| Carver, travels in North America | Hearne, travels to North Sea |
| Charlevoix, do. History of Canada, | Hennepin, travels in North America |
| St. Domingo, Paraguay | Henry, ditto. |
| Clavigero, History of Mexico | Herodotus, History |
| Clifford, Letters on N. A. Antiq. | Hudson, travels |
| Colden, History of the Five Nations | Humboldt, travels, researches, &c. |
| Colebrooke, Dissertations on India | Hutchins, North American Map, &c |
| Columbus, travels | Imlay, Letters on Kentucky |
| Condamine, travels in South America | James, Say and Long, travels |
| Cook, travels | Jefferson, Notes in Virginia |
| Cornelius. Memoirs | Jewett, Nootka |
| Castiglione, Viaggi in America | Jones, dissertations on Asia |
| Cramer, Ohio Navigator | Laraye, travels in North America |
| Cumming, travels in the U. S. | Labillardiere, Voyages |
| Cuvier geological works, &c. | Lahontan, travels in N. America |
| Dana Western Gazetteer | Lavoisne, historical Atlas |
| Darby, Louisiana Guide, &c. | Leod, Lewchev Islands |
| Debrizhofer, Abipones | Lewis and Clarke, travels |
| Delisle, Monde primitif, &c. | Leyden, languages of India |
| Delametherie, Geology | Loskiel, Missions of N. America |
| Depons, Caraccas | Mackenzie, travels in N. America |
| Dictionnaire historique | Madison, Memoir on Am. Antiq. |
| D'Histoire Naturelle | Massachusetts, Historical collections |

- Marsden Sumatra and Malays
- Meares, travels
- Mellish travels and Maps
- Mitchill, Dissertations, &c.
- Nøigæon, voy. de Pythagore
- New York Hist. Collections
- North American Review
- Nuttall, travels to Arkansas
- Oldmixon, North America
- Officer, travels of an
- Olivet, new translation of Sepher.
- Origine des Loix, des Sciences et des Arts
- Pages, travels round the world
- Pallas; travels in Russia &c.
- Parry, travels
- Pennant, Artic Zoology
- Pernetty, Falkland I.
- Peron, travels
- Pérouse, travels
- Pickering, Indian languages
- Pike, travels in North America
- Pinkerton, Scythians, fossils, &c.
- Plinius, Natural History
- Pownal's Map, &c.
- Proud; History of Pennsylvania
- Ptolemy, Ancient Geography
- Quarterly Review
- Rafinesque, Manuscripts of Tellus,
 - Ancient history of North America,
 - Antiquity of North America, Ge-
 - neral view of the American lan-
 - guages, &c.
- Raleigh, travels
- Ramsay, History of Carolina
- Reland, American languages
- Robin, travels in Louisiana
- Rogers, North America
- Rollin, Ancient History
- Romans' Florida
- Sanford, History of the U. States
- Shermerhorn state of Indians in 1812
- Schoolcraft, travels
- Sibley, travels
- Smith, Narrative
- Smith, History of New York
- Southey, History of Brazil
- Sullivan, History of Maine
- Thomas, travels
- Tonti and Laralle, travels
- Traditions (in Ms.) of the Shaw-
nees, Ottawas, &c.
- Ulloa, travels and researches
- Universal History
- Valancey, Antiq. of Ireland
- Vanegas, History of Californie
- Vancouver, Travels
- Vaetl, on Languages
- Verazanz, travels
- Vespucius, travels
- Volney, various works
- Wilford, researches
- Winslow, comments
- Winthrop, History
- Winterbotham, America
- Zuniga, conquest of Peru.

SUPPLEMENT.

- Annales philosophiques Americaines
- Bozman, History of Maryland
- Burk, History of Virginia
- Cumberland, Origines Gentium
- Franklin, polar travels
- Holmes, American Annals
- Jameson, Hermes Scythicus
- Langsdorf, travels
- Lawson, Carolina
- Long, travels
- Maurice, History of Hindostan
- Philadelphia, philosophical transac-
tions.



THE
HISTORY OF KENTUCKY.

CHAP. I.

Discovery and Settlement.

CONSIDERING history as a record of past events, it becomes to the memory, a store-house of facts; whence, by reference, and induction, the mind may obtain much knowledge for future use; and hence its importance to mankind. In order therefore, that I may contribute means to this end, I have undertaken to write a history of Kentucky. A state, whose name, has been derived, by its present race of inhabitants, from that of a long, deep channeled, and clifty river, called by the Indians, Kan-tuck-kee! which they pronounced with a strong emphasis—and extended to the adjacent forests.

The territory now known by the name of Kentucky, is much enlarged, extending from latitude 36 degrees, and 30 minutes, north of the equator, along the great and turbid river Mississippi, and her fair and gentle connexion, the Ohio, on the west, and north; and with the high and rugged top of the Laurel hill, or Cumberland mountain, on the south-eastward, as far as the Big Sandy river; which terminates its north-eastern boundary, in its whole extent.

The exterior form of this extensive country is reducable to no mathematical definition; its sides are unequal in length; and its line of boundary exceedingly irregular. Its extreme points east, and west, embrace about 7 degrees of longitude; and its extent from north to south, about 2 degrees, and 40 minutes of latitude.

The superficial content of the whole, is supposed to be fifty thousand square miles; it lies in the fifth and sixth climates;

and its longest day is fourteen hours, and forty odd minutes. Its surface is sufficiently undulated, and abundantly channeled by streams of water. The seasons are mild, and the atmosphere healthy. There are many hills, distinguished in consequence of their magnitude, and elevation, by the name of *KNOBS*. Other mountains there are none, exclusive of those immediately connected with the Cumberland mountain; and they have not yet obtained names of distinction.

Six large rivers, but of unequal size, traverse the country; having their sources towards the east, and uniting with the Ohio, on the north-western boundary. These are in order from east, to west, Licking, the Kentucky, Salt, Green, Cumberland, and Tennessee, rivers,—each, affording navigable water for boats, to considerable, but unequal, distances, from the Ohio.

Of the Cumberland river, *KENTUCKY* claims both extremities, but not the whole extent; of Tennessee, only the lower part. The others are entirely embraced within her limits.

This delightful country, and these majestic rivers, from time immemorial had been the resort of wild beasts, and of men, no [1767.] less savage, when in the year 1767 it was visited by John Finley, and a few wandering white men, from the British colony of North Carolina; allured to the wilderness, by a love of hunting, and the desire of trading with the Indians, who were then understood to be at peace. These were a race of men, whose origin, lies buried in the most profound obscurity, the conjectures of the learned notwithstanding; and who, after a long intercourse with European colonists, had not arrived at the shepherd state; of course not practised in the arts of agriculture, or mechanics; but dependant on fishing, and hunting, by the men—and a scanty supply of maize, raised by the women, with imperfect instruments,—for subsistence. Their clothing, they fabricated from the skins of wild animals, and the incidental supply of coarse cloths, obtained from itinerant pedlers, who at times, visited their camps, or towns. Sometimes at peace—but more generally at war, these Indians, however diversified by tribes, may be characterized, as active, vigilant and enterprizing in their pursuits; of a dark red complexion:

black hair, and eyes, straight limbs, and portly bodies; equally crafty, or brave, as circumstances require; and remarkable for the sagacity of their conceptions, and the brevity of their speech.

Besides the distance of this country from the populous parts of the colonies; the almost continual wars with the frontier Indians, and the claim of the French King to the regions of the Mississippi, and Ohio, had prevented all attempts to explore it, by public authority. While SPOTSWOOD, was governor of Virginia, he seems to have taken, *mentally*, a comprehensive view of the vast plain lying between the Allegheny mountains and the Mississippi, and to have recommended a plan for reducing it, into the possession of his Brittanic Majesty. But in this, he was not supported by the court of St. James; and the country remained as before; known only on the English maps, as filling up certain degrees of latitude and longitude; to a much later period.

After the commencement of the war of 1739, between Great Britain and Spain, which soon involved the whole house of Bourbon; the same SPOTSWOOD, who then lived in retirement, was appointed to command the colonial troops; and assured that his favourite project of occupying the regions of the Ohio, should be carried into immediate execution. In this enterprize, it is conjectured he would have been warmly supported, by many of the Virginians; but his death, which soon after took place, again retarded its accomplishment: and the kindling spark of Virginia spirit for military enterprize, was permitted to become extinct, for the want of fuel—which could alone be furnished by the court, or mother country.

The war, which afterwards took place, between Great Britain and France, about the year 1754, in America, carried many of the colonists, to the upper waters of the Ohio; and at the peace of 1763, the British crown was left in possession of fort Pitt. But no attempts had yet been made to explore Kentucky, much less to occupy the country. So far from either, that settlements on the western waters, were prohibited; or restrained to the Ohio company; who directed their views to the north-western parts of Virginia. Whence the settlements

were extended with the recent conquests, even to fort Pitt—at the junction of the Allegheny and Monongahela rivers; whence flows the Ohio.

These circumstances, in connexion with the known tardiness of the human mind, in familiarizing itself with countries, “which the eye hath not seen,” will satisfactorily account for the ignorance which prevailed in Virginia, relative to Kentucky, at the time it was in a manner discovered by Finley, and his party, as already mentioned.

The country, once seen, held out abundant inducements to be re-visited, and better known. Among the circumstances best adapted to engage the attention, and impress the feelings of the adventurous hunters of North Carolina, may be selected the uncommon fertility of the soil, and the great abundance of wild game, so conspicuous at that time. And we are assured that the effect, lost nothing, of the cause. Forests those hunters had seen—mountains they had ascended—vallies they had traversed—deer, they had killed—and bears, they had successfully hunted. They had heard the howl of the wolf; the whine of the panther; and the heart-rending yell of the savage man; with correspondent sensations of delight, or horror: But these were all lost to memory, in the contemplation of Kentucky; animated with all the enchanting variety, and adorned with all the majestic grace and boldness of nature’s creative energy. To nature’s children, she herself is eloquent, and affecting. Never before had the feelings of these rude hunters experienced so much of the pathetic, the sublime, or the marvellous. Their arrival on the plains of Elkhorn, was in the dawn of summer; when the forest, composed of oaks of various kinds, of ash, of walnut, cherry, buck-eye, hackberry, sugar tree, locust, sycamore, coffee tree, and an indefinite number of other trees, towering aloft to the clouds, overspread the luxuriant undergrowth, with their daily shade; while beneath, the class of trees—the shrubs, the cane, the herbage, and the different kinds of grass, and clover, interspersed with flowers, filled the eye, and overlaid the soil, with the forest’s richest carpet. —The soil itself, more unctuous and fertile, than Egypt’s

boasted Delta, from her maternal bosom, gave copious nutriment; and in rich exuberance sustained the whole, in matchless verdure.

Here it was, if PAN ever existed, that without the aid of fiction, he held his sole dominion, and Sylvan empire, unmolested by CERES, or LUCINA, for centuries.

The proud face of creation here presented itself, without the disguise of art. No wood had been felled; no field cleared; no human habitation raised: even the red man of the forest, had not put up his wigwam of poles and bark for habitation. But that mysterious Being, whose productive power, we call Nature, ever bountiful, and ever great—had not spread out, this replete, and luxurious pasture, without stocking it with numerous flocks, and herds: nor were their ferocious attendants, who prey upon them, wanting, to fill up the circle of created beings. Here was seen the timid deer; the towering elk; the fleet stag; the surly bear; the crafty fox; the ravenous wolf; the devouring panther; the insidious wild-cat; and the haughty buffaloe: besides innumerable other creatures, winged, four-footed, or creeping. And here, at some time unknown, had been, for his bones are yet here, the leviathan of the forest, the monstrous mammoth; whose trunk, like that of the famous Trojan horse, would have held an host of men; and whose teeth, nine feet in length, inflicted death and destruction, on both animal and vegetable substances—until exhausting all within its range, itself became extinct. Nor is it known, although the race must have abounded in the country, from the great number of bones belonging to the species, found in different places, that there is one of the kind living on the American continent, if in the universe.

Such were the aspects which Kentucky exhibited, when, in 1767, it was seen by John Finley and his comrades. They traversed the boundless scene, with sensations of wonder and delight, never known by them before: and thence returned home the same year, to give to their friends, an account of the new Eden, which they had found. Their narrative excited much curiosity, some belief, and not a little doubt; but raised

up no immediate adventurers, for the pathless wilderness which intervened; and the yet darker forests, which overshadowed, the promised land.

At this time the name of Kentucky, was but faintly heard in the eastern parts of Virginia. Nor is it known that any one, from that colony, had ventured across the great Laurel ridge—which then seemed to bound her western prospect, as well as territory. It is true that Doctor Walker, a gentleman of Virginia, of more than common intelligence and enterprize, had, about the year 1753, led a small party to explore Powell's valley, on the east of the aforesaid ridge, which he called Cumberland mountain; a break, or depression in the height of which, attracted his attention, and received the name of Cumberland gap. On this tour, the Doctor obtained some intelligence that the Ohio was to be reached at no great distance, in a north-eastward direction; and he determined to make it a visit, in his route home. His party consenting to accompany him, they steered for the Cumberland gap, which they passed through, and descending the mountain, which had afforded to them the perspective of a new region, found at its base, a large river; but not to be mistaken for the Ohio; and on this, the Doctor bestowed the appellation of Cumberland, also. The Duke of Cumberland, in mother England, being with him, a favourite character, at the time.

Under the impression that the Ohio was to be found east of north, he took an erroneous course, which kept him in a rough and mountainous country, until having passed the Kentucky river, which he named Louisa, he came upon Big Sandy: having escaped the beautiful Ohio, and the fertile regions of the west, no less worthy of enlightened curiosity. Thence he returned home, after a journey of prodigious labour, and difficulty, as ignorant of Kentucky, as if he had remained at rest; with such an idea of the country, that he did not again attempt to explore it. Nor was his representation of it, calculated to excite others, by any other motive than curiosity; the gratification of which, was restrained, by apprehended privation, labour, and danger, to be incurred, by the attempt.

The country beyond the Cumberland mountain, still appeared to the dusky view of the generality of the people of Virginia, almost as obscure, and doubtful, as America itself, to the people of Europe, before the voyage of Columbus. A country there was—of this, none could doubt, who thought at all: but whether land, or water, mountain, or plain, fertility, or barrenness, preponderated; whether, inhabited by men, or beasts, or both, or neither, they knew not. If inhabited by men, they were supposed to be Indians; for such had always infested the frontiers. And this had been a powerful reason for not exploring the regions west of the great mountain, which concealed Kentucky, from their sight.

The tradition of McBride's having cut his name on a beech tree at the mouth of the Kentucky river, with the figures 1754, had not then reached Virginia. Nor, if it had, would it have thrown any light on the interior of the country; of which, the same ignorance would have remained, as after the canoe voyages of the Indians, or Frenchmen, up and down the Ohio. The prevailing rumors were derived from Indian intelligence, as to the existence, extent, fertility, and what little else was known. But this narrative, besides, that it came from heathen, and enemies, who were then thought unworthy of belief, was confused, deficient, and unsatisfactory.

The great body of the people in the colony, knew nothing about the real situation of the country, now called Kentucky. And they heard it spoken of, as though its existence were doubtful, or as a tale told in romance, to amuse the fancy; rather than to inform the judgment, or stimulate the mind to enterprize. Even the bold, and hardy hunter, of the wild beasts of the forest, had not yet ventured to explore it for game, his favourite pursuit.

[1769.] Two years after the return of Finley, to North Carolina, some of the first adventurers again visited the country, with Daniel Boone; who will be made known in the progress of this history. Of John Finley, except that he was the pilot of Boone, and it is a subject of regret—nothing more is known. Were it permitted to indulge the imagination, in

drawing a portrait for this man—the first to penetrate and explore, a remote and savage country—strength of body, and vigour of intellect, the necessary basis, of bold conceptions, and successful enterprize, would form the prominent features of its foreground. But to the historian destitute of facts, silence supersedes commentary.

The party with Daniel Boone, remained a longer time in the country, than Finley's party had done; and they traversed its different sections more generally. They discovered its variety of soil, and surface—they ranged through its forests—and they found its different rivers—and by pursuing the trodden paths, and roads, made by the wild beasts, particularly the buffaloe, which lay in their way, they were led to many of the salt springs; at which salt has been since made for the consumption of its present inhabitants; and to which the animals generally resorted for the use of the salt; so necessary to health and vigour:—this was obtained by drinking the water, or licking the earth, saturated with that precious mineral.

Nor did the party with Boone, who was its leader, remain much longer ignorant of another fact, of equal importance to any before discovered. It was, that notwithstanding there were no human habitations, in the country, for the hospitable reception of the stranger, yet it was the hunting ground, and often the field of battle, for the different neighbouring tribes of Indians, from the north, the west, and the south. Possessed, by none of these, for residence, or cultivation; the country was claimed as the property of some, which however, was disputed by others; while all considered it the hunting ground, or common park, where each were to kill what game they pleased.

Here, these savage, but dexterous hunters, often met—and here, they often fought each other, for the skins of the beasts, which they had killed; to them, their greatest riches: or else, to prevent, and drive each other, from killing such as remained, and were to remain to the conquerors.

In consequence of which, and because these combats were frequent,—the country being thickly wooded, and deeply sha-

ted—was called in their expressive language, THE DARK, AND BLOODY GROUND.

[1770.] In the year 1770, a rumour of the recently discovered region of Kentucky, having reached the western settlements of Virginia; a spirit of enterprize was excited in the people on New river, Holsten, and Clinch—whence originated an association of about forty stout hunters, for the purpose of trapping, and shooting, game, west of the Cumberland mountain. Equipped, with their rifles, traps, dogs, blankets—and dressed in the hunting shirt, leggings, and moccasons, first having taken leave of their friends—they commenced their arduous enterprize, in the real spirit of hazardous adventure, through the rough forest, and rugged hills, which lie in the neighbourhood of this mountain; which they crossed at the known gap, and thence saw, and entered, a new region to the westward—not doubting, they were to be encountered by Indians, and to subsist on game.

Nine of this party, led on, by the present, Colonel James Knox, reached Kentucky; and from the time they were absent from home, obtained the name of THE LONG HUNTERS. The rest of the party, either killed by the Indians, or fearing to encounter the increasing danger and fatigue of the tour, saw not the interior of the country; and are no more to be noticed. But the party with Knox, pursuing a direction north of west, penetrated the country south of the Kentucky river; and making an irregular, yet extensive range through its different parts, became acquainted with Cumberland, and Green, rivers: and thence returned to their former habitations, with the experience of many hardships, and difficulties; in addition to a goodly stock of knowledge of the southern regions of Kentucky, to compensate them for other privations.

The return of this party, contributed to diffuse a knowledge of the objects they had seen, and was the cause of rousing others, to engage in a like enterprize. Which, it may be remarked, was attended with vastly more difficulty, than it would be at present to explore an adjacent country. When the whole continent seems to be known; and congress is debating

about the permanent occupation of the mouth of the Columbia river, on its opposite coasts. Not an unapt illustration of the expansion of mind, as well as of the growth, which takes place among colonies, converted into free states.

There is no tradition of Boone, and Knox, ever meeting in these early excursions—or of their ever knowing that each other were in the country, at the time. The latter, judiciously profited of the knowledge he had acquired—became an early settler—and engrossed a competent share of the rich soil, to render him independent. The former, possessing a different disposition, and taking another view of things, has participated a different fate. Knox acquired affluence, and ease—while Boone, remained, a hunter, and poor.

In the mean time, FAME, who like ENVY, never ceases to busy herself with the affairs of men, had flown through the colonies, with the name and description of Kentucky; which she embellished, by her invention; and blazoned from her wide-mouthed trumpet, “of various note.” Thus was curiosity excited in Virginia, and elsewhere; and the minds of the people more familiarized to the dangers, of exploring those unknown regions beyond the habitations of the western settlers; and the great Cumberland mountain.

In more northern latitudes, some of these objects were better known; the last war in Canada, between Great Britain and France, had led many of the colonists, to the upper waters of the Ohio; and by an association of ideas, to contemplate, the country below. But of that knowledge of Kentucky, which proceeds from visual observation, even those were not possessed—nor is it known that any adventurers down the Ohio, had returned so early as 1767, the time that Finley, visited the country, with any intelligence from Kentucky. But causes were in operation, which unavoidably led to a full discovery; and the consequent settlement, of the country.

The peace of 1763, secured to Great Britain, the right of territorial sovereignty, to the country on the east of the Mississippi, comprehending Kentucky, to which France, had previously asserted the paramount right of territory, and domi-

nion. The change of this right of dominion, whether imaginary, necessarily facilitated the transmigration of British colonists from their Atlantic settlements, to the newly acquired territory, on the western waters.

Another circumstance of direct influence upon the fuller discovery, and future settlement of the country on the Ohio, was the bounty given in the western lands, to the officers, and soldiers, of the Virginia troops, who had served in the British army, in the war of Canada.

These lands, were to be surveyed, on the waters of the Ohio, by the claimants; whose business it was to select them. The great Kenhawa, a large branch of the Ohio, having its sources in North Carolina, and bearing a northward direction, flowed through Virginia, at the western foot of the Allegheny mountain, where it was called NEW RIVER, had been explored, and previously settled, by Virginians. On this river, whose banks were both fertile and commodious for cultivation, some of these bounty lands had been surveyed, as early as 1772. The next step was to the Ohio—nor was that long suspended. In 1773,

[1773.] several surveyors were deputed, to lay out bounty lands on that river. They descended the Ohio from fort Pitt, to the rapids, or falls, of that river, in 38 degrees, 3 minutes of north latitude. Thence they explored the adjacent lands on the Kentucky side, for some distance in various directions—executed surveys, on several salt licks, and other choice places—and returned home, delighted with the country.

About the same time, General Thompson, of Pennsylvania, also descended the Ohio, to the mouth of Cabin creek; and thence made an extensive connection of surveys; covering the rich lands on the north fork of Licking river.

[1774.] In 1774, other surveyors were sent to the Ohio on the like business—and pursuing the same route, as those of the preceding year, they landed at the Rapids, and thence travelled up the country, on both sides of the Kentucky river, as high as Elkhorn, on the north, and Dick's river, on the south; making surveys occasionally as they progressed, up each river and creek.

There were yet, no families moved into the country, nor any permanent residence commenced; but in the course of this year, a cabin was built at Harrodsburgh; since so called, from James Harrod, who had led a party of Monongahelians to that place. There, they made a stand—and there, the hunters, and surveyors, took refuge, from the inclemency of the weather, or the fury of the Indians, then at war. Hostilities having been openly proclaimed between the tribes north-west of the Ohio, and the Virginians; the adverse armies, met at the mouth of the great Kenhawa; and after a severe battle, which terminated in favour of the Virginians, the enemy fled home, and the victors called the field of action, *POINT PLEASANT*: Whence many of the soldiers, returned to their residence, in the south-western parts of the colony, by the way of Kentucky.

Governor Dunmore, then commanding the main army of militia, who had not been in the action of the Point, marched into the Indian territory; where, soon after, peace was made, between him, and the savages. With returning peace, the surveyors returned to Kentucky; and in this year, and the next, completed the execution of their commissions.

[1775.] In 1775, the people of Virginia, and the neighbouring colonies, being much better informed, than before, of the circumstances of Kentucky; and apprehending less danger from the Indians, in consequence of the recent peace; repaired to the country, in various small parties, for the purpose of selecting tracts of land, for improvement, and future settlement.—These improvements were made without intention of continued occupancy; and consisted principally, in cutting the underbrush, and belting the larger trees—to which, was sometimes added a log pen, called a cabin; with open top, or bark cover; as the foundation of future claim. Upon the approach of winter, these adventurers generally returned home; and contributed by extending information of the country, to rouse up other adventurers—who, the next summer, made a like visit, for similar purposes; and after making the usual improvements, also returned home.

However, in this year, 1775, a few permanent settlements were made—particularly at Harrodsburgh, and Logan's camp, afterwards called St. Asaphs, near the present Standford, under the auspices of Virginia; the settlers being generally from that colony—besides the settlement at Boonesborough; which was made under the influence of Henderson, and company, from North Carolina: all of which are to be more particularly noticed.

During the interval between the return of Daniel Boone from Kentucky, in 1771, and this period, he had not been either silent, or inactive. The accounts, and descriptions of Kentucky, first circulated by Finley, and his little party, and afterwards authenticated, and enlarged by Boone; had reverberated through North Carolina, awakened the attention, and excited the cupidity, of Col. Richard Henderson, and others; who, anticipating in their minds, the immense riches to be amassed by the acquisition of the country on the south side of the Kentucky river, (then claimed as far as the Tennessee river, by their neighbours, the Cherokee Indians;) determined, in order to colour the possession, which they contemplated taking of that vast region, to make a purchase of it from the Indians; and then force the settlement, and occupancy, of the territory. For these purposes, having first associated themselves, and brought about the necessary treaty with the claimants; the purchase was accordingly effected—a deed executed—and in the same year, (1775,) possession taken, at Boonesborough—so called after Daniel Boone, who had been the principal, though not the first harbinger of the new world—the agent, in making the purchase from the Indians; and the leader of the *first colony*, to the bank of the Kentucky river.

Henderson, and his associates, now considering themselves, the proprietors of this spacious, and fertile territory, opened an office for selling out the lands to purchasers; to whom they proposed making deeds, in virtue of their Indian title.

Whether the gentlemen of this association were ignorant of the Virginia charter; or supposed it to give no pre-emptive right of purchase from the Indians; or whether they were en-

couraged to this act of aggression on the sovereignty of the colony, by the increasing difficulties, and beginning war, between Great Britain, and her American subjects, is not certainly known. But whatever the principles were upon which they reconciled these transactions to themselves, or expected to justify them to the world, they seemed determined to persevere; and not only encouraged people to settle on the lands, by offering bounties, but actually made deeds to sundry purchasers, for specific tracts.

The most flattering prospects of wealth and power, now presented themselves to the associates, when an account of their proceedings, was transmitted to the public functionaries of Virginia; whence arose rumours, and murmurs, of the most inauspicious nature, to their future success.

Virginia, hitherto, under some restrictions from the crown of Great Britain, as to her western territory; or occupied by the momentous contest then existing between the mother country, and her colonies, on the subject of taxation; had paid but little attention to Kentucky; so late the residence of wild beasts only—or the resort of Indians still more wild and untractable. The next year however, changed the state of the case. Congress, having adopted the declaration of independence, for which Virginia, in feeling, and sentiment, had been previously prepared; she took the decided attitude of a free, independent, and sovereign, state; formed a constitution of government—and asserted her territorial rights, to be co-extensive with the limits of her royal and colonial charter of the twenty-third of May, 1609, by James I., of Great Britain. Within these limits which extended from the Atlantic, to the Pacific ocean, she asserted the exclusive right of purchasing the soil from the aborigines.

In pursuance of these principles, the legislature, afterwards declared the purchase made by Henderson and company, utterly null, and void, as it related to them; but effectual as it related to the extinguishment of the Indian title: which consequently devolved on the state; in whom was vested the paramount right—and exclusive privilege, of purchase, from the Indians.

Thus vanished the golden dream of Colonel Henderson and his speculating associates: and an incalculable fund of future wealth, jurisdiction, and power, was acquired by the commonwealth; without any advance of money, or exertion of physical force on her part. Henderson and his companions, were however deemed worthy of compensation; and a tract of two hundred thousand acres of the same land, was assigned to them, by law, at the mouth of Green river.

With this grant, the associates became satisfied: and the settlers under them in the other parts of the country, universally acquiescing in the authority of Virginia; they all henceforth looked up to her for their titles, and protection.

In the interim, the legislature also confirmed a purchase made by Colonel Donaldson, of the country north of the Kentucky river, from the Six Nations; which for a time had been improvidently slighted.

Thus, was the Indian title, to the whole of Kentucky, north of the Tennessee river, extinguished by purchase: which reconciled the demands of justice, with the dictates of sound policy, on the part of Virginia—who, now stood high, in the estimation of her sister states, for patriotism—for population—for talents—and for riches: extending her territorial dominion, and settlements, to the Ohio; eight hundred miles from the Atlantic.

CHAP. II.

Incidents relative to the First Settlers, Biographies, &c. prior to 1776.

HAVING ascertained the commencement of several permanent settlements in Kentucky, in 1775—the attention of the reader will now be turned more particularly on those adventurers, by whom the first families were led into the wilderness—the first strong holds built—and the country first occupied, in the birth of her white population.

To appreciate the merit of an enterprize, we should have in view the difficulties which opposed its execution. Thus it is, we judge of Cecrops, the founder of Athens—of Cadmus, of Bœotia—and of Danaus, of Argolis: Thus it is, also, that eulogiums have been multiplied, or enhanced, on Romulus, and his hardy followers:—In a similar manner, we speak of the first settlers in America. No less than those, have Boone, and others hereafter to be named, merited the appellation of founders: no less than those do they deserve the notice of posterity.

Among the first of these was Daniel Boone; who did not, like Moses, of Egyptian memory, find himself the leader of a host of armed followers; impelled by the fear, or love of the Lord, to obey his commands, in a journey through the wilderness; while he traversed one equally as extensive, and as savage, as that of Zin. His attendants were his voluntary comrades; who without a miracle, reposed their confidence in his sagacity, and fortitude. Besides, the names of those heroes, and legislators of antiquity, have been transmitted to us by the pens of profane historians, or poets; who availing themselves of the fictions of past times, have amplified and embellished, their subjects with all the inventions of genius, and all the graces of oratory, and of poetry; or else, under the influence of divine inspiration, the *Prophet* of the Israelites, has astonished us with the narrative of the wonders which he wrought,—and which has been handed down to posterity, as miracles. But Daniel

Booné, yet living, is unknown to his full fame. From the country of his choice, and of his fondest predilection, he has been banished, *by difficulties he knew not how to surmount*—and is now a resident of the Missouri, a Spanish territory.* Nor will the lapse of time, in which fancy often finds her store-house of materials for biography—much less the rigid rules of modern history, permit the aid of imagination, to magnify his name with brilliant epithets; or otherwise adorn, a narrative of simple facts. Yet history shall do him justice; and those who come after him, may balance his relative claims, to the regards of posterity.

The ancestors of Daniel Boone, resided in Maryland, where he was born, about the year 1746. More of a Nimrod, than a Joshua, as he grew to manhood, he sought the wild game, with his gun, and found out the place for his city, which he built, and peopled—before he ruled.

From his boyhood, Boone, discovered, a strong prepossession for hunting, and ranging the uncultivated parts of the country. And to this disposition may be ascribed his removal, without his parents, to Virginia; and thence to North Carolina, recently settled, where he went; in both instances as a hunter, to countries abounding at the time, with wild game, of different kinds.

Without the incumbrance of worldly goods, to give him local attachments; and without the illumination of science to enable him to shine in society; at the age of eighteen, he found himself possessed of high health, and a vigorous constitution; supported by great muscular strength, and nervous activity. What if his heart did ache, when he bade farewell to his native home? His sole reliance for support, was on his own arm; and that had been taught, rather to poise the rifle, than to use the plough. He delighted to chase on foot, the wild deer: and this propensity had often led him to places remote from the habitations of men. Accustomed to be much alone, he acquired the habit of contemplation, and of self-possession. His mind was not of the most ardent nature; nor does he ever seem to

* He is since dead.

have sought knowledge through the medium of books. Naturally, his sagacity was considerable; and as a woodsman, he was soon expert, and ultimately, supereminent. Far from ferocity, his temper was mild, humane, and charitable; his manners gentle; his address conciliating; his heart open to friendship, and hospitality. Yet his most remarkable quality, was an enduring, and unshakeable fortitude.

It was on the first of May, 1769, that Boone, then the father of a family, made a temporary resignation of his domestic happiness, to wander through the rough and savage wilderness, bordering on the Cumberland mountain, in quest of the far-famed, but little known, country of Kentucky. In this tour he was accompanied by John Finley, John Stewart, Joseph Holden, William Coole, and James Monay. On the seventh of June following, after a journey of five hundred miles, and nearly the half of it destitute of a path, they arrived on Red river, where Finley had formerly been, as an Indian trader. Here, the party determined to take repose after their fatigue; and made themselves a shelter of bark, to cover their heads from the showers of the day, and the cold dews of night. It was in an excursion from this camp, that Daniel Boone, first saw with wonder, the beauties, and inhaled with delight, the odours of a Kentucky summer, on the plains of Licking, Elkhorn, &c. It was also in one of his peregrinations from a second camp, that Boone, and Stewart, rising the top of a hill, encountered a band of savages. They made prisoners of both, and plundered them of what supplies they had. Seven days were they detained, compelled to march by day, and closely watched by night; when as a consequence of their well dissembled contentment, the Indians resigned themselves to sleep, without a guard on their captives; and they, made their escape. Boone, and his companion, once more at large, returned to their former camp, which had been plundered, and was deserted by the rest of the company; who, alarmed by the appearance of the enemy, had fled home, to North Carolina.—About this time Squire Boone, the brother of Daniel, following from Carolina, came up with him, and furnished a few necessa-

ries; especially some powder and lead, indispensable to their existence.

Soon after this period, John Stewart, was killed by the Indians; and the two Boones, remained the only white men in the forests of Kentucky. They continued during the succeeding winter the only tenants of a cabin, which they with tomahawks, erected of poles and bark, to shelter themselves from the inclemency of the season.

The death of John Stewart, being the first perpetrated by the Indians, on the white adventurers in Kentucky, deserves to be particularly commemorated. Upon this subject, a few facts only, have been preserved by tradition. It was in 1769, after Squire Boone had joined his brother, and Stewart, who had recently been prisoners with the Indians, that those barbarians, becoming more hostile, had recourse to death, instead of bondage, as the surer method of getting rid of their new rivals in the art of hunting. As Boone, and his companions, were traversing the forest just disrobed of its foilage, they were suddenly met on the side of a cane-break, and immediately fired on by a superior party of Indians. John Stewart received a mortal wound, and fell; while his comrades, incapable of assisting him, immediately fled. An Indian, as their custom had been from time immemorial, rushed upon the fallen victim; and winding one hand in the hair, on the crown of his head, with a large knife in the other, took off the scalp, which left bare his skull. At many other times, and places, was this barbarous scene enacted on the heads of our adventurous countrymen; and well did they repay the savages, "in their own coin;" as in the sequel will be shewn. But this is man's characteristic—he "will do unto others, as they do unto him." And it is owing to a refined benevolence, or a christian precept, that he is taught otherwise. For it is a fact, that may be committed to history, that white men, calling themselves civilized, and even christians, in their wars against the Indians, became themselves, Indians in practice; and did those things, without remorse; of which, in other cases, they would have been ashamed, and repented; as it is hoped, and believed.

In May, 1770, Squire Boone returned to North Carolina, leaving Daniel, without bread, or salt, or even a dog to keep his camp.

Never was a man in greater need of fortitude, to sustain his reflections; nor ever reflections more natural, or without crime, more poignant, than were those of Boone. He cast his eyes towards the residence of a family always dear to him—he felt the pang which absence gave—he heaved the sigh which affection prompted—his mind was beset with apprehensions, of various dangers—despondence stood ready to seize on his soul: when, grasping his gun, and turning from the place, he reflected as he proceeded, that Providence had never yet forsaken him; nor, thought he, will I ever doubt its superintending beneficence. No man have I injured, why should I fear injury from any? I shall again see my family, for whom I am now seeking a future home; and happiness, the joy of the meeting, will repay me for all this pain. By this time, he had advanced some distance into the extended wood; and progressing, gained an eminence; whence looking around with astonishment—on the one hand he beheld the ample plain, and beauteous fields; on the other, the river Ohio, which rolled in silent dignity, marking the north-western boundary of Kentucky, with equal precision, and grandeur. The chirping of the birds, solaced his ears with music; the numerous deer, and buffaloe, which passed him in review, gave dumb assurance that he was in the midst of plenty—and cheerfulness once more possessed his mind.

Thus, in a second paradise, was a second Adam—if the figure is not too strong—giving names to springs, rivers, and places, before unknown to civilized white men; or others, known to modern times—if any such there were.

Squire Boone, returned in the month of July; and the brothers met at the old camp, as it had been concerted between them. The two, in this year traversed the country to the Cumberland river; and in 1771, returned to their families, determined to remove them to Kentucky. But this was not immediately practicable.

About the month of September, 1773, Daniel Boone sold his farm on the Yadkin, bade farewell to his less adventurous neighbours, and commenced his removal to Kentucky, with his own, and five other families. In Powell's valley he was joined by forty men, willing to risk themselves under his guidance. The party were proceeding in fine spirits, when on the tenth of October, the rear of the company was attacked by a strong ambuscade of Indians, who killed six of the men; and among them, the eldest son of Boone.

The Indians were repulsed, and fled; but in the mean time, the cattle belonging to the sojourners were dispersed; the relatives of the deceased greatly affected; and the survivors generally, so disheartened by present feelings, and future prospects, that it was thought best to retreat to the settlement on Clinch river; distant about forty miles: which was done, in good order, without further molestation. This being accomplished, Boone remained on the frontier with his family, a hunter still, till June, 1774. By this time he was made known to the governor of Virginia, and solicited by him, to repair to the rapids of the Ohio, to conduct from thence a party of surveyors whose longer stay was rendered peculiarly dangerous—by the increasing hostility of the northward Indians.

This service was undertaken by Boone, who with Michael Stoner, as his only companion, travelled the pathless region between—reached the place of destination with great celerity, considering the difficulty of travelling without a path, found the surveyors, and piloted them safely home, through the woods—after an absence of two months.

This year, there were open hostilities with the Shawanees, and other northward Indians, as already intimated; and Boone being still in Virginia, received an order from the governor, to take the command of three contiguous forts, on the frontier; with the commission of captain.

The campaign of that year, after the battle at the Point, terminated in a peace, as heretofore stated; and the militia sent to the frontier garrisons or stations, were discharged. Captain Boone being now at leisure, and Colonel Henderson and com-

pany, having matured their project of purchasing from the southern Indians the lands on the south of the Kentucky river, as has been mentioned, he was solicited by them to attend the treaty to be held for that purpose. Their messenger, delivering to him, full instructions, and authority, on the subject—Boone accordingly attended at Wataga, in March, 1775; met the Indians, and made the purchase, as previously indicated. It having been also resolved to settle the purchased territory, Boone was looked to as the most proper person to conduct the enterprise. A way was first to be explored and opened; at the request of the company, this was undertaken, and executed, by him, from Holsten, to the Kentucky river. The greater part of the route was extremely difficult; being much encumbered with hills, brush, and cane, and infested by hostile Indians; who repeatedly fired on the party, with such effect, that four were killed, and five wounded. They had however, a determined leader, who being well supported, conducted them to their object. Being arrived on the bank of the river, in April, 1775, Boone, with the survivors of his followers, began to erect a fort at a salt spring, or lick, where Boonesborough now stands. While building this fort, which employed the party, rendered feeble by its losses, until the ensuing June, one man was killed by the savages; who continued to harass them during the progress of the work. A fort in those days, consisted of a block-house, and contiguous cabins, enclosed with palisades. This being done, Boone left a part of his men in the fort; with the rest, he returned to Holsten: Thence he proceeded to Clinch; and soon after moved his family to the first garrison in the country—as his wife, and daughter, were the first white women ever known in Kentucky.

Captain Boone, having given to the new population of Kentucky, a permanent establishment, and placed his own family in Boonesborough, felt all the solicitude of one in his situation, to ensure its defence, and to promote its prosperity. In future, he will be found always in his duty, and worthy of the samples already given.

The subject next in order, is the leader, and patron of the first settlers at Harrodsburgh. Than whom, a man more beloved by his followers, trod not those sylvan scenes. Nor is it ungrateful to history to receive into her pages, a narrative of humble merit; or the traits of a worthy character, however obscure the origin of its subject.—What is any man's worth, but what he, himself, has made?

Among the hardy sons, of that hardy race of men, denominated woodsmen, and hunters, was James Harrod. No less a soldier, than a hunter;—from Kentucky, in 1774, on his return home, he joined Colonel Lewis, and with his followers was in the battle at the mouth of the Kenhawa: the next year he returned to the place of his choice—the site, of Harrodsburgh—and there established himself.

James Harrod was a man six feet high, well proportioned; and finely constructed, for strength and activity. His complexion was dark; his hair and eyes black; his countenance animated; his gait firm, his deportment grave; his conversation easily drawn out, but not often obtruded; his speech was mild, and his manners conciliating, rather by the confidence they inspired, than any grace, or elegance, they displayed. Yet, could he but imperfectly read, or write. Indeed, it was not letters he learned—nor books he studied.

And it may be asked, what there can be in the character of such a man, that merits the notice of an historian. It is true indeed, that the knowledge of letters—the perusal of books—and what is called an education—furnishes, enlightens, and enlarges the mind; and brings into action with multiplied advantages, those qualities both physical, and mental, which nature gives to men. But it cannot be affirmed that education creates any new organ, or faculty of the soul, or gives a quality not otherwise inherent. Before the establishment of schools—and before the term, education, was even known: aye, before letters were invented; or books, or pens, were made—the human heart, was the seat of kindness—of generosity—of fortitude—of magnanimity—and all the social virtues. The mind of man, in unison with his feelings, by a primeval decree, taught

him *justice*; the first in importance, of human virtues, which it cherished, by reflections on the beneficent effects of doing unto others, as he would that others, should do unto him. This is the precept of nature.

Then without knowing how to read, or to write, James Harrod, could be kind and obliging to his fellow men—active, and brave, in their defence—dexterous in killing game, the source of supply, and liberal in the distribution of his spoils—he could be an expert pilot in the woods, and by his knowledge guide his followers to the destined point, with equal certainty, and safety. In fine, he could be a captain over others as illiterate as himself; and less endowed with the useful, and benevolent qualities, of the heart, and of the head. And he was so. He was vigilant, active, and skilful. With his rifle, he killed the deer, the bear, and the buffaloe—and with this, he was always ready to defend his country, and companions, against the Indians. And these were acts of merit.

At Harrodsburgh, news was brought him, that the Indians had surprised a party, four miles hence, and killed a man:—"Boys," says he, to those about him; "let us go and beat the red rascals." And accordingly, he snatches his gun, always ready, and runs at the head of his party. He hears, that a family are in want of meat; he takes up his rifle, repairs to the forest—kills the needful supply—and presently offers it to the sufferers. A plough horse is in the *range*—a pasture without bounds—and the owner, not yet used to the woods, or apprehensive of the danger attending the research, says to Harrod, "My horse has not come up: I can't plough to-day." "What kind of horse is yours?" enquires he. The answer is given—Harrod, disappears—and in a little time, the horse is driven to the owner's door. These traits not only portray the character of Harrod, but they also delineate the circumstances of the country. Therefore they belong to this history. A man, may be useful without book learning—and usefulness is merit.

But a fort, was too circumscribed a field for the active disposition of James Harrod. To breathe the fresh air of the

Forest—to range the open fields, and to hunt the wild game; to trap the otter, the beaver, and the wolf; were more congenial to his feelings, and occupied the most of his time. He was nevertheless actively engaged in the defence of the country, on several expeditions into the Indian territory; as well as on various scouts, and exploring excursions on the frontiers: In these the dexterity of the woodsman, and the bravery of the soldier, were conspicuous, and useful. There was no labour too great for his hardihood, no enterprise too daring for his courage. His comrades knew his personal worth; the public acknowledged his services. The rank of colonel, which was conferred on him, is a durable testimonial in his favour. After the country became extensively populated, and when the husband and father, of a family, and in circumstances to have enjoyed every social comfort—such was the effect of habit, or of an original disposition ever predominant—that Harrod would leave his home, and domestic comforts, repair to the distant unsettled parts of the country, and remain for weeks at a time, obscured in the forests, or buried in the midst of knobs. On one of these expeditions, he lost his life. But whether by natural death, the fangs of wild beasts, or the tomahawk of the savage, is not known. He left one daughter; and with her, an ample patrimony in the rich lands of the country.

If he, who leads a party under any description, can be said to want ambition, James Harrod, seems to have been free from that passion. Simple in his manners—frugal in his diet—independent in his sentiments—open in his councils—complying in his conduct—seeming to command, because always foremost in danger—destitute of art, and when without public authority—he, nevertheless, had a party. Not because he wanted one; but because, it, wanted him. For wherever the social principle exists, when men are surrounded by danger, they seek from instinct, a leader, to concentrate their force, and to direct their enterprises; especially of protection, and self defence. And this leader, is their favourite companion—the man in whose courage, skill, and perseverance, they have the most implicit faith.

Had Colonel Harrod lived, he never would have entered into the intrigues, and contests of political life; not because he was illiterate—but because he disliked the task and drudgery of a political partisan; and never had indulged a disposition for such versatile conduct, as is practised in that department. If he ever submitted to be a leader, it was of a hunting, or military band; and because he saw himself surrounded by willing friends, whose safety he regarded, as his own; and whose obedience was as voluntary, as their affection was spontaneous—beloved, he was distinguished, honoured, and obeyed.

Born free, and accustomed to order, and controul his own actions, one passion predominated; and that was, a love of liberty. What he was himself, he wished every other human creature to be,—a free man. Raised up in the habits of a hunter of the wild game, he sought their haunts; and found more pleasure in pursuing them through the thicket, or alluring them to his trap, than in controuling the actions of beings like himself. His birth, his education, his mode of living, undoubtedly it is, which attaches the Indian to his native forests; and which induces him to prefer the savage, to the civilized state of men.

The love of personal liberty, among the strongest passions known to the human breast, will account for the indefinite, and almost perpetual state of savage life, from which the American Indians, are with so much difficulty reclaimed—for which Harrod, languished; and to which he so often returned, from the busy scenes, and social haunts of men, to pursue in solitude his favourite objects. But James Harrod, will be remembered, with affection, and regret, by the last of his comrades, while this memorial of his merits, will descend to posterity.

Of the other adventurers, who first settled at Harrodsburgh, where, most were brave, and active, it may be said with truth, that for enterprising and daring courage, none transcended, Major Hugh McGary. A Harland, a McBride, and a Chaplain, deserve also to be mentioned, with applause.

Among the young men, none were more entitled to distinction, and to praise, for active and meritorious services, than James Ray. Who ready upon all occasions of alarm—prompt in the pursuit of the enemy—and brave in the field of battle, hardly ever missed a skirmish in the neighbourhood, or an expedition into the Indian country: while his more humble services as a hunter, and spy, no less exposed him to danger, than they endeared him to the feelings, and remembrance of his cotemporaries.

Compelled to limit notices which affect individuals only; it is nevertheless thought that no apology is necessary, for the following details, respecting the family of McAfee.

As early as 1773, James, and Robert, McAfee, left their residence in the county of Botetourt, Virginia, to seek a future home in the wilds of Kentucky. They arrived in the country that year; explored it extensively, and fixed on lands adjoining to Salt river, five or six miles from Harrodsburgh, as their choice of the whole. A permanent settlement was their object: and with this view they, after returning to Botetourt, came again to Kentucky in 1774; revisited their former selections of land; and made some improvements—as were usual among the early adventurers—deemed by them sufficient evidence of right, to exclude others, and authorize their own future possession.

They however, did not remain on the ground—but the next year, returned to it—and added something to their former improvements. Their brothers, William, and George, were now their companions.

In this year, they found both Harrodsburgh, and Boonesborough, settled: and some of the brothers were persuaded by Colonel Henderson, to join him; who assured them they might take up as much land as they wanted, by entry in his office—that he was proprietor, and could give a better title than Virginia. But James McAfee, confiding in the Virginia right resisted these alluring offers; while the others, seduced by them, raised a crop of corn at Boonesborough; and made sundry entries for land in the office of the company. The fate of Hen-

derson's title is already known—their entries fell with it.—Nevertheless, they had by raising the corn, entitled themselves to claim settlement and pre-emptions in the country; as will be hereafter explained; and this enterprising family further traced.

This history, has already disclosed the fact, that the third establishment in the country, was effected under the auspices of Benjamin Logan. To whom, as one of the founders of the commonwealth, it is now proposed to pay particular attention.

A tall, athletic, contemplative, well balanced, and dignified, figure—distinguished his person, and appearance. He was taciturn—the statesman's eye, was crowned in him, with the warrior's brow; while a countenance, which evinced an unyielding fortitude, and an impenetrable guard—invited to a confidence, which was never betrayed. In 1775, a private citizen, aiming at no distinction, even without party, Logan came to Kentucky. His intention was to settle in the country. As his character unfolded itself, he was successively appointed a magistrate, elected a legislator, commissioned a colonel, and promoted to the rank and title, of general.

The parents of Benjamin Logan, were born in Ireland, and when young, removed to Pennsylvania, where they intermarried; and shortly afterwards, sought, and found, a permanent settlement in the county of Augusta, and colony of Virginia. There, Benjamin became their first born; and there, by the practice of industry, and the observance of œconomy, as cultivators of the soil, in which they had acquired the fee-simple estate; they became independent livers, with a growing offspring. At the age of fourteen years, Benjamin, lost his father, by untimely death; and found himself prematurely burthened with a numerous fraternal family—under the superintendence, and aid, however, of a prudent mother, to whom, he was a most affectionate and dutiful son.

Neither the circumstances of the country, then newly settled, nor the pecuniary resources of the father, had been favourable to the education of the son: nor is it to be supposed that the widowed mother, had it more in her power, whatever her in-

elination might be, to reward his faithful services, with literary endowments—an imperfect education was all he acquired. The truth is, that in this respect, his mind was not only undorned by science, but almost unaided by letters. His domestic lessons, which consisted of precepts, and practices of sound morality, and christian piety—commenced under the care of a father, were continued by his mother; with whom he continued to reside, until of full age, an example of filial obedience, and useful services. In his progress through life, he rather studied men, than books.

The father of Benjamin, died intestate, and as a consequence of the laws then in force, his lands descended to him by right of primogeniture, to the exclusion of his brothers, and sisters. So far from availing himself of this circumstance, Logan, with a noble disinterestedness of temper, a provident view to the future welfare of the family, and with his mother's consent, sold the land, not susceptible of division, and distributed the price with those, whom the law had disinherited. To provide for his mother, an equally comfortable residence, he united his funds to those of one of his brothers, and with the joint stock purchased another tract of land on a fork of James river; which was secured to the parent during her life, if so long she should choose to reside on it, with remainder to the brother, in fee-simple. Nor had the attention of Benjamin Logan been all this time confined to the circle of his own family; but the heart thus partaking of the finer feelings of filial, and fraternal affection, was equally open to the impressions of public duty. At the age of twenty-one, he had accompanied Col. Beauquette, in his expedition against the Indians of the north, in the capacity of sergeant. Having seen his mother, and family, comfortably settled on James river; he determined next to provide for himself, a home—and purchased land on the waters of Holston, near where Abbington now stands. There, he improved a farm, took to himself a wife, and enlarged his property.

In 1774, he was on Dunmore's expedition, to the north-west of Ohio, to which allusion has been made.

Early in the ensuing year, he resolved to push his fortune in Kentucky; and set out, two or three slaves only with him, to see the lands, and make a settlement. In Powell's valley, Logan, met with Boone, Henderson, and others, on a similar adventure, already noticed—and with them, he travelled through the barren parts of the wilderness; but not approving of the foundation, on which they were building, he parted from them, on their arrival in Kentucky—and turning westwardly, a few days journey, pitched his camp, where he afterwards built his fort; and where he, and William Galaspy, raised a small crop of Indian corn, in the same year. Delighted with the country around him, and ever attentive to the interest of his connexions, he selected places for them; which he marked—and in the latter end of June, returned, without a companion, to his family on Holston.

In the fall of the year, he removed his cattle, and the residue of his slaves, to his camp; and leaving them, in the care of Galaspy, returned to his home, alone, in order to remove his family. These journeys, attended with considerable peril, and privation, evince the enterprise and hardihood of his mind, as well as his bodily vigour, and activity. His subsequent transactions will be mingled with the general history.

Perhaps, nothing contributes more to the perspicuity of history, than a due regard to the order of events: certainly, there is nothing more conducive to its utility. After the details already given in relation to the interior establishments, and the particular persons, by whose means they were principally effected, it next occurs, in order, to treat of those events which transpired on the Ohio frontier.

It has already been related, that as early as 1773, several surveyors descended that river to the falls, or rapids, where they landed. Indeed, an obstruction in its navigation so great as these rapids—an object, it may be said, so sublime in itself—so singular—and so momentous—could but attract the attention, and arrest the progress of those who voyaged on its surface. The approach to this object from above was probably the most affecting, by the appearance of danger which it pre-

sented; no less than by the novelty of the scene which was exhibited. The successive repercussions of the water in extended perspective, produced by a current deep and broad, running at the rate of ten miles an hour, on a declivity of twelve feet in a mile, against the rocks, arranged in different ledges at considerable intervals across the bed of the channel, throw back on the spectator's eye, billows capped with white curling foam, and assail his ear, with the uproar of chaotic strife. Stout must be the heart of that navigator, which is not appalled at his first approach to this spectacle, rendered still more perplexing and alarming, by the irregularity of the schutes, and the splits in the currents, occasioned by the inequalities of the rocks, and the several islands fixed in the bottom of the river. But if, on the one hand, the scene was distressing to navigating spectators, on the other, was held out to them, the consoling prospect of relief and security. If the front aspect of the Ohio presented the falls, where the impetuous torrent of mighty waters, was met and broken, by inflexible obstacles—on the Kentucky side of the river, was to be seen the mouth of Bear Grass, opening a safe and commodious harbour for the labouring barge. A point of land on the opposite shore projecting into the river, turned the current in that direction; the reaction of the waters at the head of the falls produced an eddy; the fine, regular bank which limited Kentucky, in full view; all combined to engage the attention, and to speed the navigator to that landing.

It was there that Captain Thomas Bullett, and his party, made a port—not before explored by their countrymen. He came to Kentucky with the particular design of surveying land—and of making a permanent settlement. For the first object Captain Bullett had a special commission from the college of William and Mary, in Virginia; in the professors, or masters, of which, was vested the right, of conferring such diplomas—the second, was the effect of his own will. At this place Bullett proceeded to make a camp, in order to protect himself and his men from the vicissitudes of the weather; and a place of deposit for the few stores he had with him. After this

precaution, he executed several surveys in the vicinity of the falls; and thence extended his researches to the river, since called Salt river; from the salt lick thereon; which he surveyed—and that, after him, was called Bullett's lick. His knowledge of the country confirmed the more, his determination to settle in it; and he hastened back to his friends, that he might the better equip himself with such things as were necessary, or would conduce to the main design: intending to return and reduce it to immediate execution. But he was unfortunately prevented from accomplishing his purpose, by sickness, and untimely death. Otherwise, from the spirit—intelligence—and enterprise of Captain Bullett, there is reason to infer that he would have been one among the first settlers, and the distinguished leader of that description of men.

A few facts, characteristic of Captain Bullett, will fully authorize this conclusion. And as they are connected with the subjects of this history, they will be inserted.

On his way to Kentucky, Bullett, made a visit to Chillicothe, a Shawance town, to hold a friendly talk with those Indians, on the subject of his intended settlement; and for the particular purpose of obtaining their assent to the measure. He knew they claimed the right of hunting in the country—a right, to them, of the utmost importance, and which they had not relinquished. He also knew they were brave, and indefatigable; and that if they were so disposed, could greatly annoy the inhabitants of the intended settlement. It was therefore, a primary object in his estimation to obtain their consent to his projected residence, and cultivation of the lands. To accomplish this, he left his party on the Ohio, and travelled out to the town unattended, and without announcing his approach by a runner. He was not discovered until he got into the midst of Chillicothe, when he waved his white flag as a token of peace. The Indians saw with astonishment a stranger among them in the character of ambassador, for such he assumed by the flag, and without any intimation of his intended visit. Some of them collected about him, and asked him, What news? Was he from the Long Knife? and why, if he was an ambassador, he had not sent a runner?

Ballett, not in the least intimidated, replied, that he had no bad news—he was from the Long Knife—and as the red men, and white men, were at peace, he had come among his brothers to have a friendly talk, with them, about living on the other side of the Ohio:—that he had no runner swifter than himself; and that he was in haste, and could not wait the return of a runner. Would you, said he, if you were very hungry, and had killed a deer, send your squaw to town to tell the news, and wait her return before you eat? This put the by-standers in high good humour; and gave them a favourable opinion of their interlocutor. And upon his desiring that the warriors should be called together, they were forthwith convened; and he promptly addressed them in the following speech, extracted from his journal:—

“BROTHERS:

“I am sent by my people, whom I left on the Ohio, to settle the country on the other side of that river, as low down as the falls. We come from Virginia. The King of my people has bought from the nations of red men, both north and south, all the land: and I am instructed to inform you, and all the warriors of this great country, that the Virginians, and the English, are in friendship with you. This friendship is dear to them, and they intend to preserve it sacred. The same friendship they expect from you, and from all the nations to the lakes. We know that the Shawanees, and the Delawares, are to be our nearest neighbours; and we wish them to be our best friends—as we will be theirs.

“Brothers: You did not get any of the money, or blankets, given for the land, which I, and my people are going to settle. This was hard for you. But it is agreed by the great men who own the land, that they will make a present, to both the Delawares, and the Shawanees, the next year—and the year following, that shall be as good.

“Brothers: I am appointed to settle the country, to live in it—to raise corn—and to make proper rules, and regulations, among my people. There will be some principal men, from my country, very soon; and then much more will be said to

you. The Governor desires to see you, and will come out this year, or the next. When I come again, I will have a belt of wampum. This time, I came in haste, and had not one ready.

"My people only want the country, to settle, and cultivate. They will have no objection to your hunting, and trapping there. I hope you will live by us as brothers and friends.

"You now know my heart; and as it is single towards you, I expect you will give me a kind talk. For I shall write to my Governor, what you say to me, and he will believe all I write."

This speech was received with attention—and Bullett, was told, that the next day, he should be answered.

The Indians are in the habit of proceeding with great deliberation, in matters of importance—and all are such to them, which concern their hunting.

On the morrow, agreeably to promise, they were assembled at the same place, and Bullett being present, they returned an answer to his speech. It follows:—

"OLDEST BROTHER—the *Long Knife*:

"We heard you would be glad to see your brothers, the Shawanees, and Delawares, and talk with them. But we are surprised that you sent no runner before you—and that you came quite near us through the trees and grass, a hard journey, without letting us know, until you appeared among us.

"Brother: We have considered your *talk* carefully; and we are made glad to find nothing bad in it—nor any ill meaning. On the contrary, you speak what seems kind, and friendly; and it pleased us well. You mentioned to us, your intention of settling the country on the other side of the Ohio, with your people. And we are particularly pleased, that they are not to disturb us in our hunting. For we must hunt, to kill meat for our women and children; and to have something to buy our powder and lead with, and to get us blankets and clothing.

"All our young brothers are pleased with what you said. We desire that you will be strong in fulfilling your promises towards us—as we are determined to be very straight, in advising our young men to be kind, and peaceable to you.

"This spring we saw something wrong on the part of our young men. They took some horses from the white people. But we have advised them not to do so again; and have cleaned their hearts of all bad intentions. We expect, they will observe our advice, as they like what you said."

This speech, delivered by Girty,—was interpreted by Richard Butler. Who, during the stay of Captain Bullett, had made him, his guest, and otherwise treated him, in the most friendly manner. But having executed his mission, very much to his own satisfaction, Bullett took his leave, and rejoined his party; who were much rejoiced to see him return.

He made report of his progress, and success—and his comrades, with light hearts, and high expectations, launched their keels on the stream—which conveyed them to the shore of Kentucky, and a landing; as before related.

In this simple negotiation, where there seems to have been no guile intended, and hardly room for any; it is apparent, that the Indians were mistaken, or else dissembled their knowledge of the consequences of settling the country. For they appear to admit the correctness of the idea suggested by Bullett, that the intended settlement would not interrupt their hunting, or trapping. Yet no two things could be more inconsistent. It is altogether probable, that Captain Bullett himself, did not conceive that the settlements about to be made, would, within any short period, have the effect to destroy the game; and thereby render hunting, and trapping, a mere labour, without profit—and a privilege, without emolument. The Indians, however, could not complain of deception; for they could but know the consequences of white men settling; and cultivating a region, previously uncultivated; and stocked with game. Nor would it be candid to accuse them of concealing an intention of hostility, in the implied assent to Bullett's settling the lands. Sensible they must have been, that the new population, would, so soon as introduced, bring many, and various subjects of depredation, within their reach.—Nevertheless it is believed, that the game which abounded, and promised, perpetual supply, was the first object in their

estimation. Doubtless the number of emigrants, which in a few years filled the country, deceived them, and also Captain Bullett, by transcending their most enlarged anticipations. Yet, it is thought, that the hostility which took place at so short a period afterwards, ought not in anywise to be imputed to any misunderstanding of these parties.

The fact is, that in the very next year, some men by the name of Greathouse, and Cressup, on the Ohio, below Wheeling, and about Grave creek, and Yellow creek, in a most wanton, and barbarous manner, killed a number of peaceable Indians; which brought on the war of 1774.

But had this not been the case, a war in the course of events, and from the condition, and habits of the Indians, must soon have taken place. For, had not the contest with Great Britain, commenced as it did, yet, when it is considered, that the Indians are prone to violence and depredation—that they could but see with the utmost aversion, their principal hunting ground occupied by an ancient enemy—that tempting objects for gratifying their propensity for blood, were presented to their easy prey—that the game was diminishing, and rendered difficult of attainment—all these, combined with the alarming apprehension of losing their hunting ground, would have produced a war, at no distant period. But when, to these considerations, are added the speedy rupture with Great Britain, and influence of the crown, by means of the posts on the lakes, a war with the Indians, was inevitable—let the talk with Captain Bullett, have been what it might.

These circumstances were not then foreseen; and considering his condition, and views, he certainly took a very judicious measure, in making the visit, and explaining his intentions, for going into Kentucky—and at the same time, gratified his own sense of propriety.

Other instances of spirit, fortitude, and judgment, in the conduct of Captain Bullett, could be given, of an exalted character—but they are omitted here, as more properly belonging to the history of Virginia.

In the same year of 1773, James Douglass, another surveyor, following the Ohio in the rear of Captain Bullett, landed also at the falls of the river; and thence explored the country, with the McAfees—made some surveys—and returned to Williamsburgh, whence he came.

On his way to the falls, he landed at the mouth of a creek, since called Landing creek; a few miles above the mouth of the Big-bone lick creek; and went over land a mile and a half, to see the lick, and the large bones,—of which fame had said so much, the learned risked so many conjectures, and every body knew so little. If the sight of these objects gratified the curiosity of Douglass, and his party, their numbers, and size, filled them with wonder, and perplexed their contemplations. The lick itself excited much interest.

Douglass, determined to remain some time at this place, which gave abundant sign of the present resort of various animals—and there being no materials more convenient, the rib bones of a being once animated, were used as tent poles, on which blankets were stretched, for a shelter from the sun, and rain. Many teeth were found from eight to nine, and some ten feet in length; one in particular, was fastened in a perpendicular direction in the clay and mud, with the elevated end six feet above the surface of the ground; an effort was made in vain, by six men, to extract it from its mortise. The lick, extended to about ten acres of land, bare of timber, and of grass, or herbage; much trodden, eaten, and depressed below the original surface; with here, and there a knob remaining, to shew its former elevation. Thereby indefinitely indicating a time when, this resort of numerous animals, had not taken place.

Through the midst of this lick, ran the creek, and on either side of which, a never failing stream of salt water; whose fountains were in the open field. To this, from all parts of the neighbouring country, were converging roads, made by the wild animals, which resorted the place for the salt, which both the earth, and water, contained.

The whole of which, being new to him, were—in the language of a hunter who accompanied Douglass—"most wonderful to see."

Next year Douglass, revisited Kentucky; where he remained for the greater part of the summer, principally on the waters of Elkhorn, Hickman, and Jessamine creeks; being northern branches of the Kentucky river, where he executed many surveys on military bounty lands—as the records attest. It was his intention to have settled in the country; but life failed—and with it, all his purposes.

After Douglass, and pursued by a fate more malignant, was Handcock Taylor; a surveyor also, and a man of more enterprise; he too landed at the falls, of Ohio—and after making a number of surveys, by virtue of military warrants, was killed by the Indians: who made a sudden onset, before he was apprised of danger. Thus fell an intelligent and worthy man. One of his attendants, by the name of Hamptonstall, had the precaution to secure and bring off, his book of field notes, which was rendered effectual, by an act of the legislature.

John Floyd, as a deputy surveyor of Fincastle county, pursuing the usual route, landed at the falls, in this year—and following the Ohio, made many surveys on its fertile banks. He is one of those, whom Daniel Boone was sent to recall, as before mentioned.

In 1775, Floyd returned to Kentucky; and upon Elkhorn, completed the object of his deputation. He was a man of information, and enterprise, to whom Kentuckians are much indebted, for services. His person was tall, and rather spare, his figure genteel, his complexion dark, his hair black, his eyes of the same colour, animated, and penetrating: with a pacific disposition; and the manners of a well bred gentleman. He continued to visit, and revisit, Kentucky, with a view to his ultimate settlement; which he effected in a station on his own land upon Bear Grass creek, about ten or twelve miles from the falls of the Ohio, after the first permanent establishment at that place. And where he will be found, in the sequel, discharging the duties, both civil, and military, of a good citi-

zen, and a brave and vigilant officer, until his death; which was occasioned by the hands of the Indians; again to be noticed, in its proper place.

At this place, we purpose paying that attention to Simon Kenton, which our own feelings, his merits, and the usefulness of history, unite in claiming at our hands.

Forever grateful to the heart of sensibility, be the memory of that man, who, owing to nature his existence only, has by a series of labour, and exertion, made one public service, but a step to another, equally, or still more, important than the preceding: who, born in indigence, and nurtured in ignorance, found himself a man in the wide world, without a ray of science to guide him; or even the rudiments, by which it was to be acquired; and who, resting upon himself alone, has by perseverance in an honest course of public service, won rank, and fortune, and fame. Such a man is Simon Kenton; whose biography it will be our agreeable business, to unfold.

In the county of Fauquier, and colony of Virginia, on the nineteenth of April, 1753, was Simon Kenton born, of poor, but respectable parents.

At the age of nineteen years, his total ignorance of letters, had not impaired his growth, nor checked the flow of his spirits; he was straight, tall, robust, and athletic. The indecision of his *sweetheart*, and the jealousy of a rival, drew him into a combat, which after the exchange of many hard blows, discomfitted his adversary—who however obstinately refused to be friends.

Kenton, now thinking himself a man, determined to seek his fortune in another part of the world; with this view, and to elude the enquiries of his friends, he migrated to the north-west, and changed his family name, to that of Butler. After some months' residence, west of the Blue ridge, he understood that his friends had heard of him; and he removed to the neighbourhood of fort Pitt; where he continued until 1773. Hearing that Doctor Wood, purposed descending the Ohio, in quest of a new country, and rich land, Butler joined him, and soon after went down the river to the mouth of Cabin creek; making

various improvements on the bottoms, as they progressed. From the mouth of Cabin creek, they returned to fort Pitt, by the way of Greenbrier.

By this time, Simon Butler, was distinguished as a woodsman, and appointed a spy. An office of much importance, on an Indian frontier.

In 1774, Lord Dunmore made his campaign against the Indians, and was joined by Butler, whom he appointed one of his spies—and rangers. He was afterwards selected, by his lordship, to carry despatches to Colonel Lewis, at the mouth of the Great Kenhawa; where the battle of the Point was fought, a few days after he left the place.

He attended Dunmore on his expedition; was at the treaty with the Indians; and again returned to fort Pitt.

In February, 1775, accompanied by two other men, Butler descended the Ohio, and landed about the place where Augusta now stands: thence he proceeded into the country, in search of rich land; and being pleased with the appearances of the soil, water, &c. he selected, and improved, a place near the present town of Washington. He had now found the country for which he had been searching; and here he determined to fix his residence. After raising a cabin, he, with his companions, hunted out to the Blue licks; supposing, as peace had recently been made, that no danger ought to be apprehended from the Indians.

This pacific idea, however agreeable, was far from being well founded. And Butler, after returning to his camp, from a hunt, found one of his comrades, murdered, and thrown into the fire. Thence he proceeded southwardly into the interior of the country; touching at McClelland's camp, and assisting him to build his fort. He visited Harrodsburgh, Logan's camp, and Boonesborough.

Thus he became acquainted with the first settlers in the country; to whom he was every where serviceable; and with whom, he every where partook of danger, for the residue of that, and the whole of the next year.

He generally acted as a spy, and was in sundry skirmishes, besides several sieges, at Boonesborough.

His subsequent transactions will find their places in the general narrative of historical events.

Thus indulging but introductory sketches, where even more was due. And to which will be added only that of

William Whitley.—This pioneer, to the settlers, in the wilds of Kentucky, was born the fourteenth of August, 1749, in that part of Virginia, then called Augusta; and which afterwards furnished territory for Rockbridge county. His father's name was Solomon—his mother's, Elizabeth: she was of the family of Barnett, before she married Mr. Whitley.

Unknown to early fame, the son grew to manhood, in the laborious occupation of his native soil; in which his corporeal powers were fully developed, with but little mental cultivation. He possessed however, the spirit of enterprise, and the desire of independence—among the best gifts of nature.

In the month of January, 1775, having married Easter Fuller, and commenced housekeeping in a small way, with health, and labour, to season his bread—he said to his wife, he heard a fine report of Kentucky; and he thought they could get their living there, with less hard work. “Then, Billy, if I was you, I’d go, and see,”—was her reply. In two days, he was on the way, with axe, and plough, gun, and kettle. And she is the woman, who afterwards, collected his warriors, to pursue the Indians. He set out with his brother-in-law, George Clark, only—in the wilderness, they met with seven others, who joined them, and travelled to Kentucky.

This was before Daniel Boone, had marked the road. As the scenes, which he witnessed, are similar to those witnessed by others, they will not be repeated.

Suffice it to say, that he made choice of a place in the southeastern section of the rich lands of Kentucky, where he became an early settler, and a most active, vigilant, and courageous defender of the country. And that mingling his transactions with the general narrative, for which they will frequently furnish subjects, his fame will descend to posterity embalmed, with ample testimonials of his services, and his merits.

CHAP. III.

Commencement of hostilities, progressive improvements, population, &c.

[1775.] A ROAD sufficient for the passage of pack horses in single file, having been opened from the settlements on Holston, to the Kentucky river, by Daniel Boone, as heretofore mentioned, it was soon after, trodden by other adventurers, with families.

During this year, 1775, Boonesborough, and Harrodsburgh, were places of general rendezvous, it is believed, the only places of safety in the country, for either residents, improvers, or travellers. Nor were these safe, beyond the walls of their respective forts. If other settlements were permitted to exist, it was to be imputed to their obscurity, rather than to their strength. About the month of September in this year, Harrodsburgh became the residence of several families, with women and children: and from this period, may the permanent settlement of this place bear date. The names of Mrs. Denton, Mrs. McGary, and Mrs. Hogan, are worthy of mention; they being the first white females, who appeared with their husbands, and children, at Harrodsburgh. Other families soon followed, and the social, and domestic virtues, found a second asylum, in the midst of a savage wilderness.

In December, one man was killed by the Indians, at Boonesborough; and their sign seen by the hunters in different parts of the country, while they, thus apprized of danger, were put on the alert.

In the latter end of this year, or early in 1776, Colonel Richard Calloway, removed his family, accompanied by others, to Boonesborough.

March, 1776, Benjamin Logan, moved Mrs. Logan and the residue of his family, from Holston to his Kentucky settlement; from which, however, for a part of the year, he pru-

dently sought a temporary safety in Harrodsburgh; taking care, nevertheless, to secure his crop of corn on the premises. On the fourteenth of July—one of Daniel Boone's daughters, and two of the Miss Calloways, amusing themselves on the outside of the fort, were surprized by a party of Indians lying in ambush, and carried away prisoners. The alarm was immediately given; and Boone, collecting a company of eight men, pursued the Indians with the utmost dispatch. Such, however, was their celerity, that they were not overtaken, until the 16th; when two of them were killed; and the girls rescued, without injury.

Soon after this occurrence, it was ascertained, that a host of savages had come into the country with hostile intentions; and the better to effect their purposes, according to their mode of warfare, had dispersed in small bands; and at the same time infested the different camps, or stations—some of which had been recently erected. The Indian manner of besieging a place, is somewhat singular; and will appear novel to those who have derived their ideas of a siege, from the tactics of regular armies. It is such, however, as the most profound reflection, or acute practical observation, operating upon existing circumstances, would dictate, or approve. They have not great armies, with which to make war: neither have they cannon, nor battering engines; nor have they even learned the use, of the scaling ladder. Besides, caution, the natural offspring of weakness, is even more inculcated, than courage. To secure himself, is the first, to kill his enemy, the second object, of the Indian warrior.

These sentiments, the results of the principle of self preservation, are common to all the tribes; and their practice is conformable to their utmost variety, and extent—with the exceptions, common to general rules. The Indians, in besieging a place, are hence but seldom seen, in force, upon any quarter; but dispersed—and acting individually; or in small parties. They conceal themselves in the bushes, or weeds, or behind trees, or the stumps of trees; or waylay the path, or field, and other places, to which their enemies resort; and when one or

more can be taken down, in their opinion, they fire the gun, or let fly the arrow, aimed at the mark. If necessary, they retreat—if they dare, they advance upon their killed, or crippled, adversary—and take his scalp, or make him prisoner, if possible. They aim to cut off the garrison supplies, by killing the cattle; and they watch the watering places, for those who go, for that article of primary necessity; that they may by these means, reduce the place to their possession; or destroy its inhabitants, in detail.

In the night, they will place themselves near the fort gate, ready to sacrifice the first person who shall appear in the morning: in the day, if there be any cover—such as grass, a bush, a large clod of earth, or a stone as big as a bushel, they will avail themselves of it, to approach the fort, by slipping forward on their bellies, within gun-shot; and then, whosoever appears first, gets the fire; while the assailant makes his retreat behind the smoke, from the gun. At other times they approach the walls, or palisades, with the utmost audacity—and attempt to fire them, or to beat down the gate. They often make feints, to draw out the garrison, on one side of the fort, and if practicable enter it by surprize, on the other. And when their stock of provision is exhausted, this being an individual affair, they supply themselves by hunting; and again, frequently return to the siege; if by any means they hope to get a scalp.

Such was the enemy, who infested Kentucky, and with whom the early adventurers had to contend. In the combat, they were brave; in defeat, they were dexterous; in in victory, they were cruel. Neither sex nor age, nor the prisoner, were exempted from their tomahawk, or scalping knife. They saw their perpetual enemy, taking possession of their HUNTING GROUND; to them, the source of amusement, of supply, and of traffic; and they were determined to dispute it to the utmost extent of their means. Had they possessed the skill which combines individual effort, with a concerted attack—and had they directed their whole force against each of the forts, then few, and feeble, in succession; instead of dissipating their strength, by attacking all at the same time; they could

easily have rid Kentucky of its new inhabitants: and again restored it to the buffaloe, and the Indian—the wild game, and its red hunters. But it was ordered otherwise; and after inflicting great distress on the settlers, without being able to take any of the forts, the approach of winter dispersed them; they having, in the mean time, killed sundry persons; and destroyed most of the cattle round the stations. Of the settlers, however, it is to be said, that they acquired fortitude, and dexterity, in proportion to the occasional pressure. In the most difficult times, the Indians were obliged to retire into the woods, sometimes in pursuit of game, sometimes, as to a place of safety: and generally by night they withdrew, to encamp at a distance. In these intervals, the white men would plough their corn, or gather their crop, or get up their cattle, or hunt the deer, the bear, and buffaloe, for their own food.

When traveling, they left the paths—and they frequently employed the night, to go out from, or return to, the garrison. In these excursions, they often exchanged shots with the Indians: and at times, when they came to the station, found it invested. Notwithstanding these dangers, and difficulties, Kentucky was visited by many parties, who came to improve lands, with a view to future settlement. And it appears, from a review of the records on this subject, that there were more of these improvements made in 1776, than in any other year: they having been since recognized, by grants of settlement, and pre-emption rights, for them. The country was extensive; the improving parties dispersed, and transitory; hence they presented no certain object to the Indians; and consequently were not sought for, placed in so much danger, or in fact, so much annoyed, as those who were about the garrisons. They however, did not always escape; on the contrary, encounters frequently ensued; sometimes by manful resistance they kept the ground—at other times, they were compelled to fly, for safety, to the garrisons, or to the strong camps—of the latter of which, there were several in the country.

It is a fact, worthy of notice for its singularity, that in the summer of this year, Captain John Haggie, lived for some

time in a single cabin, on Hinkston's fork of Licking; which was so denominated, from Captain John Hinkston, who, in the preceding year, was the leader of a party to its northern bank, where they made a station camp; but which was evacuated in the autumn of the same year.

In mentioning the incidents of 1776, the visit of George Rogers Clark, who will hereafter occupy a distinguished place in this history, also demands attention. His appearance, well calculated to attract attention, was rendered particularly agreeable, by the manliness of his deportment, the intelligence of his conversation; but above all, by the vivacity, and boldness of his spirit for enterprise; and the determination he expressed of becoming an inhabitant of the country.

He fixed on no particular residence—was much in the woods;—incidentally visiting the forts, and ostensible camps, he cultivated the acquaintance of the people, and acquired an extensive knowledge of the various objects presented to his curiosity, or to his inspection.

LEESTOWN, so called after Willis Lee, who was killed by the Indians, situated on the north bank of the Kentucky river, about one mile below where Frankfort now stands; was in this year, a point of general rendezvous, for the itinerant hunters, and improvers, north of the river; here there were cabins for shelter and accommodation, though not in the form; nor enclosed, as a fort. Other camps there were, of the kind mentioned, but of inferior note: none of them, however, being able to withstand the attacks of the Indians, the whole were broken up, and abandoned, in the course of the year.

At the approach of winter, the transitory improvers generally returned home; and as was natural, by recounting their adventures, unfolding their prospects, and disseminating their hopes, and their fears, among their fellow citizens, excited in them, particularly in Virginia, where most of them resided, a strong interest in favour of Kentucky. And when the legislature assembled, towards the close of that year, such was the increased importance of Kentucky—and such the disposition of Virginia, to accommodate the people of this remote and de-

tached part of the county of Fincastle, with the benefits of civil and military organization; that its south-western section was erected into a new, and distinct county, by the name of Kentucky: "lying south and westward of a line beginning on the Ohio, at the mouth of Great Sandy creek, and running up the same, and the main, or north-easterly branch thereof, to the great Laurel ridge, or Cumberland mountain, and with that, to the line of North Carolina." This may justly be considered an important event in the condition of the Kentucky settlers. As a part of Fincastle county, they had in fact, no part, or lot, in its police; nor could they vote at elections for representatives—receive military protection, or be distinctly heard in the legislature, in consequence of their detached situation: but composing a county themselves, they, by the constitution of the state, were to be thenceforth entitled to two representatives of their own choosing. They were also entitled to have a county court of civil jurisdiction of matters in both law, and equity—justices of the peace—militia officers—sheriff—coroner, and surveyor: in fine, to be a civil, and military, municipality, or corporation; with powers competent to their own government, agreeably to the general laws of the commonwealth. With these events, and prospects, terminated the annual period.

[1777.] The year 1777 ensued, and realized all the advantages to be derived from the late change of political situation, as far as circumstances would admit. The new county was organized. A court of justice, one of the most beneficent acquisitions of civilization, was opened, quarter yearly, at Harrodsburgh. It was composed of six or eight of the most respectable men in the county, for literary information; who had been commissioned by the governor, as justices of the peace. And who could, moreover, hold monthly sessions, for the despatch of ordinary business. Among them, is recollected, the names of John Todd, John Floyd, Benjamin Logan, John Bowman, and Richard Calloway: They were attended by the sheriff of the county, whom the governor had also commissioned; and by Levi Todd, whom they had appointed clerk of

the court. The requisite officers for a regiment of militia, were also commissioned; who promptly placed the citizens, whether resident, or not, in companies, and battalions. So that, in reality, the county, in effect a colony of Virginia; assumed the appearance of an infant commonwealth—whose military operations were under the controul of a county lieutenant, with the rank of colonel.

The truce, imposed by winter, was of course broken by the return of spring, which brought out the Indians, whom no laws, but those of force, could restrain. Early in this year, Benjamin Logan made up a small party, and returned to his own camp, or station, which he improved by new buildings; and strengthened, for defensive purposes. Much as the Indians were in the country, Logan's fort escaped attack till May. In the mean time, however, and as early as March, they made trial of Harrodsburgh. This place, from the time of settlement, had usually been the strongest in the country: but this spring, a number of the men had left it; and on the 6th, a large party of the Indians having marched through the woods with great privacy, surprised a small company of improvers, at a new settlement about four miles from Harrodsburgh, as they were aiming for that place. This company, consisting of the present General James Ray, then about fifteen years of age; a brother of his, who was killed; and another man, who was made prisoner: the first of whom only, saved himself. The fortunate escape of James Ray, who ran to the fort and gave the alarm, was the probable cause of saving that place, from a like surprise, and a similar catastrophe.

The Indians, aware of the intelligence which would of course be given to the garrison, by the man who had escaped them, or for some superstitious reason, seemed to check their march. They were looked for, but did not appear, that day. Time was thus afforded to collect the men, and to put the place in the best state of defence that was practicable. On the 7th, Harrodsburgh was invested, by the savage army, in the manner of an Indian siege. Firing of small arms immediately commenced; and some execution was done on both sides. It

was not very long, however, before the assailants were repulsed—leaving one of their dead on the field. A circumstance, indicating great discomfiture on their part; or greater rashness on the part of the slain. For their custom was to remove from the field of battle, the killed, as well as the wounded. But the deceased might have lost his life, where his comrades would not risk theirs.

There is no pleasure in depicting distress—nor in painting the alarm of women and children; these are scenes which of course take place on such occasions—and where there is no particular interest involved, or end to answer, may be by the historian, left to the natural disposition, and sensibility of the reader.

The Indians, wholly unskilled in the civilized arts of storming, or besieging towns—and destitute of that open, daring, and disciplined firmness, necessary to carry them by assault—having failed to surprise, and soon despairing of success by force, retired from before Harrodsburgh, into the adjoining forest; which served them for a cover, and contained the game they wanted for food: and where, moreover, their skill and numbers, gave them, while they kept together, a decided superiority. They were not pursued.

The fifteenth of April, a party of these savages, to the number of one hundred, surrounded Boonesborough. An attack was forthwith began, and returned with spirit by the people in the fort. The Indians, finding so warm a reception, presently disappeared; having killed one man, and wounded four others, in the place; and carefully withdrawn all their own killed and wounded, so that their loss could not be ascertained—always a point of importance with them.

The twentieth of May, Logan's fort was besieged by about the same number, and probably the same Indians, who had so recently invested Boonesborough. The garrison at that time consisted of fifteen men only; of whom two were killed, and a third wounded. The loss of the enemy, if any, was not known. Harrodsburgh, and Boonesborough, were about equidistant; and the only places, from whence any assistance could be ex-

pected. The numbers of men in these, were but small, and the Indians took care to keep them alarmed for their own safety; so that in fact, no recruits were obtained. These were alarming and calamitous times—the little garrison in Logan's fort suffered extremely—the women and children still more: but aided by Logan, and encouraged by his example, they would not complain, much less despair. On the twenty-fifth of July, a party from North Carolina, consisting of forty-five men, arrived in the country; but went to Boonesborough.—Even this, had its effect, upon the spirits of the country.

There are other incidents of this siege, well deserving commemoration. Some of which will be narrated. At the time mentioned, the cabins which composed the fort, being habitable; while the women, guarded by a part of the men, were milking their cows, outside of the fort, they were suddenly fired upon by a large party of Indians, till then concealed in the thick cane, which stood about the cabins not yet cleared away.

In this attack one man was killed, and two others wounded; one of them mortally. The residue, with the women, got into the fort unhurt. At this time the whole number of souls with Logan, did not exceed thirty-five; the men were less than half that amount. The enemy were numerous. The besieged being concealed from their fire, it abated; and they having a moment's leisure to look about, discovered one of the wounded men, who had been left on the ground, yet alive—the other, had gained the fort; this, had been supposed dead. A more pity-moving object, cannot well be conceived; exposed every moment to be scalped by the Indians—sensible of his danger, yet incapable of getting into the fort. His name was Harrison, and he had a family in the place, whose apprehension of danger, had almost rendered it insensible of its loss. Logan could not bear to see the man struggling, and weltering on the ground; but exerted himself to raise a little party, to take him up; so imminent, however, appeared the danger, that he met only, objection, and refusal: for it was thought that whoever made the attempt, would expose himself to almost certain death.

John Martin, whose pride lay in being called a *soldier*, stimulated by his leader, at length seemed to collect sufficient fortitude to make the experiment,—and with Logan, proceeded to the fort gate; at this instant, Harrison appeared to raise himself up on his hands and knees, as if able to help himself, and Martin withdrew; thinking he found a sufficient apology in the circumstances, or appalled by the obvious hazard. In this situation, Logan, collected, and alone, rushed to the help of the wounded man; who, by that time, exhausted by the effort, after crawling a few paces, had fallen to the ground; took him up in his arms, and brought him into the fort, amidst a shower of bullets; many of which struck the palisades about his head, as he entered the gate, unharmed.

At this, time, there was but little powder, or ball, in the fort, nor any prospect of supply from the neighbouring stations; could it even have been sent for, without the most imminent danger, but which was not to be done. The Indians continuing to invest the place, there was but one alternative apparent to this little garrison. They must either send to Holston for ammunition, or expose themselves to be taken by the enemy, in case no supply was obtained. Peril the most obvious and alarming, attended either course. The individuals who should attempt the journey, would be greatly exposed—and the garrison, already small, would be reduced by their absence: if the supply was not successfully attempted, the consequence seemed still more terrible, and certain. In this dilemma, the part of prudence was to encounter the less, in order to escape the greater danger—to run the risk, rather than wait the arrival of certain ruin—in fine, to expose a part to be lost, for the salvation of the residue. Holston was to be reached, and a supply achieved, be the consequence to the adventurers what it might; or all would be lost. The only question now was, who should obviate the possible catastrophe, by at once encountering the perils attendant on the enterprise of procuring the necessary supply. In this case, Logan, now distinguished by the title of captain, left not to others, what himself could do: but where the greater labour, or danger, was, there was he, ready to encounter, or to execute.

His party on the present occasion, was made up of his trusty companions; and with two of these, he quitted the fort in the night, and traversing the woods, found his way to Holston; where having obtained the wanted powder and lead, and put them under the care of his men, with directions how to conduct themselves, Logan returned alone, to his fort, in less than ten days from the time of departure;—he still found the siege continued, and his diminutive garrison almost reduced to despair. In him they found a host: his intelligence reanimates their drooping spirits; they rise from despondence to exultation—from being almost vanquished, to sensations stronger, and more lively, than those of victory; they are feelings of gratitude, and confidence.

How had their commandant escaped the dangers which beset his path? was the eager enquiry of all. For the greater part of his way was through a broken and brushy wilderness, infested by savages ever ready to attack, and to kill. But Captain Logan was a woodsman, and a soldier: The one gave him a knowledge of the country—the other, fortitude to encounter, and surmount, both difficulty and danger. The sagacity of Logan, had prescribed to him the untrodden way; he left that which was beaten, and likely to be waylaid by Indians—avoided Cumberland gap, and explored his passage, where no man ever travelled before, nor probably since, over the Cumberland mountain, through clefts, and brush, and cane; clambering rocks, and precipices, to be encountered only by the strong, the bold, and the determined. But he felt the importance of success; nor was he insensible to the situation of an affectionate wife, and confiding friends and comrades, who looked to him for safety, for preservation.

The escort with the ammunition, observing the directions given it, arrived in safety, according to expectation; and the garrison, although still besieged, felt itself competent to defend the fort. They were, however, under the necessity of hunting meat for their supply: which compelled daily exposures to the Indians, who infested all the parts adjacent. Thus cut off from other society, and deeply impressed with the unpleasant

effects of confinement within, and enemies without, they anxiously wished for a change—yet knew not whence to expect relief—while they suffered most poignant distress. They were not even apprized of Colonel Bowman's approach; who, however, arrived in the country about September, and fortunately effected his march, with a hundred men, to Logan's fort. A detachment of these, considerably in advance of the main body, upon its approach to the fort, was fired on by the besiegers, and several of them killed; the rest made their way into the place—which had the effect to disperse the enemy, to the great relief of the garrison. On the dead body of one of this detachment, were found proclamations, which had been prepared in Canada, and sent into the country, by the British governor of that province; offering protection to such of the inhabitants, as would abjure the republic, and return to their allegiance to the crown; with denunciations of vengeance against such as refused. The man who found the papers, gave them to Logan. Upon ascertaining their contents, he thought it prudent to conceal them; lest their invocations, and their threats, operating on the minds of the people, worn down by various difficulties, and distress, the end of which could not be foreseen, might have the unhappy effect of diminishing their fortitude, or of shaking their fidelity.

Perhaps this caution was unnecessary, but the circumstances under which it was taken rendered it prudent. For although the arrival of Colonel Bowman, had given a high degree of cheerfulness to the garrison for the moment; and the Indians had disappeared, from its walls; yet it had been disclosed, that his men were engaged but for a short time,—that much of it had expired on the road, and that their return would immediately follow their discharge; and it was but reasonable to apprehend, as a consequence, that the country would be again left a prey to the savages—instigated by the British agents in Canada. Of whose power, and enmity, the people had an opinion, as alarming, as they were exalted, and unknown, in their extent, or effects.

The lapse of time brought on the fall season, and with it the period, which deprived the garrison of their auxiliaries. The fort once more left to its resident inhabitants, and the Indians not yet withdrawn from the country, the want of ammunition, was again felt; and Holston the only resource accessible for supply. Again Logan left his family, and his fort, to encounter new dangers, and privations, in search of it. This journey was undertaken, and executed; with his usual readiness and facility; in which he obtained what he sought. Soon after his return, his force was augmented by the arrival of Montgomery's party; which confirmed the good spirits, his presence had revived. On the 4th of July, Boonesborough was again besieged by a party of these indefatigable warriors; apparently the more determined, as their number was increased to two hundred. And the more certain to ensure success, as they imagined, they had sent detachments to alarm and annoy the neighbouring forts; in order to prevent assistance being sent to Boonesborough. In the attack at this time, the Indians killed one, and wounded two men: with the loss of seven killed on their side; which were counted from the fort; but removed, as is their custom. After a close and vigorous siege for two days and nights, in which the utmost vigilance and fortitude were displayed by the garrison, of less than half the enemy's number; the Indians, losing all hope of success, tumultuously, and with clamour, departed, and disappeared; concealed by the adjacent hills.

Notwithstanding these various sieges, adjacent to the forts, the men cleared the fields; in which they planted corn, and other vegetables—some keeping guard, while others laboured; and each taking his turn, as a hunter, at great hazard. The people being now permitted, by the dispersion of the Indians, to take their equal chance in the woods, felt much relief; and rejoiced not a little in their freedom. They thought themselves rather the best marksmen, and as likely to see the Indian first, as to be seen by him; while the first sight, was equivalent to the first fire,—and the most expert shooter, held the best security for his life.

They had been accustomed to call the Virginians, Long Knife; and they now found to their cost, that they were *close shooters*;—they had by this time, become shy of exposing themselves, at the garrisons—and even in the woods, took some precaution, to avoid rencounters, with equal numbers. The end of this eventful year, at length approached; the icy train of winter came on; and the Indians, for a while disappeared.

From the narrative now given, it appears that Boonesborough, Harrodsburgh, and Logan's fort, alias, St. Asaph's; were the only permanent settlements yet formed—and of these, the first only, was on navigable water. At the first, were twenty-two men—at the second, sixty-five—at Logan's, fifteen—exclusive of the preceding summer's recruits; who being militia, generally returned to the eastward when discharged; which they were in the autumn of the same year.

[1778.] It would be unnecessary, were it practicable, to particularize the assistance which Captain Boone gave to emigrants either on the road, or after their arrival, when the activity of his zeal, and the humanity of his character are recollected, and duly appreciated. Suffice it to say, that he was accustomed to range the country as a hunter, and as a spy; and that he frequently would meet the approaching travellers on the road, and protect or assist them into the settled parts. No sooner was he relieved from one kind of duty, than he was ever ready to engage in another, for the relief of the garrisons, or the service of the country. On the first of January, 1778, he, with thirty men, went to the lower Blue licks, on Licking river, to make salt for the different establishments, where the people were in great want of that article, without the prospect of supply from abroad. The seventh of the ensuing February, as he was out hunting meat for the salt makers, he fell in with a detachment of one hundred and two Indians, on its march to attack Boonesborough. That, as it may be remarked, being a particular object of Indian resentment and hostility; probably on account of its being the first settlement made in the country, by “the white intruders,” as the Indians would naturally call them. At this time they wanted a prisoner, from whom

to obtain intelligence: and while Boone fled, some of their swiftest warriors pursued, and took him. After eight days, they brought him to the licks, where they made twenty-seven of his men prisoners, by previous capitulation; in which they promised life, and good treatment. The other three men of the party, had been sent home with the salt, which had been made.

The Indians, elated with their success, proceeded to their town of Chillicothe, on the little Miami. The weather was cold, and inclement, during a march of three days, in which they treated their prisoners as they did themselves, in respect to fire, and provisions. Nor did they afterwards break the capitulation.

Thus was twenty-eight, including Captain Boone, of the brave defenders of the country, carried captive into the enemy's town, without a prospect of liberation, or exchange. A SPARTAN would have solaced himself, that by the sacrifice of his own liberty, he had saved his country. Nor were these less patriotic than Spartans. Had the Indians, after making Boone and his men prisoners, instead of returning home with their captives, continued their march to Boonesborough, they might have either taken the place by surprise; or using the influence which their prisoners conferred on them, compelled a surrender of the garrison. And progressively acting on the same plan, it is probable, that similar success would have attended them at the other two places. For it is hardly presumable that if either had escaped surprise, that it would have resisted a summons to surrender, which might have been enforced by the massacre of any number of the prisoners. But owing to the address of Boone, or the habits of their warfare, after succeeding to so great an extent in capturing their enemies, without any loss on their side, they returned home; leaving the garrisons unmolested for that time; but afflicted with a deep sense of their loss—and of the probable sufferings of their unfortunate comrades, who had thus fallen into the hands of savages, in executing an innocent enterprise, undertaken for their mutual benefit.

In the month of March following, the captain and ten of his men, were by forty Indians, conducted to Detroit, then a British garrison; and the men presented to Governor Hamilton, the commandant; who treated them with humanity, and civility.

Boone, would also have been given up for a ransom, but the Indians in the mean time had conceived so great an affection and respect for him, that they utterly refused to leave him with the governor, who offered one hundred pounds for him, on purpose, as he said, to liberate him, on parole. It is more easy to conceive than express the vexation, and embarrassment, which these circumstances occasioned to Captain Boone; he was unable to extricate himself; and he dared not excite the jealousy, or suspicion, of the Indians. Several English gentlemen present, sensibly affected by his situation, generously offered a supply to his want of necessaries, and conveniences; but which he, with thanks for their friendship, politely declined; adding, that it might never be in his power to requite such unmerited generosity.

Another event now approached, which put the sensibility of Boone, to a severe trial. He was told decisively by his inflexible masters, that he must prepare to accompany them back to Chillicothe, while his ten faithful comrades, were to be left prisoners at Detroit. This journey was soon afterwards undertaken, and performed in fifteen days. At Chillicothe, Captain Boone was adopted into one of the principal families, as a son; and judiciously accommodating himself to his situation, increased the confidence and affection of his new relatives, and old friends. They challenged him to the shooting match, in which he found it more difficult to avoid their jealousy, and to suppress their envy, than to beat them at an exercise, in which they had thought themselves invincible. They invited him to accompany them on hunting parties, and frequently applauded his dexterity in finding, and killing, the wild game. The Shawanee king, took particular notice of him, and always treated him with respect. While Boone, on his part, took care to improve these favourable impressions, by frequently

bestowing on him the spoils of the hunt; and otherwise, expressing duty to him, as king—or head warrior.

If Captain Boone could have dispensed with the beneficial ideas of civilization, and eradicated from his heart the affections of an husband, and a father, his condition among these savages, would have been as contented to himself, as it was enviable to most of them. But he had a wife, and family; and he had a country, and companions of his former labours and perils; for whom he felt the utmost anxiety.

The indulgences which were now extended to him, fostered the idea of escape, which he continually meditated. And thus, was the honest simplicity of his nature, compelled to dissemble the main purpose of his heart, under the smiles and caresses, which he bestowed on, or received from, those, whom he meant to desert, on the first favourable occasion.

Early in June, a party of these Indians set out for the Scioto salt licks, and took Boone with them. Their ostensible business was to make salt, about which they kept him employed; and after effecting the object, they returned, without affording him an opportunity for escape. At Chillicothe, there were four hundred and fifty Indian warriors, armed, and painted in a most frightful manner; ready to march against Boonesborough. For once Captain Boone, derived pleasure from his captivity, as it was the means of his becoming possessed of information of great importance to his garrison; and which he determined, at all hazards, to convey to it, in order to save it from destruction.

It was on the sixteenth of the month, he rose at the usual time in the morning, and went out, apparently to hunt; but really for Boonesborough.

So great was his anxiety, that he stopped not to kill any thing to eat; but performed a journey of one hundred and sixty miles in less than five days, upon one meal of victuals, which he had concealed in his blanket. Arriving at Boonesborough on the twentieth, he found the fortress in a bad state of defence—but the intelligence which he brought, and the activity which he inspired, soon produced the necessary repairs. No sooner did the garrison feel itself secure, than it began to wait with impatience the reception of intelligence from the enemy.

After the lapse of a few days, one of the other prisoners, escaping from them, arrived with information "that the Indians had, on account of Boone's elopement, postponed their march for three weeks." In the mean time, however, it was discovered, that they had their spies in the country, watching the movements of the different garrisons. And whatever might be their reports, it was consoling to reflect that the forts had been strengthened, and the garrisons increased in numbers, since the last attacks: while this was particularly the case at Boonesborough.

The enemy still delaying their meditated attack on this place—Captain Boone, with a company of nineteen men, left the fort on the first of August, with a view to surprise Paint-creek town, on Scioto. Advanced within four miles of which, he met a party of thirty Indians on its march to join the grand army from Chillicothe, then on its march towards Boonesborough. An action immediately ensued between these detachments, which terminated in the flight of the Indians; who had one man killed, and two wounded; without any loss on the side of Boone; who took three horses, and all the Indian plunder. The captain then despatched two spies, for intelligence, who, returning from the town, reported that it was evacuated.—Upon the receipt of this information, Boone marched for Boonesborough with all practicable despatch; in order that he might gain the van of the enemy's army—place his party in a state of security—give timely warning to the garrison—and prepare for the approaching storm. On the sixth day he passed the Indian main force; and on the seventh, arrived in safety at Boonesborough. The eighth, the Indians, commanded by Captain Duquesne, eleven other Canadian Frenchmen, and some of their own chiefs, invested the place; with British colours flying, at their head quarters.

This was the most formidable force ever arrayed against Boonesborough; and such as, upon comparison, was calculated to fill the garrison with alarm. But the equanimity of Boone's temper, was little affected by it, when he received a summons in the name of his Brittanic Majesty, to "surrender the fort."

Two days' consideration was requested, and granted. This was an awful moment. The little garrison was summoned to council. Not fifty men appeared. To those who were assembled, the case was briefly stated. On the one side—a manly defence, with the chance of success—or if vanquished, of being devoted to destruction, with savage barbarity: on the other side—a surrender upon articles was offered, of becoming prisoners, and stripped of their effects. The deliberation was short—the answer prompt, and unanimous: “We are determined to defend our fort as long as a man of us lives.” It was also resolved for the time, to keep the result secret. The meeting then dispersed—and each man went to collect his cattle, and horses, as he could, that they might be secured within the walls. Being prepared for the conflict as well as they expected, and the two days having expired—Captain Boone, from one of the bastions of the fort, announced to the listening commander of the adverse host, the determination of the garrison: to which he subjoined his own personal thanks, for the notice of their intended attack and the time allowed him for preparing his defence.

Evident disappointment, was seen depicted on the countenance of Duquesne. He did not however, immediately abandon the idea of capitulation; but determined to play it off as a decoy for Boone. Accordingly, he declared that it was his order from Governor Hamilton, to take the garrison captives, to treat them as prisoners of war; and not to rob, much less destroy, them. That if nine of the principal persons in the garrison, would come out and treat with him, he would do no violence, but return home with the prisoners—or liberate them if they would swear allegiance to, and accept the protection of, his Brittanic Majesty.

This, said Boone, sounded grateful in our ears, at least as a further respite—and we agreed to treat. Yet, as it will soon appear, with very different intentions; and not without cause to suspect Indian honour. The commandants with opposite views, communicate them to their respective followers:—the one fair, the other fraudulent. The parties, now prepared

for treaty, the conferences were opened within sixty yards of the fort gate. The articles being few, were soon digested, and signed, in the presence of many Indians; who, although they said nothing, stood, or stalked about, with an appearance of solicitude. And this was the moment for crowning the stratagem with success. Boone, and his companions, were told, by the leaders of the adverse side, that among Indians, it was customary, on such occasions, to evince the sincerity of their intentions, by two Indians, shaking each white man, by the hand. This was also assented to, and immediately, two Indians approached each of the nine white men, and taking his hand, instantly grappled him; with intent to drag him off, a prisoner. On this occasion the defensive instinct, required not the aid of deliberation—but each man, by an instantaneous effort, extricated himself, and sought his safety in the fort. The Indians, recovering from the surprise, consequent on their disappointment, discharged a heavy fire on the fugitives, who all escaped unhurt; except one, that was wounded.

Having failed in this stratagem, the enemy commenced the premeditated attack on the fort, which they kept up with little intermission for nine days: and which was briskly returned by the garrison, directed by Boone. In the mean time, the besiegers began to undermine the fort, standing on the bank, about sixty yards from the margin of the river. This new mode of attack in Indian warfare, may without doubt be ascribed to the Frenchmen, who were with them. The mine alluded to, was began in the bank of the river, above the water; and came to be discovered by the appearance of the stream below, and not above, the fort, indicating the solution of new earth. The fact once ascertained, the object could not be mistaken. And to counteract it, a deep trench was ordered to be opened inside of the fort; and as the earth was taken up, it was thrown over the fort wall. By these means the enemy were apprised, that their design was detected, and would be defeated: whence they desisted, from their mining project. Being now convinced that they could not conquer the place by either force, or fraud; and their stock of provisions being

nearly exhausted, they, on the 20th of August, raised the siege, and abandoned the object of their grand expedition; and with it, the last hopes of the campaign.

During this siege, the most formidable, that had ever taken place in Kentucky—from the number of Indians—the skill of the commanders—the fierce countenances and savage dispositions of the warriors, made even more dreadful by art, than by nature—the effect of which, was augmented ten fold by the yell and the war whoop—there were only two men killed, and four wounded in the fort. On the part of the savages, there were thirty-seven killed, and many wounded, who were immediately removed.

After the siege was raised, the people picked up near the fort walls, one hundred and twenty-five pounds of leaden bullets, which had fallen, besides those which stuck in the logs and palisades.

This seems to have been the last effort ever made by the Indians, against Boonesborough. While it exhibits a striking instance of the imbecility of physical force, destitute of knowledge, and the arts. For what military enterprise could have been easier, to men, knowing only how to make ladders, than scaling a wall of stockades twelve feet high, or mounting on cabin roofs, not even so high, when their numbers were six times greater than those within?—and when, as the case was, the assailants were armed with similar weapons; and especially the tomahawk in their hands, and face to face, most formidable. That no attempt was made to take the place by storm, or escalade, seems the more astonishing, on considering that the commander, Duquesne, must have possessed some of the arts of civilized warfare, and was apparently desirous of conquest. Was it that he had not the requisite tools and artificers—or was he unwilling, that his host of myrmidons, should be let loose among the helpless women and children, that he did not point out to them the certain road to victory; and to an indiscriminate massacre, as the consequence? History, it is true, could gain but little, while humanity might lose much, by a solution of this inquiry. May it therefore ever remain doubtful.

In the autumn of this year, Captain Boone went to North Carolina, in pursuit of his wife, who, during his captivity with the Indians, despairing of his return, had removed to her father's house.

Again to notice Logan; for several years, there were many particular incidents, affecting him, of a nature to attract attention, and to merit commemoration. His watchful vigilance prompted him to explore the adjacent country, for *signs* of Indians, and often exposed him to rencounters with them. On one of these excursions in this year, he discovered a camp of Indians, at the Big Flat lick, about two miles from his station, to which he returned, and immediately raised a party; with this he attacked the camp, from which the enemy fled, without much loss on their part, and with none on his. He was again at the same lick,—it being the resort of game, as well as of Indians,—when he received a fire from a party, who were concealed, which broke his right arm, and wounded him slightly on the breast. The savages then rushed upon him, and so near was he falling into their hands, that they at one time, and for a minute, had hold of his horse's tail; but wishing, as it is probable, to take him alive, forbore to kill him—and he escaped. No sooner had his wounds healed, than he resumed his active course of life; nor did he shun danger, when incurring it could benefit his country, or his friends, either in company, or alone.

CHAP. IV.

Settlement at the Falls of Ohio—Conquest of Kaskaskias, and St. Vincennes, by Colonel Clark.

FROM the earliest settlements in Kentucky, her parent, Virginia, had been involved, in the high and mighty contest with Great Britain, on the subject of certain taxes, imposed on the American colonies, without the consent of their local assemblies.

In this attempt of the British parliament, to tax the people of the colonies; and in which they, in fact, affirmed a right to tax them in all cases; the latter could but see the germ of an evil boundless in its growth, as it was endless in its duration. While it was the more likely to be pressed upon them, not merely in proportion to their increase of strength, but as they were disposed to bear; and the more to be apprehended, in its weight, and continuance, inasmuch as they were not represented, in the legislative body; and as, in the ratio, the burthen was laid on them, it would be taken from the shoulders of those who were represented.

The first opposition to these alarming, and unconstitutional measures, was made, as such things always should be, in the form of remonstrance and petition. A war of words ensued; which, in 1775, terminated in blows.

And from that time, a civil war, with its attendant horrors, and devastations, had raged. The question to be decided, had assumed the most important issue, on which the contending parties could place it; and stood before high heaven for judgment, whether Britain should rule, or America be free. In this situation, which called forth and employed, the best talents, and the greatest energy of Virginia, roused by the warning voice of Patrick Henry, who had called her freeborn spirit into action; she was not altogether inattentive to Kentucky; whose infant struggles she first applauded, and then

cherished, as exertions in the common cause against a common enemy; who had associated with the Indians, on the whole extent of her western frontiers. It is however, to be acknowledged, that such was the pressure of the war, even in 1775, on the atlantic part of Virginia, that she had but little more than her good will to bestow—accompanied by a cordial fellow feeling for the difficulties, and distresses, of the adventurers, in effecting the early establishments of the country. She might indeed, at the commencement of the war, have thought that her strength was diminished, while her frontiers were imprudently extended; and the more exposed, by the migration of her citizens to the distant regions of Kentucky: and that it was peculiarly impolitic at such a time, to encourage the dispersion of her effective force, to points so remote and defenceless, as those on the waters of Ohio. But in proportion as individual interest accumulated in the country, by the accession of numbers, it made its influence felt, in the atlantic parts of the state. And the more readily, when Kentucky, erected into a county, had her representation in the general assembly.

The firm and manly stand taken by the first emigrants, having been maintained for several years, with but little assistance from the public purse, or military force of the state, against the savages, instigated, and supported by the British power in Canada; it became obvious to the legislature of Virginia, that sound policy, concurring with the calls of Kentucky, required not only, that what had been possessed, should be maintained; but that the enemy should be dislodged from the strong holds, which they held in the neighbouring territories.

At that time the British government occupied not only the military posts of Detroit, Niagara, &c. on the northern lakes; but it also possessed St. Vincennes, Kaskaskias, and other places, on the Wabash, and Mississippi. From these posts, the Indians received supplies of arms, ammunition, and clothing, which enabled them the more incessantly to keep up the war against Kentucky.

A recognition of those facts, connected with other circumstances of the times, turned the attention of Virginia, towards her western frontier.

In the year 1777, the idea became familiar to those who held the government, that the greater number of these inimical posts might be taken by a few state regiments—and that in addition to the brilliancy, and renown of the enterprise, it would be securing to Virginia the effect of her charter; within the limits of which, these posts principally lay.

The possibility of making conquests so important to the future security of the western boundary of the state, derived considerable probability, and vivacity, from the ardent and confident representations of the Mr. Clark, whose name has been previously mentioned, as being in Kentucky the preceding year. While there, it appeared, that he, affected by the scene of hostility, in which he found himself; and hence induced to reflect on its causes, and the means of removing the effects; had instituted inquiries into the situation and condition of the Indians, and the posts, most contiguous to Kentucky—about which he had received extensive information; and which, he, prompted by an ardent passion for military fame, propagated with the zeal of one, who had a presentiment of being employed. It was certainly his desire. And no less certain that his information, and representations, contributed much to excite and confirm, the public sentiment, in favour of an enterprise, which was probably suggested by him, but thought both hazardous, and eventful, by those who could alone authorize its execution. The end of this year, or

[1778.] beginning of 1778, a regiment of *state* troops, was voted by the legislature, for the service of the western frontier, generally; without indicating any particular objects: the command of which, was given to Mr. Clark, with the commission of colonel. Between two and three hundred men were raised—and with these properly officered, Colonel Clark, took his departure from the Atlantic, to the Ohio; secretly intending an expedition against the settlements and posts on the Mississippi; authorized by the permission of the governor. He em-

barked in suitable boats on the Monongahela, and descended to the falls of Ohio, where he halted a short time, to refresh his men; and where he was joined by some volunteers from Kentucky. At this place, he left thirteen families, who had descended the Ohio with him, and whose object was a permanent settlement in the country. No such settlement had yet been made at the falls; and so much exposed was the situation, that the first cabins were built, and corn raised, by these families in an island, of the falls, since called Corn island.

As well the state of the war, as the nature of the expedition in which Colonel Clark was engaged, forbade his delay; while his own sanguine anticipations of success, hurried him on to the destined object. From the falls, he proceeded with his regiment in boats, as before, to a point on the Ohio, about sixty miles above the mouth; where he landed his men, and hid their transports. The route to be pursued from this place, lay in a direction somewhat to the north of west, through a low, uncultivated region, interspersed with ponds, of various dimensions: with the geography, and general character of which, Colonel Clark was not unacquainted. At the head of his regiment he took up his line of march, on foot; with a rifle in his hand, and his provisions on his back. After wading such ponds as he could not conveniently avoid, and sustaining two days' march after the provisions were exhausted, he arrived by night, before the town of Kaskaskias. Here the colonel halted, formed his regiment—and after a short consultation, was pleased to find that his men were in fine spirits, and perfectly accorded with him in opinion—"that the place was to be taken, at all events." About two hundred and fifty houses composed the town; which was sufficiently fortified, to have resisted with effect a much more formidable enemy, had the garrison been apprized of its approach. But the distance from any known foe, having excluded all apprehension of danger, from the minds of the inhabitants; confidence, of course, superseded all precautions, against surprise. A situation of all others, the most exposed to attack. And so Clark thought. For his approaches had been so silent, and rapid, that assault

gave the first intelligence of his arrival. Not a scattering hunter had espied his march; not a roving Indian had seen his trail. The evil genius of the place predominated—the watchman was abandoned to sleep. For neither town, nor fort, were alarmed, until both were in the power of the assailants.

It was then too late to resist; while the astonishment, and mortification, of the vanquished, were equal to their former negligence. The utmost care was taken, that none should escape to spread the news: and detachments being sent out, the open settlements, and villages, in the vicinity, fell into the hands of the invaders in a similar course of unresisted, and easy conquest. Colonel Clark, required of the inhabitants in town and country, that they should take the oath of allegiance to the United States; and the fort at Kaskaskias, became his head quarters. The right of property was not molested; no pillage was permitted, or attempted: On the contrary, the humane and friendly treatment shewn to the people, afforded them the consolation of security to their persons, and effects, under the new order of things. In the mean time, a detachment, mounted on the horses of the country, was pushed forward to surprise and take the villages higher up the Mississippi; which was done without loss, or injury. Thus fell the British authority in that quarter; an easy, but most important conquest.

Exclusive of the justification which these measures found in the general principles of war, they were abundantly warranted, by the particular circumstances of the parties, immediately concerned. Written instructions from Detroit, were found in the possession of the commandant, Rochelblave; directing him to invite the Indians to commit depredations on the citizens of the United States, and to promise them rewards for scalps. While the conduct of the savages, conforming to these instructions, left no doubt of their having been complied with.

With an account of his success, Colonel Clark sent the late commandant of Kaskaskias, to the city of Richmond—and immediately adjusted means to his new situation. The inhabitants, although lately hostile, felt no great repugnance at the

change; and were not disposed to give him much trouble. While the Indians, struck with fear, and astonishment, on seeing a victorious enemy in the country, without knowing whence, or how, they came, fled to the woods, or to their distant towns, for safety; or else repaired to St. Vincennes, as the next strong post in possession of the British, for protection.

Post Vincennes, is on the Wabash; the lowest northern branch of magnitude, of the Ohio. At this place resided Commandant Hamilton—sometimes styled, governor; with a garrison of regular British troops, and about six hundred Indians. With this force, Governor Hamilton contemplated the reduction of Kaskaskias, then occupied by Colonel Clark. Who, no less enterprising, had despatched a reconnoitring party, to make observations, on Hamilton's position, and the intervening route. The return of his spies, gave him intelligence of what they had seen; and he immediately determined on reducing the post, if practicable; as the best means of defending himself. Yet he had taken such measures to strengthen the defences of Kaskaskias, as were in his power: resolved to maintain his possession, at all hazards. While he was digesting the plan of his future operations, he received undoubted information from an itinerant Spanish merchant, who had recently left St. Vincennes, that Hamilton, reposing himself on the security, which he derived from the superiority of his force, contemplated a leisurely execution of his projects,—which were, first, to retake Kaskaskias; and next, to cut off the inhabitants of the Ohio, up to fort Pitt: after which he intended to desolate the remaining frontiers of Virginia. Other arrangements having been made between the British, and the more northwardly Indians, for destroying the remote inhabitants of New York, and Pennsylvania. That the approach of winter, had induced a postponement of the campaign, till the opening of the next spring—and that in the interim, the governor, to keep his Indian auxiliaries employed, had detached them to obstruct the passage of the Ohio, and to harass the frontiers of Kentucky: keeping with himself in garrison about eighty regular soldiers, three pieces of cannon, and some swivels.

Colonel Clark, at once saw his own situation, and compared it with that of his enemy. To a mind less stored with resources, less ardent, or less active, it might have been appalling; on him, it had a contrary effect. He cast his views around for means, and found himself too remote from the inhabited part of Virginia, to draw succour from her—Kentucky was invaded—he could not rely on the aid of his new-fellow citizens—and he knew himself too weak, to hold Kaskaskias, detached as it was, against the regular force of Hamilton, supported by the whole body of Indians from the lakes, to the Mississippi; by whom he was to be attacked, as soon as the warm season returned. It was now, more than ever before, that his military talents, and mental resources, were put in requisition; nor did they fail him. His information shewed, that Hamilton and his regulars, were alone at St. Vincennes—that the Indians were on the frontiers of Kentucky—of course out of his way—he had surprised Kaskaskias, and so he might the 'post—the commandant had occluded from his calculations, the approach of danger. He saw that the circumstances were made for his purpose; or he instantly adapted his purpose, to the circumstances. No time was to be lost—the Indians might return—or the commandant, of the Opost, might awake from his dream of security.

Colonel Clark, had fitted up a small galley which lay in the Mississippi, for defensive purposes—this was armed with two four pounders, and four swivels—manned with a company of his soldiers—a large quantity of provisions put on board—and the captain, ordered to proceed down the river to the mouth of Ohio, to ascend it, to the Wabash; and that, disregarding difficulties, except to conquer them, he was to force his vessel up that river, and to take a station a few miles below St. Vincennes; and to permit nothing to pass him. The resolve had been made—the blow was now to be struck. The winter, by this time, prevailed.

But Clark, having made these, and other dispositions, and disregarding the frost, set out, with one hundred and thirty men, being the whole he could raise; leaving a very few only,

to keep garrison; to march across the country, and to take Vincennes. On this march, sometimes without a path, through rough woods, and high waters, sixteen days were employed, and consumed. Five of these, were the party, crossing the swamps, and drowned lands, in the neighbourhood of the fort, they were to attack—and for five miles, were they forced to wade through water, frequently up to the breast. This, it is true, might have been in a great degree avoided, by keeping the public way,—which, besides, that it was circuitous, was exposed to observation—when concealment, and secrecy, were of the first importance. But Colonel Clark, was capable of sacrificing every consideration of personal accommodation, to the success of his enterprise. After subduing the difficulties which lay in his way, theretofore by ordinary minds thought insuperable, he appeared emerging from the flood, in the van of his determined followers, before the town of St. Vincennes; which he completely surprised: and which, upon summons to repair to his standard, as the ensign of Virginia—readily agreed to change its master. Hamilton, defended the fort, for a short time, and then surrendered himself and garrison prisoners of war; and which were treated accordingly, by the conqueror. But the governor of Virginia, hearing how Hamilton had encouraged the Indians in committing barbarities on the inhabitants, ordered him, and a few of his agents, to be confined in jail; which was done for a short time.

These expeditions, and conquests, of Colonel Clark, were highly important and beneficial in their consequences. They broke and deranged the plan of operations, intended to pour destruction on the whole population west of the Allegheny mountains—they detached from the British interest, several of the Indian tribes, south of the great lakes—their influence on Kentucky, was immediate, extensive, and salutary. And in all probability, they contributed essentially, to fix the limits of the United States, ultimately by the Mississippi; as those of Virginia, were extended to that river; immediately after, as one of the certain consequences.

At St. Vincennes Colonel Clark, collected his scattered forces; who felicitated him on his success, and received from him their discharge, as their time of service had expired; with the warmest expressions of approbation, and thanks, for their unshaken courage, and fidelity. He, nevertheless, prevailed on the most of them to remain through the winter; and sent a despatch to the governor, with a representation of his success, and present condition.

Virginia claiming the country, thus conquered by Colonel Clark; by an act of her legislature comprehended it, within a new county, which was created, by the name of *Illinois*. A regiment of infantry and one troop of cavalry, were voted for its protection; the command of which was given to Colonel Clark, whose former regiment was dissolved, and who well merited this new expression of public confidence, by the entire success of his late enterprises—by his known and acknowledged courage—by his uncommon hardihood, and skill in attaching his soldiers to him—by his talents for military science—and by his singular capacity, for Indian warfare—the more immediate object of his future command.

When the state of the country invaded by Colonel Clark is considered—its villages distant, and fortified—in amity with many tribes of savages, who were within call—the scanty number of his forces recounted—the routes which he marched retraced—the secrecy, and rapidity, with which he moved, recollected—and the mind duly impressed, by reflections on the masterly address with which he overcame his enemy—the exclamation, that “he was indeed, a *great* commander,” is no less an effect of judgment, than of an enthusiastic feeling of admiration.

To these observations, may be subjoined those, of two other historians, who have had occasion to notice the subject of them. By one, it has been said, that, Colonel Clark, “anticipated, and defeated the designs of Hamilton, by one of those bold and decisive measures, which, whether formed on a great, or a small scale, with many thousands, or only a few hundreds, for its execution, equally mark the military, and enterprising ge-

nus of the man, who plans, and executes them." And by the other, it has been remarked, that "he directed and timed his attacks, with such judgment; and executed them with such secrecy and despatch, that the Indians found their own mode of warfare, effectually turned upon themselves. Surprised in their inmost retreats, and hunted from their most sequestered recesses, at those times and seasons, when they were scarcely more prepared for retreat, than unprepared for defence; they experienced in their own wigwams, and families, that unexpected slaughter and destruction, which they had so frequently carried to the homes of others, as little apprehensive of danger. Upon this, they became cautious and timid; and the continual danger to which their families were exposed, damped the ardour of their warriors for foreign expeditions."

Whence it may be truly inferred, with equal pride, and pleasure, that the best expectations of both Virginia, and Kentucky, were completely answered, and their most sanguine hopes realized, by the conduct, and success, of Colonel George Rogers Clark.

The families, who were left at the falls of Ohio by Colonel Clark, in 1773, could but feel the deepest interest in the success of his expedition. Nor was it long before they heard of the capture of Kaskaskias: pleasing as was this intelligence, it did not afford to them the wanted security. Their situation, on the extremity of Kentucky—sixty or seventy miles detached from the other settlements—and within the reach of parties from several Indian tribes, and British posts, was of a nature to render them uneasy; as it exposed them to much hazard. Nor dared they remove from the island, so long as the post at St. Vincennes, was occupied by British troops, and replenished with Indians. The conquest of this place, was therefore, to them, the mandate of liberation from their insular position; and an invitation to remove to the Kentucky shore. Hence the origin of the settlement on the site of Louisville.

A stand, being made at the falls, and the families freed from the contracted, and inconvenient limits of the island, the population soon accumulated strength, from the accession of num-

bers; and the place, importance, from its becoming the principal post, of Colonel Clark, and his new regiment.

Simon Kenton, alias, Butler, who has been heretofore noticed, now claims further attention, as connected with the occurrences of this year. His active and enterprising spirit had induced him to join Colonel George Rogers Clark, and was with him at the capture of Kaskaskias. After the fall of that place, Butler, with others, was sent to Kentucky with despatches; on their way, they fell in with a camp of Indians with horses; they broke up the camp, took the horses, sent them back to Kaskaskias, and pursued their route by post St. Vincennes. Entering that place by night, they traversed several streets, and departed without discovery, or alarm, after taking from the inhabitants who were hostile, two horses, for each man. When they came to White river, a raft was made on which to transport the guns, and baggage, while the horses were driven in, to swim across the river. On the opposite shore there lay a camp of Indians, who caught the horses as they rose the bank.

Butler, and his party, now finding themselves in the utmost danger, permitted the raft to float down the stream, and concealed themselves till night; when they made another raft at a different place, on which they crossed the river, returned safe to Kentucky, and delivered the letters, as they had been directed; some of which were intended for the seat of government.

This part of his duty being discharged, Butler made a tour to the northern part of the country, and in the same year was made prisoner by the Indians. They soon after painted him black, and informed him, that at Chillicothe, where they were going, he should be burned. Nor were they willing to permit him to pass the interim, without adding to his mental pains, those of the body. Not more to torture him, than to amuse themselves, they mounted him on an unbroke, and unbridled horse; tied his hands behind his body, and his feet under the animal; and then let him loose to run through the bushes.

This he did capering, and prancing, through the worst thickets, thereby to discharge his load, but in vain. There

is no means of checking the horse, or of guarding the body, or face, or eyes, from the brush. This rends the clothes, and almost tears the flesh from the bones—to the very great amusement of the savages, and to the equal danger of the rider's life.

The horse at length worries himself, becomes gentle, and rejoins the cavalcade; which now approaches within a mile of Chillicothe; the Indians halt, dismount their prisoner, and prepare the stake. At this, they kept him tied, and standing, for nearly twenty-four hours; with what sensations, can better be imagined, than expressed. From the stake, however, he was not released by fire; but taken by the Indians, to run the gantlet. At this place, there were assembled, five, or six, hundred Indians, of all ages, sexes, and conditions. These were armed with switches, sticks, and every kind of hand-weapon, known to savages; and formed into rows, reaching to the council house; distant nearly one mile. Butler was now told, that he was to run between these files to the drum; which was beaten at the council-house door; and that, if he could get into the council house, he should be cleared: but that he was to expect a blow from each Indian, as he passed. Next, he was placed between these ranks, and put into motion, by an order, and a blow. In a little time, he broke through one of the files, before he received many blows, and continued running for the council-house door; which he had nearly gained, when he was knocked down by a warrior, with a club. Here he was severely beaten, and again taken into custody.

In this distressed, and miserable condition, when life had become burthensome; and death, would have been relief, was he marched, from town, to town; often threatened to be burned at the stake; and frequently compelled to run the gantlet.

On one of these occasions, he broke the rank, determined, at the risk of his life, to make his escape; and had actually gained a considerable advantage of his foot pursuers, when he was met by some Indians coming to town on horseback, and compelled to surrender.

At thirteen towns, he ran the gantlet, and was certainly to have been burned, at the Lower Sandusky. But an accident suspends his progress, and seems to change his destiny.

At the Upper Sandusky, resided Simon Girty; who had just returned from an unsuccessful expedition against the frontiers of Pennsylvania; and in very bad humour. Hearing that there was a white prisoner in town, he sought him, fell upon him, threw him on the ground; and to colour his violence, accused him of stealing the Indians' horses. Butler, recognising Girty, made himself known: They had been comrades, and friends; Girty is astonished, to find him in such a situation,—relents, raises him from the ground, offers him his hand, promises to save him from further injury, and to obtain his release from captivity.

The horrors of his mind, now yielded to the cheering prospects of hope, and better fortune; and the little life which yet languished in his bruised, and emaciated body, became an object of his solicitude.

A council was called, the case stated, and Girty's influence, obtained a decree of liberation, in his favour. Girty now took him to his house, bestowed on him the rights of hospitality, washed his wounds, and dressed him in a new suit of clothes.

For five days, he was at liberty, and felt himself recovering, both strength, and spirits. But such is the instability of a disorganized democracy, and the spirit of ferocity in uncivilized man, that the chiefs of several neighbouring towns, hearing that the white prisoner, was set free, now became dissatisfied; and repairing to Sandusky, demanded another council. This was accordingly held, and the former decree in favour of Butler, notwithstanding all Girty's exertions, promptly reversed; he once more reduced to the condition of a prisoner, and his former sentence of death renewed against him. Girty was now compelled to give him up, and he was marched away to Lower Sandusky, to be burned. At this place, he met with Peter Drewyear, Indian Agent from Detroit. Drewyear, from motives of humanity, interceded with the council, and obtained permission to take Butler with him, on his return home. At Detroit he was given up to the British governor, and paroled, with orders to appear at nine o'clock, each day, when the drum beat for parade.

This partial freedom, was solaced with joy, by meeting with Jesse Coffey, Nathaniel Bullock, and others from Kentucky; who had been taken prisoners by the Indians, and found safety for their lives, at a British garrison.

In some short time Butler, and the two men, just named, found means of escape, and in 1779 returned to Kentucky, after a march of thirty days through the woods.

CHAP. V.

Passage of the Land Law—Bowman's Expedition, &c.

[1779.] THE year 1779, had now arrived, and began to unfold the events, of which it had, in the order of things, been made the depository. Those of a civil nature will next occupy attention. Virginia, in addition to her other arrangements, having engaged with considerable energy, in the defence of her western frontier, which under the management of Colonel Clark, as has been shewn, was crowned with a degree of success, that reflected equal honour on her councils, and on her arms, now found herself involved in debts, beyond the competency of her ordinary means to pay.

The war, it may be recollected, was universal—extending from Europe to America—and from one extremity of the United States, to the other. From Maine, to Georgia, and from the Atlantic, to the Mississippi, was the cannon heard, or the tomahawk brandished. On the part of the Americans, it was a war against taxation; and the great body of the people, always to be influenced by names, and by objects palpable to their senses, rather than reason, or expediency, would not, it was believed, bear to be taxed at home to the extent necessary to support a war, against the possibility of being taxed abroad; although it were by the British parliament, where they were not represented. Paper bills, had been substituted for coined metals, and its quantity so increased, that its depreciation was sensibly felt, and rapidly progressing.

Could it even have been recalled by taxation, there was nothing to supply its place as a circulating medium, without again putting it into motion; nor could the public debts have been paid, or the war carried on, without the continuance of the old, or the emission of new bills.

In this situation, Virginia possessed in the fertile regions of Kentucky, an immense fund of revenue, not yet brought into

action. The attention of her legislators, had been carried with a strong current toward these regions, by the occurrences of the preceding year; and in casting about for *ways*, and *means*, their observation was pressed on this rich resource, as well, by the emergency of the crisis, as by the desire and solicitation of private individuals; who either wanted the sanction of law to support their existing claims, or else its provision, by which to acquire a title to the soil, so alluring to the cultivator, and him, who proposed making himself opulent, by engrossing it in large quantities. In fact, the sale of Kentucky lands now became a common topic; and was desired by all descriptions of the people; either as a substitute for taxes, or as the means of accumulating wealth, and distinction. The representatives of the people, could but participate in these feelings, both as men, and politicians—and hence, in the May session of this year, the LAND LAW of Virginia was passed—by which the terms of possessing the allodial property in the soil, were prescribed. An event, of great moment: which, as it put into activity a variety of passions—and opened new prospects to emigrants, and others, may be considered as the commencement of a new era in the affairs of Kentucky. For in all ages, and countries, as history, corroborating experience, will shew, the division and appropriation of land, have been subjects of the first importance, to the country, which has neglected, or effected, them. No people, it may be assumed, has been known to become great, where these circumstances have not been attended to in due time. The first settlers in Virginia, were under the direction of a company; and who ordered the cultivation of the land by the inhabitants, in common. The consequence was, a repetition of defective crops—notwithstanding the fertility of the James' river bottoms, and the mildness, and suitableness of the climate of Jamestown, to the production of Indian corn. So great was the scarcity of grain, after a residence of several years, that, but for the supplies, furnished by the savages, a famine would have ensued. Nor does it appear that plenty abounded, until after the division and appropriation of the land, took place in the

colony. For although the natives had made one remove from a cultivation in common; yet their individual appropriations were imperfect—their labours languid—their cultivation negligent—their productions few, and scanty. A single sentence explains the whole: They had not appropriated the soil by permanent division—they were hunters.

Were it necessary at this time, to illustrate the utility of a subject so generally understood as the division, and appropriation, of land, by examples drawn from history—that of times, both ancient, and modern, afford abundant instances of their importance. Let it suffice to state the result, to be a clear proposition, that both are necessary, to the prosperity of every country, where agriculture is pursued, as a means of support.

Some essayists, in their political speculations, have affected to treat as riches, only, those things, which could be removed from one place, to another; or aptly committed to use, without further amelioration, or additional labour. While they exclude land, from the definition, because it could not be transferred with the person of the owner, from one situation to another; and because, without manual labour, and time to receive the fruits of its cultivation, it supplies nothing to the use or accommodation of man, or society; except a few wild fruits and roots. Others, consider land, as the basis of all riches, and its cultivation as the only subject worthy the attention of legislators.

Without examining the merits of these different theories, the common experience, and plain sense of mankind, may be appealed to, for the correctness of the position, which ascribes to the secure possession of the soil, as individual property, the first step towards personal independence; the best security for patriotism; and the most certain source of improvement, prosperity, and wealth, of every country. For what in reality, constitute the riches of any country, but the joint produce of its land and labour? The labours of agriculture, and the productions of the land in various kinds, form the foundation of population; which is known to keep pace with the means of support, which is drawn from the earth. And these means,

are again found to proceed in an exact ratio with the encouragement afforded to the labours of the husbandman. The first, and greatest, of which, is, to secure to him, the sole and exclusive ownership, of his due proportion of the land, in the country.

So perfectly convinced was the legislature of Virginia, of the general truth of these propositions; and so well were they affected towards the future prosperity of Kentucky, that all conditions of quit rents, seating, and improving, which had been frequent in royal grants, were dispensed with, and abolished: and a pure fee simple in the land, confirmed to those who had existing legal claims; and offered to all such, as should choose to become purchasers of her waste and unappropriated lands. It is also a circumstance, worthy of observation, as it is of the utmost political importance, that Virginia requiring of her citizens, who should elect, or be elected, to her legislature, to give *assurance* of a permanent attachment to, and interest in, the welfare of the community—have stipulated solemnly to accept that assurance only, in the written title to a FREEHOLD ESTATE in the land of the commonwealth. The same profound view of human nature, doubtless, it is, which has induced her, to continue the exemption of real estates, from sale for debt. These are the great sheet anchors, of her private morality—and of her public policy. To these she owes her stability, her consistency—her influence—her prosperity—her dignity. Yielding enough, and more than enough, to *democracy*; which is ever to be respected, when duly restrained—and never disparaged, but in its excesses—Virginia has wisely, embraced in her constitution of government, some restraints to its licentiousness—some checks to its violence—and some security against its follies, by excluding from a participation in the *law-making power*, such of her citizens, as have lost, or not acquired, that kind of *interest* which identifies them, with the *security* of property: the necessary basis of all just, and wise, governments.

The constitution of Virginia, although, at the time alluded to, comprehending Kentucky, forms no subject of discussion

for this history; nor will more than an incidental reference to it, be made. Reserving therefore, such political disquisitions, as the occasion may call forth, for the constitution of Kentucky, —the subject of the lands, will now be resumed.

The Ohio company, already noticed, was one formed, some time previous to the rupture between Great Britain and her colonies; consisting of great personages, both in England, and America, whose object was to engross the most valuable lands on the western waters. Some monopolising privileges had been conferred on it, by the crown of Great Britain; and it had employed a few active agents, who had explored and surveyed much of the upper country, and some of the western parts of Virginia. As early as 1776, several large surveys had been made for it, in Kentucky, for the purpose of obtaining patents. Which in most instances elsewhere, and altogether in Kentucky, had been prevented by the deranged state of public affairs, and the succeeding revolution in government.

The Indiana company, was another association of land jobbers, formed nearly on the same plan of the former, including a number of influential characters, not included in the Ohio company, and whose object also was to accumulate western lands. For this latter company, several surveys were made on the upper waters of the Ohio, within the bounds of Virginia; but it is not known that any patent had been issued on them.

Many surveys had been executed on military bounty warrants, under the proclamation of George III. of Great Britain, bearing date October, 1763, within Kentucky: and on some of which patents had been consummated.

Henderson and company, as has been said, had caused surveys to be made in the country, by virtue of their Indian title.

Others, were made by General Thompson, heretofore named, on some assumed right; as neither himself, nor Pennsylvania, whence he proceeded, had any colour of law for what he did.

Some, had been executed for persons who had selected particular tracts for themselves, without any other warrant than their own will.

Very few, or none of these had procured patents, either from the royal government, or the commonwealth, previous to the passage of the land law; at the time before mentioned. A patent was, nevertheless, held essential to the completion of title.

There were in existence at the time, not only the different species of surveys just enumerated, but the claims of many persons, who had not proceeded to survey; and who had either settled themselves on, or improved, lands, with a view to future settlement—to which they asserted an inchoate right; not yet sanctioned by law—and to which they looked with some anxiety for a confirmation.

There existed also a kind of transitory claim, called, ancient importation rights; which entitled the party to fifty acres of vacant land, for each person imported by him, or her, into the colony.

A few there were, who had paid money into the public treasury under the regal government, for which they were entitled to receive vacant land; and these were called holders of *old treasury rights*.

From this enumeration, it may be seen that the legislature had a heterogeneous mass of rights, and claims, to act on.

If there were any others, they are not recollected—yet these were to be disposed of in some way, before the residue of the lands, could be sold with propriety—or purchased with safety.

Under this general aspect of the matter, the legislature, having first established a land office, and directed the principal duty of the register, &c. introduced their further act, in the terms following:

Section 1. “Whereas the various and vague claims to unpatented lands, under the former, and present government, previous to the establishment of the commonwealth’s land office, may produce tedious litigation and disputes, and in the mean time purchasers would be discouraged from taking up lands upon the terms lately prescribed by law, whereby the fund to be raised in aid of the taxes, for discharging the public debt, would be in a great measure frustrated; and it is just

and necessary, as well for the peace of individuals, as for the public weal, that some certain rules should be established for settling and establishing the rights to such land, and fixing the principles upon which legal and just claimers shall be entitled to sue out grants:—to the end, therefore, that subsequent purchasers, and adventurers, may be enabled to proceed with greater certainty and safety—*Be it enacted, &c.* That all *surveys* of waste and unappropriated land made upon any of the western waters before the first day of January, 1778, by any county surveyor, commissioned by the masters of William and Mary college, acting according to the laws and rules of government, then in force; and founded upon charter, importation rights, duly proved and certified, according to ancient usage, as far as relates, to indented servants and other persons not being convicts, upon treasury rights, for money paid the receiver general, duly authenticated, upon entries regularly made before the 26th day of October, 1763, and not exceeding four hundred acres, according to act of assembly upon any order of council, or entry in the council books, and made during the time in which it shall appear either from the original, or any subsequent order, entry, or proceedings in the council books, that such order, or entry, remained in force, the terms of which have been complied with, or the time for performing the same unexpired, or upon any warrant from the governor for the time being for any military service in virtue of a proclamation either from the king of Great Britain, or any former governor of Virginia, shall be, and are hereby declared good and valid; but that *all surveys* of waste and unappropriated lands made by any other person, or upon any other pretence whatsoever, shall be, and are hereby declared null and void."

Now, by comparing this last member of the preceding enactment, with the previous specification of *surveys*, the reader will at once perceive all those which were rendered null, and void—the rest, will be those declared valid, and good.

But there were many persons deemed meritorious claimants, who had not made *surveys*. Such were those claiming under the charter, and ancient custom of Virginia upon importation

rights as before limited, duly proved and certified in some court of record before the passing of the act; those claiming under the treasury rights, for money paid the receiver general duly authenticated; or under proclamation warrants for military service; and not having located and fixed such lands by *actual surveys*, as herein before mentioned; and these were to be admitted to warrants, entries, and surveys—upon paying office fees only; in the manner directed by the act establishing a land office.

Thus is exhibited a succinct account of the condition of ancient rights and claims, before and after the establishment of the commonwealth's land office—and the passage of the act for disposing of her vacant land.

A similar course will be pursued, in presenting a review of those sanctioned or created by that act. These subjects, rejecting all embellishment of style, or invention of terms, repose upon their own importance, the extent of which is yet not seen, their whole claim to attention.

For the early adventurers into Kentucky, the legislature proceeded to provide in the following sections:

“And whereas great numbers of people have settled in the country upon the western waters, upon waste and unappropriated lands, for which they have been hitherto prevented from suing out patents or obtaining legal titles by the king of Great Britain's proclamation, or instructions to his governor, or by the late change of government; and the present war having delayed until now, the opening of a land office, and the establishment of any certain terms for granting lands—and it is just that those, settling under such circumstances, should have some reasonable allowance, for the charge, and risk, they have incurred, and that the property so acquired should be secured to them: Therefore,

“*Be it enacted*, That all persons, who, at any time before the first day of January, 1778, have really and bona fide settled themselves, or their families, or at his, her, or their charge have settled others upon any waste and unappropriated lands on the said western waters to which no other person hath any

legal right or claim, shall be allowed for every family so settled, four hundred acres of land, or such smaller quantity, as the party chooses, to include such settlement." For which two dollars and twenty-five cents per hundred acres, were to be paid by the claimant.

Here is to be seen the provision made by law for the solitary settler, prior to the first of January, 1778;—the next thing was to provide for those who settled in villages. Which follows:

"Whereas several families, for their greater safety, have settled themselves in villages or townships, under some agreement between themselves of laying out the same into town lots, to be divided among them, and have from present necessity cultivated a piece of ground adjoining thereto in common:

"*Be it enacted*, That six hundred and forty acres of land whereon such villages and towns are situate, and to which no other person hath a previous legal claim, shall not be entered for, or surveyed; but shall be reserved for the use and benefit of the said inhabitants, until a true representation of their case be made to the general assembly; that right and justice may be done therein; and in the mean time there shall be allowed to every such family, *in consideration of such settlement*, the quantity of four hundred acres of land, adjacent to such town, or village, and to which no other hath a legal right;" and for which the same price was to be paid, as for other settlement lands. Such were the village rights.

The parties respectively, who were entitled to the four hundred acre settlement, were to prove their rights before authorized commissioners, who were to grant certificates accordingly to the successful applicant. These certificates were each to contain a location, or particular description of the land claimed: which was to be entered with the surveyor; who was to survey the same, and upon a plat and certificate of the survey being first deposited with the register of the land office, and no caveat entered against it, after six months, he was to make out the patent, under the lesser seal of the commonwealth—signed by the governor—with a certificate on the back, under the hand of the register, *that the party had title to the land within mentioned.*

And thus was the *legal fee simple* to be completed, without further act, or ceremony. Of which, the certificate of the register, who was to deliver the patent to the party, in allusion to the certificate of the witnesses, on the *livery of seizin*, on the ancient feofment, was to be the full and final evidence.

But this was not the only indulgence which was extended to the early settlers. To every person entitled to a *settlement*, there was at his, or her, option, allowed a *pre-emption*, of any quantity of land not exceeding one thousand acres, adjoining such settlement. For this, however, the state price was to be paid.

There were yet other objects of legislative attention, and indulgence. "All those who, since the said first day of January, 1778, have actually settled on any waste, or unappropriated lands on the said western waters, to which no other hath a just or legal right or claim, shall be entitled to the *pre-emption* of any quantity of land, not exceeding four hundred acres, to include such settlement;—and all those who before the said first day of January, 1778, had marked out or chosen for themselves, any waste, or unappropriated lands, and built any house, or hut, or made other improvements thereon, shall also be entitled to the *pre-emption* of any quantity of land, not exceeding one thousand acres, to include such improvements."

Those claiming pre-emptions, for improvements, whether made before, or after, the first day of January, 1778, either for four hundred, or one thousand acres, were to present their several claims to the commissioners, for adjusting such claims; and if allowed, they were to be certified, to the party; who on lodging his certificate with the register, was to take out a warrant for the quantity of land mentioned—for which forty dollars per hundred acres, was paid; as before intimated, in relation to the pre-emptions, adjoining settlements—and for which warrants, in like manner, were also to be obtained.

Yet, were there other claimants, of high merits, and demand, who had received public assurance of a bounty in land; but which had not been in any manner designated; these were the officers and soldiers, belonging to the Virginia continental, and state, lines, of regular troops.

Whence it was enacted—"that the tract of country lying on the south side of Green river, and southeast from the head thereof to the Cumberland mountains, with the said mountains to the Carolina line, with that line to the Tennessee river, with that river, to the Ohio, and with the Ohio to Green river, is, and shall be reserved, until the further order of the general assembly." And to this reserve, for the like purposes, the tract of country within the bounds of Kentucky, on the south side of the Tennessee river, was annexed, in 1781. While the grant to Henderson and company, stood confirmed at the mouth of Green river.

Virginia, not less just than bountiful; nor less beneficent, than great;—having provided for every claim, on either her justice, or her bounty, finding herself still possessed of immense quantities of vacant lands, proposed these for sale at the moderate price of forty pounds, paper money—worth forty dollars in specie, for each hundred acres. Those who should choose to buy, were to pay their money into the treasury, and take out a warrant from the register for the quantity purchased: As to which there was no restriction.

The warrant, was in every instance, an order to the surveyor, to lay off the quantity of land expressed, for the party—who by law, was directed to lodge his warrant with the surveyor of the county, in which the land intended to be appropriated, was situated; and to direct an entry of it in the book kept for the purpose, *so specially, and precisely, as that other persons holding other warrants, might locate the adjacent residuum, with safety.* While the subsequent steps to be pursued for the purpose of obtaining a patent, were pointed out with much precision—as in the case of a settlement right, mentioned in a former page of this history.

By a subsequent act, tracts of four hundred acres each, were sold to poor persons on credit—and in these cases, an order of the county court, was substituted for the warrant.

This, it is believed, will on examination, be found an accurate outline of the various claims to the lands, and of the disposition made of them by the legislature.

Less could not be said on a subject so complicated, without leaving the general view proposed to be given, quite too imperfect to be useful. While for the sake of brevity, many details necessary to be consulted, in order to have a perfect practical understanding of the subject, have been omitted. It will, however, be left for the present—but with the expectation of returning to it again, as its effects press themselves on the attention; or when a resort to it, may be deemed necessary to explain any moral, or political phenomenon, in the state of society—the progress of improvement—the organization of the courts—the irregularity of legislation—or the character of the government. And even now, it may be necessary to remark, that the execution of these provisions for obtaining title to the lands of Kentucky, was rendered progressive; and some parts of the plan, made so dependent on others, as to require the intervention of commissioners—and to give preferences—while in fact, the location of the warrants of mere purchasers, was postponed till the tenth of May in the next year. Notwithstanding which, they might, after the fifteenth of October ensuing the passage of the law, purchase as many land warrants as they pleased.

An attention to the chronology of events, not to be dispensed with, will at this place transfer the narrative from the subject of the lands, to those occurrences in Kentucky, more immediately connected with its military history;—its improvement, and its population.

Then it may be remarked—that the year which gave birth to the land law, early felt, in various other respects, the beneficial influence of Colonel Clark's expeditions, and success; a general confidence sprang up, and prevailed throughout the country: and while it brought more emigrants to the old stations, it also encouraged the settlement of many which were new.

About the first of April a block house was built where Lexington now stands; and a settlement began there under the auspices of Robert Patterson; who may be considered an early and meritorious adventurer—much engaged in the defence of

the country—and who, for his many services, well deserved the commission of colonel, which was afterwards conferred upon him. Several persons continuing with him, they occupied the blockhouse, raised corn at the place; and in the autumn of the same year, John Morrison, afterwards a major, removed his family from Harrodsburgh; and Mrs. Morrison, was the first white woman at Lexington: so named to commemorate the battle at Lexington, in Massachusetts, being the first that took place in the war of the revolution.

Bryants' station, five miles northeastward from Lexington, was also settled in 1779, by the Bryants, who afterwards deserted it under an apprehension of danger; while others more resolute continued its occupation.

Levi Todd, whose residence had been at Harrodsburgh, settled a station, about ten miles southwestward from Lexington, in the same year. This gentleman, afterwards removed to the last mentioned place, for greater safety; and became distinguished among the early settlers. Several stations were also erected in the neighbourhood of the place where Danville now stands.

In like manner, other parts of the country, under the operation of the same causes—an unpleasant restraint on the one hand, and a diminished apprehension of danger on the other; exhibited similar effects. New settlements were made under the influence of different leaders; some on the waters of Licking, of Bear Grass, and of Green river; and others, in the neighbourhood of Boonesborough, of Harrodsburgh, and of St. Asaphs.

These stations, consisting of cabins built adjoining, or connected by intermediate palisades, were synonymous with forts.

Their original population consisting of small numbers in general, was various; and depended on the party that could be collected; often upon the popularity of the leader. They were sometimes colonies from older stations—sometimes composed of recent emigrants. They were always receptacles for new comers—and many of them by the accession of numbers, and additional cabins, swelled into villages in the course

of a year or two—were as suddenly depopulated, when no longer influenced by surrounding danger.

In the progress of the seasons, other events of considerable moment to the quiet, and security of the country, were successively evolved. The effects of the land law, were first observed in the accumulation of adventurers travelling to, and through the country—some with families, some without them. A part, prepared to settle down on bare creation—others travelling over it, as explorers, or speculators, anticipating the opening of the surveyors' offices.

Under these circumstances, the Indians as usual infested the country, and annoyed the stations, or intercepted the travellers, and hunters—and as usual, the people attended to their business, in the midst of hostility. A situation so insecure, and restless, could but lead to reflections on the means of rendering it more agreeable; and of diminishing the danger if possible, which was every where present to the mind, and in many places to the body. In the informal councils of the inhabitants, incidentally convened in Harrodsburgh, their own safety, as natural, being the topic—it was concluded, that to free themselves from danger, and their habitations from war, it was necessary to carry hostilities into the enemy's towns. This determination being made known at the other stations, a concert was proposed, and agreed to, for carrying an expedition against Chillicothe—as of all the Indians, who had been marauding in the country, the Shawanees, had been the most mischievous, as they were the most active. Volunteers were now called for in the name of Colonel John Bowman, who was to have the command; and who appointed the rendezvous, at Harrodsburgh—his own residence. There was no want of ardour in either officers, or soldiers. Benjamin Logan, John Holder, James Harrod, and John Buiger, were captains—George M. Badinger, who had been in the war to the eastward, was chosen adjutant; and many of the best men in the country were privates; of whom there were near two hundred.

The expedition, moved in the month of July—its destination well known—and its march so well conducted, that it ap-

proached its object, without discovery. From this circumstance, it would seem that the Indians were but little apprehensive of an invasion from those who had never before ventured on it; and whom they were in the habit of invading annually; or else so secure in their own courage, that they feared no enemy: for no suspecting spy was out to foresee approaching danger. Arrived within a short distance of the town, night approached, and Colonel Bowman halted. Here it was determined, to invest, and attack the place just before the ensuing day; and several dispositions were then made very proper for the occasion; indicating a considerable share of military skill, and caution, which gave reasonable promise of a successful issue. At a proper hour the little army separated, after a movement that placed it near the town; the one part, under the command of Bowman in person—the other, under Captain Logan; to whom precise orders had been given to march on the one hand half round the town—while the colonel passing the other way, was to meet him, and give the signal for an assault. Logan immediately executed his orders, and the place was half enveloped. But he neither saw, nor heard, the commander-in-chief. Logan now ordered his men to conceal themselves in the grass and weeds, and behind such other objects as were present; as the day began to shew itself, and he had not yet received the expected order to begin the attack: nor had he been able, though anxious, to ascertain what had intercepted, or delayed his superior officer. The men on shifting about for hiding places, had alarmed one of the Indians' dogs, who forthwith set to barking with the agitation of apparent fright. This brought out an Indian warrior, who proceeded with caution, on the way that the dog seemed to direct his own attention, and in a short time if he had continued his progress, might have been made a prisoner; but at this critical moment, one of the party with the colonel, fired his gun; which the Indian, well understanding as coming from an enemy, gave an instantaneous, and loud whoop—and ran immediately to his cabin. The alarm was instantly spread through the town—and preparation made for defence. The party with Logan,

was near enough, to hear the bustle, and to see the women and children, escaping to the cover of the woods, by a ridge which ran between them and where Colonel Bowman with his men, had halted.

In the mean time, the warriors equipped themselves with their military habiliments, and repaired to a strong cabin; no doubt, designated in their councils for the like occurrences. By this time daylight had disclosed the whole scene, and several shot were discharged, on the one side, and returned from the other; while some of Logan's men, took possession of a few cabins, from which the Indians had retreated—or rather perhaps it should be said, repaired to their strong hold, the more effectually to defend themselves. The scheme was formed by Logan, and adopted by his men in the cabins, of making a moveable breastwork, out of the doors and floors—and of pushing it forward as a battery, against the cabin in which the Indians had taken post; others of them had taken shelter from the fire of the enemy, behind stumps, or logs, or the vacant cabins, and were waiting orders; when the colonel, finding that the Indians were on their defence, despatched orders for a retreat. This order, received with astonishment, was obeyed with reluctance—and what rendered it the more distressing, was the unavoidable exposure which the men must encounter in the open field, or prairie, which surrounded the town: for they were apprized that from the moment they left their cover, the Indians would fire on them, until they were beyond the reach of their balls. A retreat however was deemed necessary, and every man was to shift for himself. Then, instead of one that was orderly, commanding, or supported—a scene of disorder, unmilitary, and mortifying, took place: here a little squad would rush out of, or break from behind a cabin—there individuals would rise from a log, or start up from a stump, and run with all speed, to gain the neighbouring wood.

At length, after the loss of several lives, the remnant of the invading force, was re-united, and the retreat continued in tolerable order, under the painful reflection that the expedition had failed, without any adequate cause being known. This

was however, but the introduction to disgrace, if not of misfortune, still more extraordinary, and distressing. The Indian warriors, commanded by Black-fish, sallied from the town, and commenced a pursuit of the discomfited invaders of their forests, and firesides, which they continued for some miles, harassing and galling, the rear of the fugitives, without being checked; notwithstanding the disparity of numbers. There not being more than thirty of the savages, in pursuit. Bowman, finding himself thus pressed, at length halted his men, in a low piece of ground covered with brush; as if he sought shelter from the enemy behind, or among them. A situation more injudiciously chosen, if chosen at all, cannot be easily imagined—since of all others, it most favoured the purposes of the Indians. In other respects the commander, seems also to have lost his understanding—he gave no orders to fire—made no detachment to repulse the enemy, who, in a few minutes, by the whoops, yells, and firing, were heard on all sides; but stood as a mark to be shot at—or one panic struck. Some of the men fired, but without any precise object, for the Indians were scattered, and hid by the grass and bushes. What would have been the final result, it is difficult to conjecture, if Logan, Harrod, Bulger, and a few others, had not mounted some of the pack horses, and scoured the woods, first, in one direction, then in another; rushing on the Indians wherever they could find them; until very fortunately Black-fish was killed: and this being soon known, the rest, fled. It was in the evening when this event occurred; and being reported to the colonel, he resumed his march, at dark—taking for his guide a creek near at hand, which he pursued all night, without any remarkable occurrence—and in quiet, and safety, thence returned home, with the loss of nine men killed, and another wounded; having taken two Indian scalps: which however, was thought a trophy of small renown.

Yet, it should not be supposed, that Colonel Bowman was deficient in personal courage; nor in those military talents, necessary to conduct an expedition of the kind. But whether his mind was overpowered by a consciousness of his error in

ordering a retreat, when he might have advanced to certain victory; or there was any thing in his physiology which produced the torpor, is not now to be decided. Whatever was the cause, the effect, was a subject, of both mortification, and regret. It is nevertheless, to be remarked, that he was a valuable member of society, highly useful to early settlers, hospitable, and benevolent. And if he did not merit military fame, at that time, the highest recommendation to favour; he possessed the peaceful virtues, which deserve to be held in perpetual remembrance.

In this year, (1779,) the brothers, by the name of McAfee, already mentioned, removed with their families to Kentucky, and settled McAfee's station, six miles from Harrodsburgh; each reclaiming the lands he had formerly improved. They had indeed as early as 1776, raised corn at James McAfee's place, intending to bring out their families in the autumn of that year. They were however prevented in the attempt, by a series of untoward events which befell a part of them on the Kenhawa. The result of which was, the loss of all the stores they had been providing for several years, and the postponement of their removal. In the next year, some of the connexion came out to Salt river, to see after the cattle which they had driven, and left there, the year preceding: none of which were to be found. The Indians having in the meantime killed and dispersed the whole herd, amounting to about fifty head. This was a second check to the intended removal; but no inducement to abandon the enterprise. In 1778, they recruited their stock, and stores; and the next year, effected their journey, and settlement, as aforesaid.

Robert B. McAfee, now a member of the legislature, is a son of Robert McAfee, and a Kentuckian, by birth, and education.

This narrative has been thought, due, to the first explorers of Salt river—and to those who first ascended the Kentucky river, to its head; and thence traversed the Cumberland mountain, fortified by its outposts of stupendous hills, where man never trod before; where a frightful sterility denied subsis-

tence to animals of the game kind; and whence the starved wolf fled, with howls of fear and agony. This tour, executed in 1773, occupied the party fourteen days, in which they suffered incredible hunger, and fatigue. In so much, that one of them quite exhausted, sunk down, under a privation of strength, in despair; after surmounting the greater difficulties, and reaching a better country. At this critical juncture a buffaloe was spied, and killed. A part of whose flesh, dressed and administered to the stomach of the dying man, soon brought him to the use of his feet: and the others, partaking of the residue of the animal, they all were renovated; and thence got safe to the settlement, called Castlewoods, on Clinch river; where, with home, and safety, before them, they cast their cares behind.

The perseverance of these men, merits imitation—they effected an establishment, as has been said, which they maintained against the inroads and assaults of the Indians; acquired a good portion of rich land, and became independent livers; as they were always respectable citizens, and brave soldiers, as will be further seen.

CHAP. VI.

Commissioners appointed—increase of emigrants, settlements, &c.—Ruddle's, and Martin's, stations taken—Clark's expeditions—division of the county—incidents of the war—State line run—Boone's station evacuated—Floyd defeated—McAfee's station attacked—progressive population—state of the country, &c.

[1779.] In the summer of the year 1779, many families in the interior of Virginia, and in the neighbouring states, prepared to remove to Kentucky, the ensuing fall; besides a very great number of individuals, whose existing claims, and intended acquisitions, brought out also, in the course of the year. These movements, may be ascribed to the land law, as one general cause. By it, commissioners were to be appointed by the governor, with advice of the council of state, to hear and determine all disputes relative to land claims; and to grant certificates of settlement and pre-emption, to such as were entitled to them, either jointly, or severally. The county of Kentucky was subjected to the exclusive jurisdiction of one of these courts, to be composed of four members, any three of whom to form a quorum; with powers to appoint its own clerk, and to require the attendance of the sheriff, of the county; also to administer oaths to witnesses, and others, necessary for the discharge of their duties—to punish contempts of their authority, enforce good behaviour in their presence, and to award costs, or not, at their discretion.

A surveyor, was to be appointed for the county, who was to open his office for the reception of entries for land, and for carrying them into effect by survey, in the manner prescribed by law.

The commissioners, were to give at least twenty days notice, in their district of jurisdiction, by advertisement at the forts, meeting houses, and other public places, of the time and place at which they intended sitting, for the purpose of collecting

the parties; whose claims they were to hear and determine—and to effectuate these objects, the court might adjourn from time, to time, and place, to place, as their business should require. While to guard against the mischievous consequences of a discontinuance, it was provided, that if the court should fail to meet at any time to which they had adjourned, neither their commissions, nor any matter depending before them, should be thereby discontinued; but they should proceed to business when they did meet, as if no such failure had happened. The clerk, was charged to keep exact minutes of all the proceedings of the commissioners, and enter therein the names of all persons to whom land was adjudged, either for settlement, or pre-emption, or otherwise, with their respective *quantities*—and *locations*. The clerk was also authorized, and charged to issue process, for parties and witnesses, when required; which it was the duty of the sheriff to execute.

Judgment, when rendered, was to be final between the parties to the contest; except where one of them could not procure the attendance of his witnesses; in which case, it was to be adjourned to the general court, for further discussion, and a final decision.

But, as it was foreseen, that, by this summary mode of proceeding, persons at a distance, might not have timely notice; it was also provided; that no grant should issue upon any of the claims determined by the commissioners, until the first of December, in the year one thousand seven hundred and eighty; and in the mean time, any person aggrieved by their judgment, might enter a caveat in the general court; and upon proof of the want of notice, when the commissioners met, the court was to grant a rehearing; and might, to attain justice, reverse the former judgment, and order a grant to issue to the claimant.

The officers, and soldiers, of the Virginia line, in the service of the United States, had one year from their resignation, or discharge, to claim their rights to settlement, and pre-emption: and a similar provision was afterwards made by law, for the state troops. While it may not be irrelevant to remark, that

the effect of these privileges was retrospective, and tended to overreach and prostrate previously allowed claims, of other persons. Whatever may be said of the inexpediency, or injustice, of such legislative provisions, in relation to others; yet, considering the situation of those engaged in the public service of their country, they seem to stand exempted from censure as to them.

Nor could the feeling and sentiment, which at first dictated the indulgence, be resisted at the time, or checked for some years afterwards; so strong was the hold they had of the public mind. And which operating through the medium of the county courts, who succeeded the court of commissioners, were in 1784, 5, and 6, about to produce the most serious evils, when in the fall of the last mentioned year, the legislature, made to understand, the extent, and licentiousness of the abuse, repealed the laws, or limited in point of time, the exercise of those powers, about to prostrate the rights of others, who had perfected their titles, in a state of profound ignorance, of latent adversary claims, subsequently brought to light.

The governor having appointed, and commissioned, William Fleming, Edmund Lyne, James Barbour, and Stephen Trigg, all resident in other parts of the state, as commissioners for Kentucky; it was some time in October, that year, before they arrived in the country. On the thirteenth of the month, at St. Asaphs, the first court was formed of the three gentlemen, first named: John Williams, Jr. was appointed clerk; the sheriff attended; and a large concourse of people surrounded their sitting. The usual ceremonies being performed, the court adjourned, to meet at ten o'clock the next day. Accordingly, the court being opened—the claim of Isaac Shelby, to a settlement and pre-emption, *for raising a crop of corn in the country in the year 1776*, was presented by Captain John Logan, and granted by the court, for the land on which Shelby made his farm in 1780, or '81, about one and a half, or two, miles south-eastwardly from the Knob lick. A singular place, of much notoriety—whence, or near which, issue waters into branches of both Salt, and Dick's, rivers.

This application for, and grant to, Isaac Shelby, were followed by many others of a similar nature, or for single pre-emptions; for selecting and improving land in the country. To every person obtaining a judgment in his favour, whether for a settlement, and the pre-emption adjoining—or for the single pre-emption of one thousand, or four hundred acres, the court were to deliver a certificate, containing the quantity of the land, and its LOCATION.

Specimens of these certificates, may hereafter be matters of curiosity, as well as subjects of reference in the further development of land titles, or controversies—too important to be passed over in silence, in a history of the country: A transcript of each species of claim will therefore be given.

“Michael Stoner, this day appeared, and claimed a right to a settlement and pre-emption to a tract of land lying on Stoner’s fork, a branch of the south fork of Licking, about twelve miles above Licking station, by making corn in the country in the year 1775, and improving the said land in the year 1776; satisfactory proof being made to the court, they are of opinion that the said Stoner has a right to a settlement of four hundred acres of land, including the above-mentioned improvement, and a pre-emption of one thousand acres adjoining the same, and that a certificate issue accordingly.”

“Joseph Combs, this day claimed a right to a pre-emption of one thousand acres of land lying on Combs’, since called Howard’s creek, about eight miles above Boonesborough, on both sides of the creek, and about three, or four miles, from the mouth of it, by *improving* the said land, by building a cabin on the premises in the month of May, 1775. Satisfactory proof being made to the court, they are of opinion that the said Combs, has a right to a pre-emption of one thousand acres, including the said improvement, and that a certificate issue accordingly.”

“Robert Espie, this day appeared and claimed a pre-emption of four hundred acres of land, he being a settler in this country, *who made corn in the year 1778*, as appears by testimony, lying on the waters of Paint lick, near the land of William Kennedy,

at a spring, with the R. A. cut on each tree. The court are of opinion that the said Espie has a right to the pre-emption of four hundred acres of land, according to law—and that a certificate issue for the same.”

To accommodate the people in the different parts of the country, the court of commissioners, adjourned successively to the principal stations—sitting at Harrodsburgh, on the 26th of October; at which place Stephen Trigg, took his seat in the court; on the 16th of November they sat at the falls of Ohio; and on the second of December, again at Harrodsburgh; from this place they adjourned to Boonesborough, where the court was opened on the eighteenth of the month. The third of

[1780.] January, 1780, the court sat at Bryant's station. Once more it was opened at Harrodsburgh, on the 23th of the same month—and from that adjourned to St. Asaphs, where it was on the 20th of April following. Having there finished their business—as after proclamation for claimants to come forward, none appearing—the court, on the 26th of the month, declared the expiration of its powers; and the session was thereby dissolved. There having been granted, in the mean time, about three thousand claims, of different kinds.

It is reasonable to imagine, great activity and bustle, took place in consequence of these acts of the commissioners; whereby, mere equitable claims, were adjudicated into legal rights; and many new interests created, in the place of doubtful pretensions; founded on obscure, and sometimes substituted, or doubtful marks. As however, none but vacant land could be effectively granted, and that was to be paid for, at the state price, little, or no injustice, was done. It would be difficult to delineate the various ramifications into which, the circumstances attending claims to land, propelled different individuals; whose great concern now was, to secure them ultimately: from which this narrative may safely absolve itself, as not being important to history.

While it may, nevertheless, be worthy of remark, that a great country was to be surveyed, which of course would produce much activity—and that George May, who had been

appointed surveyor of Kentucky, gave his attendance to the duties of his office: then one of the most lucrative in the commonwealth; when it is taken into consideration, that the fees belonged to him—subject to a claim of one-sixth by the college of William and Mary; and of a half of the balance by the deputy, in cases where, the survey was executed by one, the residue being his in all cases.

In the mean time, however, the winter 1779—'80, proved to be uncommonly severe, insomuch that it was distinguished by the name of the HARD WINTER. The rivers, creeks, and branches, were covered with ice of great thickness, where the water was sufficient; while the latter were generally converted into solid crystal. The snow, by repeated falls, increased to an unusual depth, and continued for an extraordinary length of time: so that men, and beasts, could with much difficulty travel; and suffered greatly in obtaining food, or died of want, and the cold, combined.

Many families travelling to Kentucky, in this season, were overtaken in the wilderness, and their progress arrested by the severity of the weather. Compelled to encamp, and abide the storm; the pains of both hunger, and frost, were inflicted on them in many instances, in a most excruciating degree. For when their travelling stock of provisions, was exhausted, as was soon the case, with many, and some of these without a hunter, or live stock; these were left without resource, but in begging at other camps. And even where there were hunters, they found it extremely difficult to traverse the hills for game; or to find it when sought. While in a short time, the poor beasts, oppressed by the cold, and want of food, soon became lean, and even unfit for use, or unwholesome, if eaten. Such also became the case, with the tame cattle of the emigrants—many of them died for want of nourishment; or were drowned, by the floods, as they happened to be on the hills, where there was no cane, or on the bottoms, which overflowed, on the breaking up of the ice. And it is a fact, that part of those dead carcasses, became the necessary viands, of some of the unfortunate, and helpless travellers. Their arrival in Ken-

tucky, when effected, offered them a supply of wholesome meat; but corn was scarce—and bread, at first obtained with difficulty, soon disappeared, and could not be procured.

The very great number of people who attended the commissioners, in addition to a still greater number, who had moved into the country, from the interior, in the year 1779, compared with the crop of that year, had nearly exhausted all that kind of supply before the end of the winter: and long before the next crop was even in the roasting-ear state; in which it was eaten as a substitute for bread; there being of that article none to be had, until the new crop became hard. And while the corn was growing to maturity, for use, wild meat, the game of the forest, was the only solid food, of the multitude; and this, without bread, with milk, and butter, was the daily diet, of men; women, and children, for some months. Delicate, or robust; well, or ill, rich, or poor, black, or white; one common fare supplied—and the same common fate attended, all. The advance of the vernal season brought out the Indians, as usual; and danger of life and limb, was added, to whatever else was disagreeable, or embarrassing, in the condition of the people.

In the mean time, the stations had become much crowded, by successive arrivals, and new settlements became a necessary means of relief, from the inconveniences of a situation too much confined. Many new stations were seen to spring up, in the course of the vernal season of 1780, as it were by swarms, from old hives; in which a regard to safety, was an indispensable requisite. While the attention of the enemy, was of course divided by a multiplication, and extension of the objects of its attraction. Thus Kentucky began to have an interior, and a frontier; while some parts were deemed safer, and others, considered, as, more exposed; without any being free from danger.

In this year, a number of persons from the Atlantic regions, visited the country—some possessed of property, most in pursuit of it—many, of respectable talents, and information, with a view to future settlement—others, ready to commence them forthwith, “on bare creation.” Among the most con-

spicuous, was Colonel Thomas Marshall, who had distinguished himself for his courage and good conduct in the battle of Brandywine; and then commanded the regiment of state artillery—to whom the governor, had granted a special permit to visit the country. His immediate object was to locate land warrants, as a provision for a numerous family, which he intended to remove to the country on the restoration of peace. At the same time, Colonel George Slaughter, descended the Ohio, with one hundred and fifty state troops; to the falls; where Col. Clark, had established his head quarters, and still retained the command. Here he erected a fortification, having some analogy to the military art; in this was placed several pieces of small cannon; and Kentucky thus received an invincible barrier on her north-western frontier. It may nevertheless be observed, that this garrison, however invulnerable to the assaults of the Indians, seems to have afforded but little protection to the neighbouring settlements: while it had the effect apparently of drawing the Indians into that quarter. It was probably remarked by them, that men were less cautious, about this strong post, than in other places: and it may be inferred as a certain consequence—that carelessness invites the attacks of a vigilant enemy. The vicinity of the Ohio, it is to be remarked, at the same time, being the ostensible boundary between the hostile parties, offered to the savages, several advantages, of no inconsiderable magnitude. They could approach its bank, upon their own ground; they might cross it when convenient—reach the settlement—strike a blow—and recross the river, before a party could be collected, or brought, to pursue them. The river, always presented an object of difficulty, and very often an insuperable obstacle to further pursuit. In this state of things, it is no matter of surprise, that soldiers were shot near the fort—or that in the settlements of Bear Grass, lives were lost—prisoners taken—and horses stolen—with frequent impunity, or but sometimes retaliated.

On the 10th of May, the surveyor opened his office for the reception, and location, of treasury warrants. Great numbers of these warrants had been obtained, and to have them located;

was the important point, which seemed to engross the attention of the holders, and others. Many persons in the atlantic parts of Virginia, and other states, who had never seen Kentucky; and others, in Europe, and the West Indies, who had heard its fame only; had sent warrants to the country, in order to take up land. Many, who had come here for the like purpose, being deterred by the apprehension of danger, from exploring the lands, and fixing on objects of description for their locations, found themselves possessed of warrants, which they could not realize. While, on the other hand, many of the early settlers, and hunters, in the country, availing themselves of their knowledge of these circumstances, and of the rich lands, became the locators of such warrants; upon contracts to share the land, thus acquired, These contracts were generally for a third part of the land saved thereby; but afterwards, when vacant land became more scarce, and warrants more plenty, one half was demanded, for location, and conceded by the holders of warrants.

The report of Indian sign, or that a man was shot at, or killed, or made a prisoner, gave occasional, and momentary recollections of danger—produced a little bustle—perhaps forced out a scouting party—and for an instant suspended business—or diverted the mind from the great and important pursuit of the day—the ACQUISITION OF LAND. To this, there was no legal limit, as to quantity: but each adventurer was at liberty, to apply any portion, or the whole of his means, in that way, if he pleased. Nor is it readily concieved, if it should, how it could, have been effectually ordered otherwise; without the exercise of power totally inconsistent with the individual rights of property, and of the freedom of its acquisition, by just means; whatever may be said, of its unequal division; as the result of this licence. For although inequality will be the consequence of an unrestrained right to purchase, it is no more applicable to land, than to other articles of sale, or barter. Nor is there any just reason for restraint, where the competition is free, and all are to pay an equal price, in the case of land, which would not be applicable to any other subject of mer-

cantile speculation, or auctionary purchase. The only necessary legal coercion, is—that what is bought, *shall be paid for*. While the only sumptuary law, admissible in free governments, is, summed up in few words: Steal nothing—return what you borrow—and pay for what you buy. All else is unnecessary—and may be pronounced, arbitrary, unjust, or oppressive. Besides, if the intention, or pretence, is to restrain luxury, it will be found as ineffectual, as it is despotic, to permit the acquisition of riches, and to forbid the use of them. But if the acquirement of riches is forbidden, the spirit of industry is destroyed. And where industry is rejected, there, want, and vice, abound; while these are banished by its possession. Now, it may be affirmed, that there is nothing in the power of legislators, of equal potency in stimulating the general industry of a people—as, *justice*—duly, and impartially, administered to all—be they rich, or poor—high, or low. The direct contrary of this, is, the tendency, and effect, of all legislative interferences, to obstruct, or suspend the collection of debts—or the performance of contracts. From these propositions, necessarily general, but of easy application, to particular cases; and always worthy of recollection—the attention of the reader is invited to the historical narrative: which will be resumed, without further digression, or illustration.

Then it may be said, that while the people, who had almost forgotten the war, engaged as they were in the ardent pursuit of land; fate was preparing her means at Detroit, and the Indian towns northwest of the Ohio, to inflict a severe blow, on the population and spirits of the country. The instruments employed, were the British Canadians, and savage Indians; her devoted objects were Ruddle's, and Martin's stations.

Without a metaphor, and in plain historical language, the British commandant at Detroit, recovering from his astonishment at the success of Colonel Clark, and thinking it necessary to counteract its effect, on his Indian allies; had determined to strike a blow at Kentucky, with more than usual violence.

For this purpose, he had concerted with the Indian chiefs, of the neighbouring hostile towns, an expedition of much strength and military preparation, against the settlements on Licking—being those most convenient, and accessible. The first of June was appointed for the rendezvous, of an army of six hundred Indians, and Canadians; to be commanded by Colonel Byrd, an officer in the service of his Britannic Majesty. Two field pieces, added to the ranks of these painted and frightful warriors, a force, which the places to be assailed, could oppose no effectual resistance. Secrecy, was nevertheless deemed material—and the assemblage, and movement of this murderous host, were equally unknown to the people of Kentucky, until the 22nd of June, when it made its appearance before Ruddle's station—a common stockade fort, without a single piece of artillery. It had been settled the preceding year, on the north bank of the south fork of Licking, about three miles below the junction of Hinkston, and Stoner's forks, of which it was composed: Another of them, was Martin's station, on Stoner's fork, about five miles from its mouth.

Colonel Byrd, had moved his cannon by water, up Licking, to the junction of the south fork, and thence by land; the season being dry, and the water low. Upon the approach of this formidable enemy to Ruddle's, the fort gates were shut, and preparation made for defence. But on the display of numbers, and the shew of cannon, the garrison was summoned to surrender at discretion, to His Majesty's arms—and promised security for their lives. What if their goods and effects were devoted to the pillage of the Indians? In case of assault, their persons and lives could but share a like fate. What could a feeble garrison, incumbered with women and children, do in a stockade fort, without cannon to repel, or cavalry to disperse, or numbers to meet such a force, so appointed, and arrayed? They could surrender—and this they did. The fort gates were thrown open; and the Indians rushed in, to secure the prisoners, and plunder their property. No wonder, they frightened the women, and children, by the ferocity of their looks, and the rudeness of their manners—when with their

tomahawks, they killed three reluctant prisoners. The rest, were loaded with the spoil of their own houses; which they were compelled to carry, for their savage conquerors.

It would be superfluous to add the particulars attending the taking of Martin's, which was effected by the same force; and was but a repetition of the same barbarous scenes.

The prisoners, and plunder, of both places, were soon gotten together—and no time lost in commencing a retreat from the country—by the route of approach. This may be considered, as singularly fortunate, for the other stations on the north side of the Kentucky river; for their united force could not have resisted with effect, so formidable an invasion. Nor would it have been practicable to have collected that force. The highest gratification, next to that of not being attacked, of which Lexington, Bryant's, Grant's, and Strode's, stations, were susceptible, must have been that of knowing, the enemy had left the country. Some men who belonged to, but were not in the captured stations; on returning home, and finding the desolate state of them, and readily understanding the cause, soon spread the alarm to the next stations: nor was it necessary to aggravate the danger, in order to agitate them with frightful apprehensions. The bare recital of the kind, and magnitude, of the force, could but produce that effect. Feeble were the forts; and few, the men of battle, at that time—not three hundred in all, north of the river—and these dispersed, within twenty-five, to forty miles, from the scene of action, in half a dozen stockade stations. Grateful, indeed! was the news of the enemy's retreat. Such are the crisis, in human affairs. While reflections on this, render it probable, that could the Indians have been kept together, for a week or two, they might have depopulated the country. And yet it has been seen, how this formidable, and terrifying invasion, subsided, and this host of savages disappeared, without any real opposition; either influenced by a fear of the unknown force, which it was apprehended, might be brought against it; or satisfied with its success, and intent alone on securing the prisoners, and spoil; or else that, from some national prejudice, inveterate

custom, or superstitious notion; the Indians cannot be kept in the field, after a victory; in which they have taken prisoners: or finally, because Colonel Byrd, had previously limited his expedition to Licking, and would not change his plan; or proceed into the country, where he could not conveniently move his cannon. To whatever cause, this sudden retreat may be ascribed, it will forever remain, as it was then, a subject of unfeigned congratulation, to the people of the country.

Upon this occasion, it has been said, that the retreat was executed with great haste, if not precipitation. The prisoners were forced along, with violence, to the women, and children, who were unable to perform the march on foot, with the required speed; and that such as sunk down under their burthens, or were unable to keep their places, were relieved from the weight of the one, and the fatigue of the other, by the tomahawk, and scalping knife, of their savage, and vindictive conquerors.

Such prisoners as survived, were dispersed among the Indians, or carried to Detroit: from whence, after several years detention, they generally returned, to different parts—as fortune, or their own exertions, furnished them with the inclination, and the means. The peace with Great Britain, liberated some—others, were surrendered, at subsequent treaties with the Indians—a few married, and settled among them.

The occurrences of this summer, and a conviction generally prevailing, of the good consequences which would result to the country, from a prompt and vigorous retaliation, on the Indian towns, enabled Colonel Clark, then at the falls of Ohio, to strengthen his regiment, by a call on the militia of Kentucky, for volunteers—and to lead an expedition of overwhelming prowess, into the enemy's country. The northwestern villages were the destined objects. On this occasion, the call for assistance, was cordially received, and cheerfully obeyed—no coercion was necessary.

Having thus rallied a respectable portion of the force of the country, round his standard, Colonel Clark, marched at its head, against the Pickawa, a principal town of the Shawanees,

on a branch of the great Miami. The expedition was conducted with that prudence and despatch, which had previously distinguished the movements of that officer. If the Indians had been apprized of his designs, of which however, there remains no tradition, they were not terrified by his approach; but, with the bravery, for which their nation was renowned, they determined to defend their cabin walls, after sending their squaws, and children to the woods, for safety. This, they had barely time to do.

For the town, was no sooner approached, than assailed; whence a sharp conflict ensued; which for a moment suspended its fate, but could not avert its destiny. Seventeen of the warriors, having fallen, the rest fled—and their abandoned residence, was forthwith reduced to a heap of ashes.

Their vegetable gardens, and corn fields, were next laid waste—and whatever might conduce to their sustenance, utterly destroyed. Such are the legitimate privileges of victory! Is it so?

This conquest, decisive for the campaign, cost Col. Clark, an equal number of lives—seventeen, of his brave men, fell by the fire of the enemy—and others, were wounded.

From the Pickawa, Colonel Benjamin Logan was detached, by the commander-in-chief, to reduce a small town, about twenty miles distant. But the alarm being spread, and the enemy receiving intelligence of the approach of Logan's party, saved themselves by flight; leaving their habitations, and a store, from which the Pickawa, had been chiefly supplied with arms, and ammunition, unprotected, as they were unremoved. These were burned: the destruction of the store, being the main object of the detachment.

Colonel Clark, having thus succeeded, returned; and discharging the militia at the Ohio, resumed his post at the falls; while they, mingled with their fellow citizens, to take their usual round in the occurrences of the times.

These Indians, finding employment for the residue of the year, in resettling themselves; and in seeking sustenance for the ensuing winter, gave Kentucky no further disturbance

that season. But her situation, was that of a brave man, surrounded by assailants—no sooner should he repel one, than another repeated the attack; and thus demanded of him, an exertion of his defensive powers.

Daniel Boone, having adjusted the business of his visit to North Carolina, and returned to Kentucky, his brother and himself, in the month of October, visited the Blue ticks—and on their return home, were fired on by Indians; who killed the brother---and pursued Daniel, who fled. Not being able to overtake him, they set a dog on his trail, in order it seemed, to worry him, until they should arrive, or simply as a guide to their pursuit. In about three miles' chase, the dog came nigh enough for Boone to shoot him, and evade his followers; which he did.

The first of November, the county of Kentucky was divided into three parts; each of which composed a new county, and received a new name---viz:

“All that part of the aforesaid county on the south side of the Kentucky river, which lies west and north of a line beginning at the mouth of Benson's big creek, and running up the same and its main fork to the head; thence south to the nearest waters of Hammon's creek, and down the same to the town fork of Salt river, thence south to Green river, and down the same to its junction with the Ohio, was called JEFFERSON COUNTY.”

“All that part of the said county of Kentucky, which lies north of a line beginning at the mouth of the Kentucky river, and up the same, and its middle fork to the head, and thence southeast to the Washington line, was called FAYETTE COUNTY.”

“And all the residue of the said county of Kentucky, was called, LINCOLN COUNTY.”

From this time the business of entering, and surveying land, was suspended, until after the new counties were organized.

About the same time Colonel Clark descended the Ohio with his regiment, and after entering the Mississippi, landed his troops at the first good site, on the eastern bank, and built Fort Jefferson, five miles below the junction of the two rivers.

In a military point of view, this position was well chosen and had it been well fortified, and garnished with heavy cannon would have effectually commanded the river. Without a doubt, at some future day, it will be a place of great importance in the western country. It is within the limits of Kentucky, and should not be alienated. For however, the apparent importance of commanding the Mississippi, may be diminished by the acquisition of Louisiana, and its incorporation with the United States; yet that river is still, and probably will remain, a boundary of two distinct territorial governments. And however ardently it is wished, that the union of the states, may be perpetual—there is nothing in the constitution, which renders it indissoluble. While the extension of boundary, or the want of it; an idea so flattering to heedless ambition, and so seductive to superficial politicians, may rend it to pieces, by an effort to embrace an indefinite number of parts. Now, a suitable garrison, at fort Jefferson, should it ever be necessary, would hold in check, both the upper, and lower Mississippi. The influence of which, upon the navigation of that river, and its kindred streams, might be applied, by Kentucky to the most important objects of her interests, in making arrangements with her neighbours; should it ever become necessary.

The occupation of it by Colonel Clark, for the time, added the Chickasaw Indians, to the numerous enemies of Kentucky; and made it advisable, to evacuate the fort, as a mean of restoring peace.

It was on their territory—it had been erected without their consent—and those who made it a point of friendship, not to invade Kentucky, resented with a high sense of indignation, and open hostility, this unprovoked violation of their country. Such was the patriotism, and spirit of those Indians.

The evacuation of the fort, was the signal of peace, which was tacitly accepted by them; and has been faithfully observed by both parties, to the present time. An example, worthy of the imitation of the most enlightened and magnanimous nations of the world.

There remains another occurrence of this year, which deserves to be noticed. The line of latitude which at thirty-six degrees, thirty minutes north, separated Virginia, and North Carolina, had not been traced between the colonies, farther than the Allegheny mountains. But the settlements, having been extended on both sides much further, very serious inconveniences, and some disputes had ensued between the borderers; as well on the subject of property, as of jurisdiction.

The governments, of the two territories, then become independent states, were at length induced to act on this subject of growing controversy: and each appointed a commissioner, possessed of astronomical, and mathematical science, for the purpose of extending the line, to the Ohio, or Mississippi, as the one, or the other, might first be presented. Doctor Walker, who has been mentioned, was appointed on the part of Virginia—and Colonel Henderson, also previously noticed, on the side of Carolina.

These gentlemen, with their attendants and apparatus, met agreeably to appointment, and commenced the business of their mission. When one, or both, of them—making his observations under the influence of state prepossession, or inaccurate instruments, they soon disagreed in the result; and each adhering to his own opinion, they crossed each other's line; and instead of one, produced two boundaries, reciprocally deviating from each other, as they encroached on the opposite territory. They each continued his line to the top of Cumberland mountain: Here they were some distance apart; and Colonel Henderson desisted—but Doctor Walker, pursued his course, and had his line marked to the Tennessee river; where he stopped; after crossing the Cumberland river twice. He then descended by water, and on observation, ascertained that the line of latitude, would strike the Mississippi—not the Ohio.

So far from this essay to adjust the boundary between the two states, having produced the desired effect—it served to increase the inconveniences, previously felt; and to throw new obstacles in the way of adjustment. Which the more peremptorily demanded attention; as they had a tendency to rupture

the peace, and good understanding, between the neighbouring parties. Notwithstanding which, for many years, the boundary, not only remained unsettled, but unattempted, between the states. While their respective offspring—Kentucky, and Tennessee, have been, yet, more tardy, on the subject, as it concerned them—not having adjusted it, until very recently: a notice of which, will occur in its proper place.

The winter had now arrived, and was very cold—the crop of corn, was nearly exhausted—and the inhabitants, especially the new comers, suffered much for provisions. They however, hoped for better things the next year.

A party of men from Harrodsburgh, this year, going out towards Logan's fort, were fired on by Indians, and two of them mortally wounded; one got into the fort, where he gave an account of the affair—and of the fate of his wounded companion; who had fallen in the weeds, incapable of getting any farther: The rest of the party had fled. Logan, instantly raised a small number of young men, then about the fort, and repaired to the assistance of the wounded man; they found him alive, but not in a condition to help himself: He had escaped the Indian research, by mere chance as it appeared—for their recent *sign* was seen near him. The man was now to be removed, without loss of time; and no one else being equal to the task of carrying him, Logan, took him on his back, and so carried him, with but little help, to his own home. After they had left the wounded man, and were returning, the Indians fired on them, and wounded a man, so severely that he could not travel: The assailants were nevertheless repelled; and again it fell to the lot of Logan to carry the wounded man; which he did, with his known humanity, and fortitude.

In the autumn of this year, Captain Logan, anxious to remove his mother, and a sister, who lived with her; to his own residence, went into the interior of the state, brought them out—gave them land, and built them a house. In addition to this, he was the instrumental cause of a numerous connexion, migrating to Kentucky; for whom he had chosen lands of fine quality, and convenient situation; and who proved themselves to be a

great acquisition to the population, and added much to the improvement, of the country. While Logan, himself kept an open house and hospitable board for emigrants and travellers: often meeting them on the road, and assisting them into the settlement.

No man felt more than Captain Logan the responsibility of his situation. In the early stages of the settlements, his fort, was one of the main pillars of the new population; and he distinctly perceived all the importance of sustaining its garrison. He had a family to provide for, and to protect; it was highly necessary to keep up a correspondence with the other stations; while every hour, outside of the fort walls, was beset with danger to the adventurer, in any direction; to all these objects he attended. Travelling by night, frequently alone, and generally with such celerity, that but few could accompany him—such was the course prescribed by prudence. And by these means he effected what others would not attempt. Thus he conveyed intelligence, collected information, or hunted the wild game.

He was this year elected to the general assembly.

[1781.] The seasons, as usual revolved—and the Indians; as if attached to the spring, again made their appearance—hostility was the consequence.

In March, 1781, several marauding parties entered Jefferson county—and waylaying the paths, killed Colonel William Lynn; also Captains, Tipton, and Chapman; at different places, on Bear Grass.

Pursuing one of these parties, Captain Aquilla Whitaker, with fifteen men, having trailed the Indians to the Ohio at the foot of the rapids, and supposing they had crossed the river, embarked in a few canoes to follow them; when to his astonishment, the Indians fired on his company, from the rear; and killed, and wounded nine of his party. The residue, reloaded, and gallantly attacking, beat the enemy.

In April, a station settled by Squire Boone, near where Shelbyville now stands, became alarmed by the appearance of Indians; and after some consultation among the people of the

place, they determined to remove to the stronger settlements on Bear Grass. In executing this resolution, men, women, and children, incumbered, with household goods, and cattle, were overtaken on the road, near Long run, by a large party of Indians, attacked, and defeated, with considerable loss, and general dispersion.

Colonel John Floyd, getting the intelligence, with great haste, raised a company of twenty-five men, and repaired to the scene of this disaster; intent upon administering relief to the sufferers, and chastisement to the enemy. And notwithstanding that he divided his party, and proceeded with considerable caution, such was the address of the Indians, and the nature of the country, that he fell into an ambuscade—and was defeated, with the loss of half his men—who, it was said, killed nine, or ten, of the savages. These, as to numbers, were supposed to have been, three times the amount of Colonel Floyd's force. The colonel himself must have fallen into the hands of the victors, but for the assistance of Captain Samuel Wells. The former, had been dismounted, and was retreating on foot, nearly exhausted, and closely pursued—in this situation, Wells, who was on horseback, saw him, and immediately riding up, gave him his horse; and ran by his side, to support him.

This conduct, of Captain Wells, was the more magnanimous; as the colonel, and himself, were not friends. Service, such as he had rendered, was of a nature to subdue all existing animosity; nor was it bestowed on an unworthy object. No man knew better than Floyd, how to appreciate, or reward, so gallant, and disinterested an action. Nor could he who performed it, entertain an ungenerous sentiment—they lived, and died, friends.

As if every month, was to furnish its distinguishing incident—in May, Samuel McAfee, and another, had set out from James McAfee's station, for a plantation at a small distance; and when advanced, about one fourth of a mile, they were fired on; the man fell—McAfee, wheeled, and ran, towards the fort: in fifteen steps he met an Indian—they each halt, and present

their guns, with muzzles almost touching—at the same instant, they each pull trigger—McAfee's gun makes clear fire, the Indian's flashes in the pan—and he falls: McAfee, continues his retreat—but the alarm being given, he meets his brothers, Robert, and James—the first, though cautioned, ran along the path, to see the dead Indian; by this time several Indians had gained the path between him, and the fort. All his agility, and dexterity, were now put to the test—he flies from tree to tree, still aiming to get to the fort—but is pursued by an Indian:—he throws himself over a fence, a hundred and fifty yards from the fort, and the Indian takes a tree—Robert, sheltered by the fence, was soon prepared for him—and while he put his face by the side of the tree, to look for his object, McAfee fired his rifle at it, and lodged the ball in his mouth—in this he finds his death; and McAfee escapes to the fort.

In the mean time, James McAfee, was in a situation of equal hazard, and perplexity. Five Indians lying in ambush, fired at, but missed him; he flies to a tree, for safety—and instantly received a fire from three or four Indians on the other side—the bullets knock the dust about his feet, but do him no injury; he abandons the tree, and makes good his retreat to the fort. One white man, and two Indians were killed. Such were the incidents of Indian warfare—and such the fortunate escape of the brothers.

Other events occurred in rapid succession—the Indians appear in all directions; and with horrid yells, and menacing gestures, commence a fire on the fort. It was returned with spirit—the women cast the bullets—the men discharged them at the enemy. This action lasted about two hours; the Indians then withdrew. The firing had been heard, and the neighbourhood roused, for the fight. Major Magary, with some of his men, and others from other stations, to the number of forty, appeared on the ground, soon after the Indians had retreated—and determined upon pursuing them. This was accordingly done with promptitude and celerity—at the distance of a mile, the enemy were overtaken, attacked, and defeated. They fled—were pursued for several miles—and completely routed.

Six, or seven Indians were seen dead; and others wounded. One Kentuckian was killed in the action, another mortally wounded—who died after a few days. Before the Indians entirely withdrew from the fort, they killed all the cattle, they saw, without making any use of them.

From this time, McAfee's station, was never more attacked; although it remained for several years, an exposed frontier. Nor should the remark be omitted, that for the residue of the year, there were fewer incidents of a hostile nature, than usual.

Experience, the master teacher—had taught the Indians, that in despite of their secret mischief and open violence, the country continued to populate—the number of its forts increased; and the surveyors, were again measuring the land; these were circumstances of alarming portent: the latter especially from time, almost immemorial had been the omen of the loss of country.

The last expedition into their territories, had laid waste their towns—destroyed their corn—and distressed their wives, and children; while their prime hunting ground, was occupied by white men: who were never known to give up, what they had seized upon. In vain, were they, invaded by small detachments, who could not take their forts—for it was quite certain, that so long as these were not taken, the country would be held, and cultivated.

Hence the Indians clearly perceived that it was necessary to yield the contest, with the Kentuckians; or by one united, and grand effort, to recover the country from them. The residue of the year was spent by some Shawance chiefs, in attempts to bring about a general concert, and joint operation of the northern, and western tribes. Runners were sent to the different towns accordingly; nor was the aid of their good ally, George III. forgotten—unasked—or denied. In the mean time Kentucky was kept in a state of alarm, by small scouts; without any attempt, above predatory warfare: They, having reserved for the next year, the execution, of their grand, and exterminating arrangements. Of all this premeditated ruin,

the people of Kentucky were for a time profoundly ignorant. In the mean time many new settlers arrive.

The increase of counties, already mentioned, had given rise to various interests, by holding out a number of new offices both civil, and military, to be filled in this year. For each county was entitled to a similar and equal organization. It is believed, that John Floyd, was appointed county lieutenant of Jefferson; Benjamin Logan, of Lincoln; and John Todd, of Fayette; with the rank of colonel, commandant. The lieutenant colonel's commission, was conferred, on William Pope, Stephen Trigg, and Daniel Boone, of their respective counties, in the order just mentioned.

The court of each county, as before, was composed, of the most respectable citizens—who appointed its own clerk. While the sheriff, coroner, and surveyor, of each county, were appointed by the governor: who also commissioned both descriptions of officers.

These courts, had only a qualified civil, and criminal jurisdiction: Nor was there any court competent to try in capital cases, nearer than the seat of government—but the court of the county, could, at their quarter sessions, try, and punish, misdemeanors, by fine, and imprisonment. At these sessions, they had cognizance also, of all matters at common law, or in chancery of a civil nature; over twenty-five shillings value. The rest of the business belonging to the civil administration, was left to the ordinary, or monthly sessions of the court; or to the magistrates individually; who were conservators of the peace—superintended the local concerns of the county—and could hold special courts, for the examination, and commitment, of persons charged with crimes affecting life, or limb: or bail them for further trial—or discharge them altogether—as the case before them, seemed to require.

Such, however, was the pressure of danger, the simplicity of manners, the integrity of the people, and the state of property, that there was but little use for criminal law, until a later period.

Coeval, with the organization of the three counties; and as a necessary appendage to the military department, Col. Clark,

who had re-ascended the Ohio to the falls, received the commission of brigadier general—and of course the command in Kentucky. His mode of defending the frontier., was by spies, and scouting parties—to which he added a row galley; constructed for the purpose of plying up and down the river, as a floating battery. Its sphere of activity was too limited—as it was confined between the falls, and the mouth of Licking. It is believed, nevertheless, to have had great effect upon the apprehensions of the Indians; as they never dared to attack it; and but seldom, if ever, crossed the river, between the points of its operation. Indeed, it was thought to have possessed great terror for them—and to have stopped a formidable invasion, when once near its upper station. All this, obtains an easy belief, when it is known to have carried a few four pounders—that it could be moved with considerable celerity—and that its force was perfectly overwhelming, to any fleet, which the Indians could oppose to its attack.

In fine, its adaption to the defence of a water bound frontier, against the savages, was the development of an idea, worthy of the military genius of its author. Had the circumstances of the country permitted the construction and employment, of one such machine for every fifty miles of the Ohio, the country might have rested in quiet, and safety, from north-western invasion. But there was great repugnance in the militia, to serving on board, of it—the regulars had dwindled to nothing; and the row galley, was laid aside, long before the end of the year.

Still to pursue the shifting scenes of human affairs, and to give to history, their just delineations, and multiform aspects; the civil page is now, for a minute to be turned to the pen, for its impressions. The surveyor of Lincoln county, Mr. James Thompson, opened his office for business; which revived the activity of that section of country; and many tracts of land were surveyed. George May, who had been the surveyor of the county of Kentucky, was appointed to the like office in Jefferson county. And Colonel Marshall, whose regiment had dissolved, by the expiration of its term of service, was appointed

surveyor for the county of Fayette. These gentlemen were both in the atlantic part of the state, and did not arrive in Kentucky, during the year. Hence there was no surveying done, in either of their counties. This gave rise to complaints, as these, contained the greatest quantities of fine land; and there was much anxiety to locate it; which could not be executed without the surveyors. These complaints were the more freely indulged, in the latter part of the year; as the Indians were but seldom heard of; an abundant crop, gave plenty; the season gave leisure; and idleness, discontent—above all, the complaints appeared just, and reasonable.

Once more justice requires, that particular attention should be paid to Colonel Logan, who was by this time, next to General Clark, the most conspicuous man in Kentucky, in a military point of view. He was this year elected to the general assembly, and attended his seat in that body: where he was much respected, for his judicious deportment, the extent of his local knowledge, and the accuracy of his details.

In the interim however, it was that the Indians made an attack upon Montgomery's station, consisting of five or six families, nearly connected with Mrs. Logan; and who had removed at the particular solicitation of Colonel Logan. In this attack, the father, and one brother, of Mrs. Logan, were killed; and a sister, sister-in-law, and four children, taken prisoners. The scene of these occurrences was about ten or twelve miles from Logan's fort, where the news soon arrived; and where the colonel then was. The shock was sudden—the distress great: but Logan's first object was to retake the prisoners—his second, if possible to chastise the insolence, and barbarity of the invading foes. He therefore, immediately called together a part of his garrison, and hastened to the place of recent action; where he was joined by the survivors of the Montgomery family; and thence commenced a rapid pursuit of the enemy, who were returning homeward. They were however overtaken—briskly attacked—and presently beaten—having lost, in the first action, three of their number killed, and another wounded, by William Montgomery. The two female captives,

and three of the children, were rescued—the other child was murdered by the savages, rather than it should be taken from them. A similar fate would have undoubtedly attended the other prisoners, had they not precipitated themselves into the thick brush, and by so doing, saved their lives, while their captors were too closely pressed to have time to find, and murder them.

From this narrative of the most prominent facts, during a term of five years, it may be perceived that a life of toil and danger, was the lot of the early settlers in Kentucky; and that Logan, took a large share of them to himself. As a consequence of his prompt, zealous, and eminent services, he acquired universal confidence with his fellow adventurers; and thereby became the more extensively useful, in succeeding times; and in various important relations to his friends, and to his country: which will receive due notice in their proper places.

The autumn had introduced, a greater accession of new settlers, and these of better condition, and description, generally, than had arrived in any preceding year. Until this period there had been a serious deficiency of single females. Nor was it practicable to resort to the stratagem of the Benjamites; nor that of Romulus, to supply the wanted numbers. The abundant emigration of the year, silenced all complaint on that subject. And perhaps, a license to marry, was the first process issued by the clerk, of either court. For it is a pleasing reflection, since endeared by the contrast, that there was not a lawsuit known to exist, at that time, in the country. Lincoln county, holding one of the principal avenues into the settlements, and having always possessed a superiority, in point of population; now became conspicuous for new improvements.

It is no reproach to the first settlers in the country, to say, that they were enured to danger, to labour, and to rough living—they were chiefly from frontier settlements, or such as had recently been such, in Virginia, or the neighbouring states—and had served an apprenticeship, to their condition in Kentucky, before they came here. Indeed, it is of such, that

new countries are made. For who else, has that sort of Spartan virtue, necessary to conquer nature, in her most obdurate forms? But Kentucky was destined to ameliorate their condition. And this history, faithful to the transitory pictures of real life, will exhibit the contrast, of what, *they were*, and what, *they are*, after the lapse of forty years.

Then, the women did the offices of the household—milked the cows—cooked the mess—prepared the flax—spun, wove, and made, the garment, of linen, or linsey; the men hunted, and brought in the meat—they planted, ploughed, and gathered in the corn—grinding it into meal, at the hand-mill, or pounding it into hommony, in the mortar, was occasionally the work of either; or the joint labour of both. The men exposed themselves alone to danger; they fought the Indians; they cleared the land; they reared the hut, or built the fort—in which the women were placed for safety. Much use was made of the skins of deer, for dress—while the buffaloe, and bear, skins, were consigned to the floor, for beds, and covering. There might incidentally, be a few articles, brought to the country for sale, in a private way; but there was no store, for supply. Wooden vessels, either *turned* or *coopered*, were in common use, as table furniture. A tin cup, was an article of delicate luxury: almost as rare as an iron fork. Every hunter carried his knife; it was no less, the implement of a warrior: Not unfrequently, the rest of the family was left with but one, or two, for the use of all. A like workmanship, composed the table, and the stool—a slab, hewed with the axe,—and sticks of a similar manufacture, set in, for legs, supported both. When the bed, was by chance, or refinement, elevated above the floor, and given a fixed place, it was often laid on slabs, placed across poles, supported on forks, set in the earthen floor; or where the floor was puncheons—the bedstead, was hewed pieces, pinned on upright posts, or let into them by auger holes. Other utensils, and furniture, were of a corresponding description—applicable to the time. These facts depict the condition, and circumstances of the country; therefore they merit notice.

The food was of the most wholesome and nutritive kind. The richest milk; the finest butter; and best meat, that ever delighted man's palate, were here eaten, with a relish, which, health, and labour, only know. Those, were shared by friend, and stranger, in every cabin, with profuse hospitality.

Hats, were made of the native fur; and the buffaloe wool, employed in the composition of cloth: as was also, the bark of the wild nettle.

There was some paper money in the country; which had not depreciated, one half—nor even a fourth, as much as it had, at the seat of government. If there was any gold, or silver, its circulation was suppressed; either upon the hoarding principle, or because there were no objects of sufficient inducement to call it forth. As will generally be the case, when any country labours under the afflicting circumstance of sustaining a depreciated paper currency. The price of a beaver hat, was five hundred dollars.

It was this year, that Cornwallis, was captured at York; the report of which was received in Kentucky, with the most heart-felt pleasure. For no part of the United States, had more cause to fear, or hate, the British, than the people of this section of the state; for no place was more exposed to their Indian allies: ever ready to be put in motion by their influence, and supported by their force. None were, therefore more really gratified, than the people of Kentucky, at the brilliant success of GENERAL WASHINGTON. Peace, so essential to the repose and prosperity of the country, was generally anticipated as the consequence.

Under this pleasing fascination the winter approached, and passed away, without the annoyance of the Indian war-whoop, and as if the war was already over.

At the close of this year, the legislature called in, and funded the paper money—upon general estimates of depreciation; with regard to the personal contracts, of individuals

A scale of depreciation, by the year, was established—commencing at one and a half, for one, January, 1777—and ending, at one thousand, for one, December, 1781. The state, to com-

pensate her officers and soldiers, proposed to issue a new species of *bill of credit*---called, certificates of depreciation---which would pay taxes; or buy land warrants---the rates of the latter of which, were fixed at specie value; but so reduced, as to cost less than five dollars the thousand acres---in good money. Or rather it should be said, the paper price of the warrant was brought to the test of the scale of depreciation, which reduced the real value to less than fifty cents per hundred acres. A certain consequence was, to inundate the country, with land warrants. And to this circumstance, may Kentucky trace, many of her present embarrassments. For thus were the means furnished, with which to treble, and quadruple claims throughout the country.

CHAP. VII.

Incidents of the war—Estill, and Holder, defeated—Battle of the lower Blue Licks—Kincheloc's station taken—General Clark's expedition—Other occurrences—Progress of surveying land, &c.

[1782.] THE events of the year 1782 are next to be narrated. However pacific the last winter had been, and much as the expectations of a total cessation of the war had been indulged; the Indians in an early part of the spring, dissipated the illusion by new acts of hostility. A party, fired on Strode's station, and killed two men: It immediately retreated, without loss, or pursuit. Different reports, announced that the country was infested by several of such predatory bands; who fired on travellers, and hunters—killed the cattle, and stole horses, as they met with opportunities. Giving, as it may be said, ample earnest of the approaching campaign. But, all their movements appeared desultory, and there was nothing singular in their present conduct—it gave rise to no anticipation of the future; nor prompted any cautionary measures for safety.

In the month of May, a party of about twenty-five Wyandots, invested Estill's station, on the south of the Kentucky river, killed one white man, took a negro, prisoner; and after destroying the cattle, retreated. Soon after the Indians disappeared, Captain Estill, raised a company of twenty-five men—with these he pursued the Indians; and on Hinkston's fork of Licking, two miles below the Little Mountain, came within gunshot of them. They had just crossed the creek, which in that part is small; and were ascending one side, as Estill's party, descended the other, of two approaching hills, of moderate elevation. The water course which lay between, had produced an opening in the timber, and brush, conducing to mutual discovery; while both hills, were well set with trees, interspersed with saplings, and bushes. Instantly after discovering the Indians, some of Captain Estill's men, fired at

them; at first they seemed alarmed—and made a movement, like flight: but their chief, although wounded, gave them orders to stand, and fight—on which, they promptly prepared for battle, by each man taking a tree, and facing his enemy, as nearly in a line as practicable. In this position they returned the fire, and entered into the battle, which they considered, as inevitable; with all the fortitude, and animation of individual, and concerted, bravery; so remarkable in this particular tribe.

In the mean time, Captain Estill, with due attention to what was passing on the opposite side, checked the progress of his men, at about sixty yards distance from the foe, and gave orders, to extend their line in front of the Indians, to cover themselves by means of the trees—and to fire, as the object should be seen—with a sure aim. This order, perfectly adapted to the occasion, was executed with alacrity; as far as circumstances would admit, and the desultory mode of Indian fighting, was thought to require. So that both sides were preparing, and ready, at the same time, for the bloody conflict which ensued: and which proved to be singularly obstinate.

The numbers were equal; some have said, exactly twenty-five on each side—others have mentioned, that Captain Estill, upon seeing the Indians form for battle, despatched, one, or two, of his men, upon the back trail, to hasten forward a small reinforcement, which he expected was following him: and if so, it gave the Indians, the superiority of numbers, without producing the desired assistance—for the reinforcement never arrived.

Now were the hostile lines within rifle shot—and the action become warm, and general, to their extent. Never was battle more like single combat, since the use of firearms; each man, sought his man—and fired only, when he saw his mark—wounds, and death, were inflicted on either side—neither advancing, nor retreating. The firing was deliberate—with caution they looked, but look they would, for the foe; although life itself, was often the forfeit. And thus, both sides firmly stood—or bravely fell—for more than one hour: upwards of one fourth of the combatants had fallen, never more to rise—

on either side—and several others, were wounded. Never, probably, was the native bravery, or collected fortitude, of men, put to a test more severe. In the clangour of an ardent battle, when death is forgotten—it is nothing for the brave to die—when even cowards, die like brave men—but in the cool, and lingering expectation of death, none but the man of true courage, can stand. Such, were those, engaged in this conflict. Never was manœuvering more necessary, or less practicable. Captain Estill, had not a man to spare from his line, and deemed unsafe, any movement in front, with a view to force the enemy from their ground; because in such a movement, he must expose his men, and some of them would inevitably fall, before they could reach the adversary. This would increase the relative superiority of the enemy—while they would receive the survivors, with the tomahawk, in hand; in the use of which they were practiced, and expert. He clearly perceived, that no advantage was to be obtained over the Indians, while the action was continued in their own mode, of warfare. For although his men were probably the best *shooters*, the Indians were undoubtedly the most expert *hiders*—that victory itself, could it have been purchased with the loss of his last man, would afford but a melancholy consolation, for the loss of friends, and comrades; but even of victory, without, some manœuvre, he could not assure himself. His situation was critical; his fate seemed suspended upon the events of the minute; the most prompt expedient was demanded; he cast his eyes over the scene; the creek was before him, and seemed to oppose a charge on the enemy—retreat, he could not. On the one hand, he observed a valley running from the creek, toward the rear of the enemy's line; and immediately combining this circumstance with the urgency of his situation, rendered the more apparently hazardous, by an attempt of the Indians to extend their line, and take his, in flank; he determined to detach six of his men, by this valley, to gain the flank, or rear, of the enemy; while himself, with the residue, maintained his position, in front.

The detachment was accordingly made under the command of Lieutenant Miller; to whom, the route was shewn, and the order given, conformably to the above mentioned determination: unfortunately however, it was not executed. The lieutenant, either mistaking his way, or intentionally betraying his duty, his honour, and his captain, did not proceed with the requisite despatch—and the Indians, attentive to occurrences, finding out the weakened condition, of their adversaries, rushed upon them, and compelled a retreat; after Captain Estill, and eight of his men were killed. Four others were badly wounded; who notwithstanding, made their escape: so that only nine, fell into the hands of the savages; who scalped, and stripped them, of course.

It was believed by the survivors of this action, that one half of the Indians were killed; and this idea was corroborated, by reports from their towns.

There is also a tradition, that Miller, with his detachment, crossed the creek—fell in with the enemy—lost one, or two, of his men—and had a third, or fourth, wounded, before he retreated.

This action is said to have lasted two hours, and there seems to be nothing wanted in its circumstances, but numbers, with the pomp, and tactics of modern war, to make it memorable. Memorable, it will be to those friends of the brave defenders of their country, whose hearts received the pang given by the report of its event—memorable, it will be to the few who survived it—whether, by absconding with the lieutenant, in a moment of dismay, they forfeited the praise which they had previously merited—or by standing with their captain until his fall, they yielded to superior numbers, a victory, which was due to their courage, and fidelity—and which a superior force alone, could have extorted from them. Memorable, it will also be in the simple annals of Kentucky, for the equality of the opposing numbers—for the great fortitude with which it was maintained—for the uncommon proportion of the slain—for the error of the lieutenant—and for the death of the captain. In grateful remembrance of the personal bravery,

and good conduct, of Captain Estill, a county of the commonwealth, perpetuates his name.

In reviewing the incidents of this battle, the conduct of the Indians, cannot fail of commanding attention. Their determined bravery; their obstinate perseverance; the promptitude, with which they seized on the absence of the detachment, to advance on their enemy; and thus, by a step not less bold, than judicious, to ensure to themselves a victory, of immortal renown: conduct alike bespeaking the possession of skill in war, and a training to command, which could but render them formidable, and even victorious.

As the consequences of men's actions, must always form an item in the estimate of their moral character; and as the failure of the detachment under Miller, is to be considered as the cause of defeat; it will remain an eternal reproach to him, the more to be deplored, as had he rejoined his captain, or thrown his men on the rear of the enemy, it is believed, the result of the action, would have been different. And what does not *victory* contain, when ever it is so disputed?

After the lapse of some time, the dead bodies of the Kentuckians, were buried on the ground. The enemy, had immediately removed their own dead; and so disposed of them, that neither their remains, nor their graves, were to be seen.

The result of this action, had the most serious effect upon the minds of the inhabitants, generally.

The Shawanees, Delawares, and Wyandots, in particular, were the more terrifying to the exposed stations; as their depredations were frequent: It was thought, that they fought with more than usual obstinacy; and were even likely to derive an increased audacity, from repeated success. A party of twenty, or more, without a formal attack, shewed itself at Hoy's station, and took several persons belonging to it; with these they made off; and were soon afterwards pursued, by Captain Holder, and seventeen men, for twenty miles, or more. The ensuing day, the Indians were overtaken, near the upper Blue Licks; a battle ensued—but the captain thinking his force too unequal, retreated, with the loss of four men, killed, or wounded. The loss on the side of the Indians, was not known.

This affair, could but deepen existing impressions of danger, and cast a gloom over the face of the country: which seemed to be infested, by these hostile, and itinerant bands, of desperate warriors.

In a field adjoining Lexington, a man was shot by an Indian, who ran up to him—and was himself shot, in the act of scalping the dead. Another white man was killed, and scalped, on the road to McConnell's station; but a mile, or two, from Lexington.

These, and similar occurrences, in different quarters, were but preludes, to other events, of still more importance. Some renegado, white men, who for their crimes, or from motives of licentiousness, had fled from their own nation, and taken up with the Indians, incessantly instigated them to war, and to plunder. The most remarkable of these, were Girty, and McKee. They had, by adopting the savage manners of their new associates, acquired considerable influence among them; assisted in their councils; accompanied them to war; were made captains; and aided much in uniting the different tribes, in their attempts upon Kentucky.

The time now approached, when, in consequence of former arrangements, the several Indian nations, surrounding the country, were to meet at Old Chillicothe—and thence to proceed on the great expedition, which was to exterminate the LONG KNIFE from Kentucky; and to give the country, once more, to the red men, its rightful owners.

Even the scouts, and patrols, were withdrawn, to the rendezvous, at Chillicothe—and the popular perturbation, was succeeded by a calm. The suspense was but short, in its continuance. At Chillicothe, the assemblage of Indians was reinforced by a detachment from Detroit, as the quota of his Britannic Majesty. When the whole grand army, consisting of parties from the Cherokees, Wyandots, Tawas, Pottowatomies, Delawares, and several other nations, bordering on the Mississippi, or the lakes, including the Canadians, and the Shawanees, who were considered the principals, were convened, they amounted to about five hundred men—painted, and trimmed, for war.

The more effectually to unite them in the proposed enterprise, and to prepare them for the scenes of conquest and plunder, which had been held up to their view—Girty made them a speech: in which he represented Kentucky, as the land of cane, and of clover, that every year spontaneously sprang up, and incessantly grew, without labour, or care, to feed the buffaloe, the elk, and deer; where these, the beaver, the bear, and rackoon, were always fat; and where all the Indians, from all the tribes, had a right, from time immemorial, to hunt, and kill, as many of these animals, as they wanted, without being molested by white men, and of bringing away their skins, with which to buy breech-cloths, and blankets, to put on their backs; and rum, to send down their throats to drive away the cold, and make their hearts glad, after the fatigues, of hunting, or of war.

That now, the LONG KNIFE—once the children of their great father over the big water, who had rebelled against him, and held him at defiance—had intruded themselves into these hunting grounds—were overrunning the country, and calling it their own. That they were breaking the cane, treading down the clover—killing the buffaloe, the deer, the bear, and the beaver; or driving them away from the land. That these new comers, were building houses, and making roads, where the Indian war path used to be—that they were ploughing the ground, and planting fruit trees, where very lately the cane stood, and the clover blossomed—that they were again measuring the land—and that unless they were driven away, or exterminated, the red men, might bid adieu to the country—to the delicious meat, with which it once abounded—and the skins, and furs, that purchased their clothing, and their rum; or fed their women, and children.

That the present, was the time, to do the great work; when the red brothers had assembled from the four winds of the sky, and were joined by their white brothers, of the lake—and before the LONG KNIFE had made themselves too strong, as they soon would be, unless driven off, or killed. Besides, count your numbers—you are strong; look at one-another—the

warrior sees himself, in each other's eyes; your guns are good; your flints sharp; your tomahawks keen; and your mocasons new. This is the time—even the Great Spirit, that gave you the country, and filled it with game for your use, has also given you health, and strength, for the enterprise—be not wanting to yourselves, and he will ensure you success. Moreover, every warrior, may take as many scalps, and prisoners, as he pleases; and as much plunder, as his cabin can hold—that, after killing all the men, the women, will be glad to become your wives, and raise up young warriors, for you, to present with the bow.

What other motives than these could be presented to the minds of men, whose occupation was hunting, and war? There was one other—nor was that forgotten, or unmoved.

The LONG KNIFE had invaded their towns, two years before, killed their men, burned their cabins, destroyed their corn, and driven their women, and children into the woods—where they had nearly perished with cold and hunger, before they could build other cabins, or supply them with meat. And now, they might satiate the spirit of revenge, with the blood of the white men, ever sweet to the palate of the warrior. For now, these white men, forever the enemies of red men, were busied about their own affairs, and might be taken by surprise, and destroyed without danger, to themselves.

This speech was heard, with the utmost complacence; while the deep toned war-whoop, or the desultory shriek, gave evidence of approbation, and of the fell purpose, of those barbarians.

The chiefs led the van, of their hostile bands—which followed in long procession—for the desolating war.

Of this formidable armament, the people of Kentucky, had no certain intelligence at the time. The country was soon alarmed by advanced parties, so disposed as rather to divert the attention from, than direct it to, the object of designed attack. While the inhabitants, even flattered themselves, that nothing more terrible, was yet to come. So prone are husband-men, who cultivate the soil, to indulge their hope of safety—and their love of peace, even in war.

Hasty was the march of the Indians—nor was there any scout, or spy, on their route to collect, and bring an account of their approach. So remarkably alike appears the conduct of both sides, that each suffers, surprise, after surprise, without changing its habits of policy. Perhaps, their conditions equally forbid an attempt, which would be rendered on either side ineffectual, for want of means.

Two years before, a similar army, had surprised, and taken Ruddle's station—Martin's, shared the like fate—and that of Grant, had been abandoned. Bryant's station, was thence, the frontier, on that quarter approaching nearest to the enemy. It consisted of about thirty, or forty, cabins; and from forty to fifty men. It had a bastion at either end, composed of strong logs, built in the block house form, with necessary loop holes. The cabins were ranged in two, or three rows parallel to each other; and connected by strong palisades, where they did not otherwise join. It had no supply of water within, but a very fine spring ran from the foot of the point, on which it stood, near to the bank of Elkhorn; at that place, but a small creek.

On the fifteenth of August, some few of the men, being absent, and others in the adjacent corn field; but the greater part of them, about the station; the Indians suddenly appeared before the place; and without any summons, commenced an attack, with small arms. Fortunately, they had no cannon; and it was recollected, that no station had been taken without. Their numbers were not known, as they were dispersed among the growing corn, or concealed by the fences, and the weeds.

The fort gates were immediately manned, and kept, for the reception of those who were out, and should desire to enter: others of the garrison ran to the bastions, and loop holes, from which they fired, and kept off the assailants. Some of the men belonging to the fort, entered from without—others, thinking the attempt too hazardous; or else, that it was proper to alarm their neighbours, repaired to Lexington, and other places, with the news; and a call for help. To render this, the utmost alacrity was every where shewn. Some volunteers from Lexington, with great speed, and gallantry, threw themselves into

the place that evening—the next day, it was reinforced, by detachments from Boone's, and Strode's, stations—ten, or twelve miles distant. These parties rode through a lane, which led to the place besieged, and were fired on, by the Indians, lying behind the fences, without injury.

In the mean time, the besieged had defended themselves with all the vigilance and intrepidity, demanded by the importance of the crisis, and the ferocious nature of the enemy. The Johnsons, and Craigs, were in the number of the most reputable of the inhabitants—while Jacob Stucker, Jerry Craig, the Herndons, and Mitchells, were distinguished among its best soldiers; while each acted well his part.

The Indians, had made their camps, on both sides of the creek, then in wood, above the station, and so near the spring, as to render it useless to the garrison, without incurring the most imminent danger in attempting to get the water, by day; or even, by night: notwithstanding which, it was however, obtained. The place was closely invested for the two succeeding days—during which time, the Indians kept up, almost a constant fire, on the one side, or the other, from fences, trees, or stumps—whereby they killed four men, and wounded three others. They made several attempts to fire the cabins; and for that purpose, shot lighted arrows on the roofs—and even approached the walls with torches—but from these they were repulsed—nor had their ignited arrows the desired effect. Owing no doubt, to their imperfect skill in fire-works. Otherwise nothing could have been more easy, than to have fired the place; as the height of their cabin walls did not exceed twelve feet, and their roofs of boards, were fastened on, with cross poles, which afforded lodgments for combustible matter, within hand's throw, of various parts, to which they could approach without being seen, or exposed to danger. They killed a great number of cattle, some of which they eat—and after killing some, they took away, other horses. But having exposed themselves considerably, in their various attempts—some of which were bold; and after suffering as it was believed, the loss of about thirty warriors killed, and many others wounded;

they raised the siege, the morning of the fourth day. This experiment had proved, that they were not likely to take the place, in any short time; while they could but apprehend, that if they continued before it, the country would be raised in arms, and brought upon their backs; they, therefore, after remaining the third night, in their camp, about sunrise, the next morning, left their fires burning, some bits of meat on their roasting sticks—and deliberately took the road, made by buffaloes, and hunters, to the lower Blue Licks; by the way of Ruddle's station—which two years before, as was mentioned, they had reduced—for the purpose, as it was surmised, of alleviating their present mortification; by viewing, in ruins, the scene of their former triumph. For it was neither the shortest, plainest, nor smoothest way to the licks.

That they could not expect, and did not desire to conceal their route, will appear in the sequel.

In the mean time, Colonel John Todd, who resided in Lexington, despatched intelligence to Lieutenant Colonel Trigg, living at Harrodsburgh, of the attack on Bryant's station; leaving it to the latter, to give the intelligence to his superior, Colonel Benjamin Logan. Neither Colonel Trigg, nor Colonel Boone, who had also been called on, lost any time in collecting the men in their respective neighbourhoods—but with singular promptitude, on the 18th of the month; but after the Indians had left the ground, repaired to Bryant's station under the command of Todd, as the superior officer, from Lexington; where they had rendezvoused their men, under their appropriate officers. The majors were McGary, and Harland, from near Harrodsburgh; and Levi Todd, of Lexington.

The enemy having retreated, a council was held, in which it was promptly decided to pursue the Indians, without waiting for the arrival of Colonel Logan, who was known to be collecting a strong party—and to be expected on the ground in a few days—but when arrived, would, as the superior officer, have the command. A circumstance, which it was suspected, both Todd, and Trigg, desired to avoid—thinking themselves equal to the command, and sanguine of success—as they were emulous of praise; and possessed an idea, of mental superiority.

In consequence of the determination of the council, the march was immediately ordered, and forthwith commenced, under the command of Colonel Todd, and next to him, Colonel Trigg, on the route of the enemy: whose numbers, as yet, though considerable, were not known. They had not proceeded very far, before Boone, and some others, experienced in the manners of the Indians, discovered signs of ostentation, and of tardiness, on their trail; indicative of their willingness to be pursued; and calculated to point out their route; while apparent caution had been taken to conceal their numbers. The one was effected by chapping the trees on the way—the other, by treading in single file, a narrow tract; contracting their camp, and using but few fires, where they stopped to eat. No Indian was seen, although it was apparent they were at no great distance in advance, until the pursuers reached the southern bank of Licking, at the licks. The van of the party, then discovered a few of them on the opposite side of the river, traversing the hill side; and who, apparently without alarm, and leisurely, retired over the hill from their sight. A halt, was called, the principal officers being assembled—the information then given—and the questions asked: “What shall be done? Whether, is it best, immediately to cross the river, and continue the march, or stand here, until the country round about can be reconnoitred by proper parties, and measures ultimately taken according to circumstances—either to attack, if the enemy were near, or wait the arrival of Colonel Logan?”

Neither of the superior officers were much skilled in the manner, or custom, of Indian warfare—they were however willing to be informed; and had actually called upon Colonel Boone, for his opinion, of the case, and how they should act. This he was detailing with his usual candour and circumspection; by adverting to his own observations, on the different appearances on the road; and the fact, of the Indians shewing themselves on the next hill. As to the number of the enemy, his conjectures varied, from three, to five hundred; owing to the ambiguous nature of the *sign* they had made on the road. From the careless manner in which the Indians who had been

seen, conducted themselves, he was of the opinion, that the main body was near, and prepared for action. He was particularly well acquainted with the situation of the ground about the licks; and the manner in which the river winds into an irregular ellipsis, embracing the great buffalo road and ridge, from the licks, towards Limestone, as its longest line of bisection; and which is terminated, by two ravines heading near together, a mile from the licks; and extending in opposite directions to the river. He had suggested the probability, of the Indians having here formed an ambuscade, the advantages to them, and the disadvantages to the party of Colonels Todd, and Trigg, should this conjecture be realized, and the march continued. He proposed that the party should divide; the one half march up Licking on the south side, to the mouth of a small creek, now called Elk creek, and there crossing over, proceed on the ridge to the outside of the ravines—while the other half should advance to the high ground on the north of the licks, and place itself in a situation to co-operate on the enemy, in case of attack. He shewed that the whole advantage of position might be thus turned against the enemy. And he insisted, as the very least that should be done, if his superiors were determined not to wait for Colonel Logan, was to have the country explored, round about, before they marched the main body, over the river: for they were yet ignorant whether the Indians had crossed, or not—and in either event, if they were near, they meant to take advantage of the measure; which their superiority of number, would render decisive. Already had Boone, nearly gained the entire approbation of his superiors, and of those who heard his counsel—for in fact, they only hesitated between his propositions—when Major McGary, ardent, and impatient of delay, rushed his horse forward to the water's edge, and raising the war whoop, next cried out with a loud voice, "Those who are not cowards follow me—I will shew them where the Indians are"—spurred his horse into the river. One followed, and then another in quick succession; until a motion and agitation was communicated to the whole—the council was broken up—the officers who

might have been otherwise inclined, were forced along in the crowd, and tumult—nothing had been concerted—no distinct orders were given; or if given, not observed—they crossed the river, and pursued the road, as the general guide, kept by McGary, in front. On either side of which, parties flanked off, as the unevenness, and irregularity of the ground would permit: all moving forward, with the utmost disorder, and precipitation over a surface covered with rocks, laid bare by the trampling of the buffaloe, and the washing of the rains, for ages past. When the van, approached the ridge next within the ravines, which have been mentioned; to the left, an Indian, or two, were observed on it, at a distance; these appeared to retreat along the ridge, which led to the point between the ravine, and river. One moment of cool reflection, might have suggested the idea of decoy; and the next, would have shewn the propriety of caution. It appears however, that the determination to find the enemy, so engrossed the party, that prudence, was, like fear, completely excluded, and banished. The party therefore, pressed on, toward the end of the ridge where it was covered by a forest of oak trees of middling size, and the ravines with small saplings or brush wood; while the whole extent of the ellipsis had been stripped of all herbage, by the herds of buffaloe, which were in the habit of resorting to the licks. Some scattering trees, here and there appeared, on a pavement of rock, as rude as it was singular, throughout the whole extent of the field. Both Todd, and Trigg, had deviated from the main road; and probably with a view of taking their position on the right of the troops, were far from the front, which moved rapidly, and rather obliquely, headed by McGary, Harland, and McBride; and followed by the rest, without regular order; the whole, with a few exceptions, being armed with rifles, and mounted on horses, formed a broken line corresponding with the ridge, and nearly parallel to the ravines; which were filled with Indians.

No sooner had McGary, entered the forest, than he discovered the enemy waiting for him—here the action immediately began, and soon became warm, and bloody—on either

side the rifle was pointed--on either side, the warrior fell. It was discovered that the ravines extending the whole length of the line of Kentuckians, had concealed the savages, who fired, and rushed upon their foes, not half their equal, in point of numbers. Todd, and Trigg, who were on the right, when the line fronted the ravines; were thrown into the rear, when its flank was changed, and it moved to the left; where the battle began: Already had these fallen---already were the Indians turning the right, or rear, of this line---already had twenty, or more, of those brave men who first engaged, breathed their last---already was the line every where assailed---when a retreat commenced, under the uplifted tomahawk. At the beginning of the battle, many of the men dismounted, while others did not: in the retreat, some recovered their horses---others fled on foot---over the rocky field, already described; which was environed by high and rugged cliffs, on either hand, until it declined into a flat, as it approached the salt spring. The ford was narrow, and the water, though shallow on it, was deep, both above, and below. Some of the fugitives were overtaken on the way to the river, and fell beneath the stroke of the Indian spear, or hatchet---but at the water, was a greater havoc---some were slain in the water; some on either shore. Here, it was, that a singular phenomenon, was exhibited---a man by the name of Netherland, well mounted, and among the foremost in the flight, having crossed Licking, and gained the farthest bank, thinking himself out of danger; checks his horse, takes a back view, sees the savages preparing to rush into the water, and there, to extinguish the remains of many lives, almost exhausted by wounds, and the fatigue of flight,---cries out, with a shrill, and commanding voice, to those who had made the shore next to him---“Halt: fire on the Indians, and protect the men in the river.” The call had the desired effect, on ten, or a dozen---who immediately halt, fire on the enemy, and check their pursuit---probably, by so doing, as many lives were saved. This resistance however, proves but momentary: the Indians gather rapidly on the shore---numbers of them are seen crossing the river---and personal safety, suggests a speedy flight.

The fugitives were pursued for miles: nor did they find a place of safety, short of Bryant's station; thirty-six miles from the scene of action. Here, many of those on horseback, arrived within six, and others on foot, within eight, hours, after the battle.

At Bryant's, the survivors of this tragedy, recount the exploits of their comrades; and their own disasters. Here they tell that Captain Robert Patterson, exhausted in the retreat, and ready to yield himself to the scalping knife of the savage, just in his rear, is accosted by Reynolds, a soldier on horseback, who dismounts—assists Patterson, into his seat; and ensures his escape—while himself, now closely pressed, falls into the hands of three or four of the enemy—he seems alert, and they have not time to kill him—but they take his arms, and leave him in the custody of an Indian, who by this time had arrived, but seeming less expert than the captors, who continue the pursuit—sure of the pleasure of torturing one white man, when they should have more leisure. But the Indian, with the prisoner, continuing to move him, his mocason came loose; and while he stooped down to tie it, Reynolds snatches his gun from him—knocks him down with its butt—and makes his own escape.

For this singular instance of real magnanimity, and essential service, Patterson, who had no prior claims on Reynolds, afterwards made him a present of two hundred acres of land.

Never had Kentucky experienced so fatal a blow, as that at the Blue Licks; of the one hundred and sixty-six brave men, who repaired to the assistance of Bryant's station, one half, or more, were from Harrodsburgh, and its vicinity. These, fired, by the generous spirit of their officers, turned out upon the first call, ready, not only to risk, but to sacrifice their lives, if necessary, in the defence of their country; these were led directly into the front of the battle—of these, the greater number fell, before it was ended. Those from other places, equally brave, were little less unfortunate. The whole loss on the side of Kentucky, was sixty killed, and seven made prisoners. Of the wounded, but few escaped. The Indians, it was said, lost

sixty-four, killed—besides, a number wounded. Such were the reports from their towns, afterwards; and that they massacred four of their prisoners, to make the loss equal. The equal loss is doubted.

Greatly did the country feel, and deplore, the loss of Colonels, Todd, and Trigg; who although they had not acquired the reputation of great Indian warriors, were men of intelligence, of personal worth, and of public usefulness. They were particularly qualified to counsel, enlighten, and guide, the people in their private, and civil concerns; while the suavity of their manners, and the urbanity of their minds, rendered them easy of access; and always ready to assist those who wanted their information, or advice. Their deaths were a real public calamity, of more than common measure.

In this action, the gallant Harland fell; nor was there, an officer, more brave, or one more beloved, in the field.

Colonel Boone, here lost his second son, and very narrowly escaped with his own life. To him, the incidents of the day, must have been extremely distressing, and more than commonly vexatious. On the point, in the morning, of persuading his superiors, and others, to a course of proceeding, which, if it had been adopted, would in all human probability have averted, the fate of the day; or might have turned its disasters on the enemy: in the evening, he is exhausted with fatigue, and anxiety; lamenting the death of a favourite son—looking on his country humbled by defeat; and knowing not the extent of its consequences. He was convinced the enemy was numerous—he apprehended they had taken no prisoners, and if so, there was reason to expect they would return upon the settlements, in some quarter—and he knew, they were crafty, as enterprising—and brave, as they were savage. Great indeed, was the consternation on the north side of the Kentucky river.

In the midst of these disastrous events, and gloomy reflections, there was yet one consolation; the party with Colonel Logan, was considerable—in full march—and unbroken, as undismayed. The van of Logan's command, had passed Bryant's station, on its way to the Blue Licks, when it was met

by the fugitives from the field of recent battle; it then returned to Bryant's—where the colonel, halted, on receipt of the intelligence, until the rear came up—which was one day—and then, late in the evening, resumed his march, which was continued the greater part of the night—and again, at sunrise, next morning, for the licks—to engage the enemy if there, and if not, to bury the dead. About noon, the *battle ground* was approached, and the dead bodies seen strewed along the field. Some were mangled by savages—some by vultures—some by wild beasts; they were swollen, and rendered quite yellow, by the scorching rays of the sun, upon their naked skins. Each man who had lost a particular friend, or relative, sought for him, that if found, he might receive the solemn rites of burial; if not found, that the hope of his being a prisoner, and that he would return at some future day, might be indulged, to cheer the melancholy impression of the scene. But even this imperfect consolation was denied; for none knew the remains of his friend, when found—so much were the visages of the dead, disfigured. No Indian carcass was seen: nor was it known how the enemy had disposed of their killed—for no grave appeared; nor many trails of blood.

The party with Logan, having performed the last solemn duties of the field, and no *fresh sign* of the Indians being seen, it was marched back to Bryant's, and dismissed, to the number of four hundred and fifty men. A force, which it is believed, under the direction of Logan, had it come up before the battle, or been waited for by Colonel Todd, and his party, would have certainly been successful.

Such, on the one hand, is the effect of inconsiderate rashness; such, on the other, the ascendancy of prudence, over the affairs of men. In nothing, is this observation, so often in substance made, more frequently illustrated, than in war, and battle. What indeed! is fate, but the work of men's own hands, hanging on means of their own choosing?

The Indian army, consisting, as has been observed, of detachments from different nations, determined after so great a victory, to return home with the scalps. Those from the north,

being the greater portion, gave no farther molestation; but the western bands, taking their route through the settlements in Jefferson county, could not forego the temptation which was offered them of increasing their number of scalps, and prisoners. Their sign was however, seen, before they struck the intended blow. Intelligence of which, being promptly conveyed to Col. Floyd, he forthwith ordered out a party of militia, to scour the country on Salt river, where the savages were suspected to be lurking. Some of this party were from Kincheloe's station, consisting of six or seven families, on Simpson's creek. In their absence, no accident occurred; but on the first of September, the party, finding no Indians, dispersed, and those belonging to Kincheloe's, returned home in the evening. Thinking all well, and being much fatigued, they resigned themselves, and families, to sleep—when, in the night, the enemy fell upon the place by surprise; and were in the houses, before the people of them were awake. Thus circumstanced, they killed several persons, men, women, or children—and were proceeding to destroy, or capture the rest, when the darkness of the night, favoured the escape of a few.

Among them was Mrs. Davis, whose husband was killed—and another woman, who fled to the woods—where they were fortunately joined by a lad, by the name of Ash, who conducted them to Coxe's station.

William Harrison, after placing his wife, and a young woman, of the family, under the floor of the cabin, escaped; as they did, after the Indians had retired; and he returned, to liberate them.

Thompson Randolph, stood his ground for awhile, and defended his wife and children, like a hero. He killed several Indians—soon however, his wife, with an infant in her arms, were both murdered by his side—his remaining child, he put into the cabin loft, then mounted himself, and escaped with it, through the roof. When he alighted on the ground, he was assailed by two of the savages, whom he had just forced out of the house—one of these he stabbed, the other he struck with his empty gun—they both left him, and he, dragging the child

after him, secured his retreat, and the safety of both. This representation of facts, obtained full credit in the neighbourhood, and with his acquaintances. A signal instance of manly perseverance.

Several women, and children, were cruelly put to death after they were made prisoners, and on the route to the towns. But the details of such savage barbarity, are omitted; in order to attend to the case of Mrs. Bland, who was not killed; probably because, she was not a prisoner, after the second day—when she escaped in the bushes—totally unacquainted with the country around her, and destitute of any guide.

For eighteen successive days, she rambled through the woods, without seeing a human face; subsisting upon sour grapes, and green walnuts; until she became a mere walking skeleton, without clothes; when she was accidentally found, and taken to Lynn's station. Where kind attention, and cautious nursing, restored her to life, and her friends.

The situation of Mrs. Polke, another prisoner, with four children, was almost as pitiable, as that of Mrs. Bland; she was far advanced in a state of pregnancy, and compelled to walk, until she became nearly incapable of motion. She was then threatened with death, and the tomahawk brandished over her head by one Indian; when another, who saw it, begged her life—took her under his care—mounted her on a horse, with two of her children—and conducted her safe to Detroit; where those went, who had prisoners, or scalps, to dispose of to purchasers. She was of course purchased, as she was there given up to British authority—well treated—and enabled to write to her husband, who was not at home, when she was taken, though a resident of the station. Relying on the letter, which he received after some time, as a passport from the British, and incurring the risk of danger from Indians, he went for his wife, obtained her—and brought her, and five children, safe to Kentucky. After the peace of next year, the other prisoners, were also liberated, and came home.

That the British, authorized the buying of prisoners, and scalps, during the war, is most certain. The first, was a plain

dictate of humanity—if as it is believed, they gave at least twice as much for a prisoner, as for a scalp. Many lives were no doubt saved, by the love of gain. While their paying for scalps, at all, is imputable to political considerations alone. And however revolting to the feelings, is no more censurable than encouraging, or employing the Indians in war, by any other means. It was not the British, who learned the savage, to scalp his dead enemy: Nor would he refrain, if he was not paid. It is the war, and the employment of savages, if any thing, that is censurable. The enormities of an unjust war could therefore, but be aggravated, by recourse to such allies, whom no civilized nation should employ, but to restrain, and humanize in their warfare.

The country, was at the time, much agitated by its apprehensions of the future, no less than by reflections on the past. It may be said, that it united with the widows and orphans, to deplore their common loss; and to mourn over the public calamities of this year; the most heavy and appalling yet known in Kentucky.

General Clark, then resident at the falls of Ohio, impressed with the liveliest feelings of sympathy for the distress of the sufferers—and convinced of the necessity of rousing the country from its anguish and despondence, proposed an expedition against the Indians, and invited the superior officers to meet him in council. This invitation was complied with, and the means of calling out the men, and of furnishing them, concerted. A draft was to take place, where there was a deficiency of volunteers. And impressments of horses, and other supplies, might be resorted to, where voluntary contributions failed. Much reliance was nevertheless had, on the patriotism, and personal exertions of the people generally. Nor was this confidence of the officers, in the least disappointed. The intended expedition being announced, and the adopted regulations proclaimed, with a call for assistance—soon was seen, the utmost activity of preparation. Both officers, and men volunteered; and beeves, packhorses, and other supplies, offered, by those who could not leave their home. But in every case where

property was offered, or impressed, it was valued, and a certificate given to the former owner, as evidence of his claim to future compensation, should the government make provision for payment,—which at the time was uncertain.

Bryant's station, was appointed the place of rendezvous for the upper part of the country—the falls of Ohio, for the lower, and the mouth of Licking, for the point of union. There, Gen. Clark, was to take the command: Previous to which, the two divisions were commanded, by Logan, and Floyd, respectively.

In the last of September, an army, of about one thousand mounted militia, armed with rifles, assembled on the bank of the Ohio, and was put in motion by the general, for the Indian towns on the Miami, and Scioto.

This expedition, was conducted with the despatch essential to the quality and equipment of the troops; and for which the commander-in-chief, had on former occasions, obtained celebrity. He had, proceeded without being discovered, into the neighbourhood of the first town, and within half a mile of a camp, of the rear of the party, that had been in Kentucky, when a straggler discovered his approach, and gave the alarm of “a mighty army on its march.”

The camp was immediately evacuated, with precipitation; and the frightful intelligence being spread through the different villages—every where produced similar effects—dismay, and flight. Empty cabins, and deserted fields, were only to be found; or here, and there, a scouting party of savages were seen, who sometimes fired, sometimes not, but always fled.

This scene was repeated in the course of a march of several days, through the different Chillicothes, Pickawa, and Wills-town. These were severally reduced to ashes, and the fields of corn entirely cut up, and destroyed; leaving only ruin, and desolation, in the country. Among the few prisoners taken—seven in all, there was an old man of distinction, in his tribe, who was clandestinely murdered—and although highly disapproved by the general, it was not deemed prudent, to cause the subject to be investigated. There were two other Indians killed, according to the laws of war—which place, running,

and fighting, upon an equal footing of offence. The loss of two men killed by the enemy, and an equal number by accident, closes the account of losses, on this excursion. And although its success was but a scanty compensation for the defeats of the year; it had nevertheless the good effect of proving both to the Indians, and the people of Kentucky, that the latter, were superior; and that there was no danger of the former, ever overrunning the country. A conviction of no inconsiderable importance, at the time.

While the army of General Clark, was spreading terror and desolation among the northern tribes, some of those from the south, made an incursion into the settlements of the Crab Orchard; where a scene was exhibited, though trivial in its effect, yet so novel in its circumstances, as to merit a particular detail. A party of these savages, approaching a single house, prepared for robbery, or murder, or both—think it however prudent, to reconnoitre. For this purpose, they halt, and send one of their number forward to the door; he, seeing only the mother, a small child or two, and a negro; determines to make himself master, and thereby secure for his own use, both the prisoners, and plunder. Thus stimulated, he entered the house, and seized the negro, being a man, expecting no resistance from the rest of the family—the combatants scuffle, and fall—there is an axe lying in the floor, with it the mother cuts off the head of the Indian—the children, shut the door. The rest of the party, who were waiting intelligence, hearing the noise and bustle in the house, advance upon it, and are soon in the yard—they rush at once to the door, and with their tomahawks, attempt to break it down: With the less fear, as they have not yet heard a gun, and doubtless imagine there is none. The house indeed, was almost defenceless—there was however, the formidable axe, and hands to use it—there was also, a gun barrel in the house, without stock, or lock: while with the former the negro assists the children to defend the door, the mother, seizes the latter, runs the muzzle through an aperture between the logs of the house wall, as if intending to shoot—the Indians see this, and

fly. The alarm is given—the men assemble, and chase them into the wilderness.

From this time, no formidable party of Indians ever invaded Kentucky—nor was the country for the residue of the year, molested by their scouts, or marauders. Consequences attributable, to the recent expedition—the progress of negotiations for a general peace—the conviction of inadequate force—and the season of the year: for the winter was near; and all the other considerations, pressed upon them. The country was the more cheered, as the rumours of a general peace, were repeated with increasing probability. A peace with Great Britain, it was expected, would produce peace with the Indians. Or should the latter continue hostile, yet, it was thought, the former being at peace, would withhold supplies, and no longer aid, or encourage their depredations.

At any rate, they would be reduced to a contest, to which they were unequal—and although they might continue to harass the frontiers—they could not endanger the safety of the country. Reduced to stand alone, they would at least, be stripped of half their terror.

It had been made public, that both Colonel Marshall, and Mr. May, would be in Kentucky, and respectively open their offices in the autumn of the year. This intelligence was of a nature to interest many, who did not purpose removing with their families, and of hastening some who did, with the intention of taking up land. Many, in fact, of both descriptions, came, however various the cause, or motives; and a great addition to the strength of the population, was the consequence. A circumstance of unceasing attention, to those who had identified their peace, and prosperity, with those of the country.

The surveyors came, and would have opened their offices, about the month of September, but for the expedition; which occasioned a postponement 'till late in November. When one was opened in Lexington, Fayette county; the other at Cox's station, in Jefferson county.

As in 1780, so now, the public attention was turned to the acquisition of land, by locating treasury warrants: And now,

as then, the business was very much engrossed by the hunters. These, were generally illiterate, and ignorant of what the law required to constitute a good location. They nevertheless proceeded to make entries, urged by their employers, with all the avidity of men, fearful of loss, and intent upon gain. Hence, they strewed the locations over the face of the country, as autumn distributes its falling leaves; heedless of those which had previously fallen; and almost as destitute of intelligent design, as they were ignorant of the legal consequences.

A few specimens, of vague entries, it is supposed, will afford the best means of illustrating their defects, and the cause of the unhappy disputes which have ensued, about the titles to land; and which still lacerate the feelings of the people—engross the attention of courts—disorder legislation; and keep neighbours at variance.

Such are the following:—"Lewis Craig enters five hundred acres of land upon a treasury warrant, adjoining his former entry on the north side, and running along northwardly with Christian's, and Todd's line for quantity."

Here, it is to be remarked, that of all the country north of the Kentucky river, no particular water course is called for, or other object of general description named, whereby the attention of the subsequent locator, could be led to a particular section, or circuit, within, or about which, to look for the particular objects of location. Again: it does not appear what former entry of Craig's is meant—neither is it certain what line of Christian and Todd, is intended; or who, among many of the name, they are; or what line of theirs is to be followed—or where it is to be found—or if one be found, whether it be the same called for by Craig, or not. This exemplifies a vague entry.

The same day, "George Smith enters five hundred acres of land on a treasury warrant, lying on the north side of Kentucky, a mile below a creek, beginning about twenty poles below a lick, running down the river, westerly, and north-westwardly, for quantity."

It is obvious, that the locative calls in this entry, are all vague and uncertain to a subsequent locator. The *north side of Kentucky*, comprehended the whole of the county of Fayette, and more than one-third of the whole country. The next call is, *a mile below a creek*--but which, of the five hundred creeks on the north side of the Kentucky, does not appear, either by name, or description. And finally--it is to begin, *about twenty poles below a lick*: But what lick? or where?, are questions all important to the locator of the adjoining land, but which are left unanswered, and unanswerable, by any thing in Mr. Smith's entry. It is presumable that the person who made Smith's location, knew the place which he *intended* to include, but certainly those holding unlocated warrants, were not bound to find him; nor could his verbal explanation, if seen, aid an entry, which the law required, *should be in writing*. The holder of a warrant, which he desired to locate, with a copy of Mr. Smith's entry in his hand, could not know how to adjoin it, nor yet how to avoid an interference: he would however proceed to make his entry, and possibly, with a similar degree of vagueness. When they came to be surveyed, very probably, and to the very great surprise of both owners, the two interfered.

Another instance: "Edward Hall, enters six hundred and twenty-two acres of land, upon a treasury warrant, on Eagle creek, a branch of Kentucky; beginning at a small beech, marked thus, I. N. on the north side of a small drain,—then east 320 poles, then north at right angles for quantity."

To see that this entry is wholly vague, and uncertain to a subsequent locator, it is only necessary to observe, that Eagle creek, is fifty miles in length—has a thousand drains—and a million of beech trees. While I. N. being cut on any one of them, left it still destitute of *notoriety*. Hence it was totally unreasonable, to require of a subsequent locator, that he should find where it was, in order to avoid an interference: He of course, proceeded without knowing.

Besides these, there were other circumstances, which contributed to produce interferences between the claims to land:

and which the importance of the subject requires should be mentioned. The country, being unknown, and unsettled in its greatest extent, was explored by individuals, or small parties, who often gave different names to the same objects—such as water courses, traces, licks, &c.; and often mistook, or confounded, places, and distances, from the one to the other.

Whence sprang an infinitude of conflicting claims. Others, made, or referred to, obscure marks; which not having acquired the attention of those conversant in their vicinity, wanted *notoriety*, to supply the *absence of description*, and relied on them, as the foundation of their locations. To notice another source of interference, though last, not least, productive; it often happened, that two sets of locators, commencing their entries on parallel creeks, and running out each way until they interlocked; were quite astonished to find their surveyors crossing each other's lines.

Such were the consequences of putting warrants into the hands of ignorance and cupidity, with which to appropriate land, without previous survey. And such the vices, inherent in the land law, of Virginia. While the evil consequences of this system of appropriation, were not a little increased, by the danger of Indians—the multiplicity of entries—the negligence of the parties in omitting to survey—and the continued emission of warrants, after twice the quantity of *vacant land*, had been sold.

In the lapse of a few years, and attendant on the progress of business, the country became better known; the science of location, had improved; the difference between a *vague* entry, and one that was *special*, had been learned; and the number of warrants so multiplied, that the face of the earth, was covered, again—and again—and again; with locations of the one, or the other description; containing quantities, for one hundred acres, to one hundred and fifty thousand; and even more of such acres.

Nor should it on this subject, be deemed impertinent to remark, that the incompetency, and tardiness of the courts, and parties, permitted that part of the law, which provided the

caveat as a summary mode of adjusting conflicting claims; and which awarded to the loser, a new warrant, and entry, by which to appropriate other land, to become a dead letter; as to such appropriation. Inasmuch, as the whole of the land, was more than appropriated, before any decision took place. Whence the party who failed in the litigation, when it, at length took place, although a purchaser from the commonwealth, sustained a complete loss of both land, and money. Nor was any remedy for these evils, provided by Virginia when she ceded to the United States, her immense territory; northwest of the Ohio.

Difficult as it may be to attach censure to a legislature, forever fluctuating; yet it is impossible to find an apology consistent with the principles of sound morality, for the whole conduct of the state, on this subject. She should have limited her sales to the quantity of land subject to location; or she should have enlarged that quantity, to the sales—before she ceded her vacant territory to the United States. For as much, as it belongs to states equally, as to individuals, to be *just*, before they are *generous*.

Under circumstances which have been exhibited, when men holding treasury warrants, saw that Kentucky land, or nothing, was their only alternative; they were reduced to the desperate necessity, of losing their purchase altogether,—or of making “special entries,” to cover those which were vague; and afterwards of contesting the matter of right, with their owners. Thus, does Kentucky owe, to a combination of circumstances, both public, and private, a state of land titles, which more than Indian wars, has retarded her population—obstructed her improvement—distracted her people—impaired her morals—and depreciated the value of her rich soil, throughout the country.

It would be anticipating a conclusion, which should alone result from a detail of facts, to say in this place, that owing to the state of land titles, men have forgotten the first principles of justice, become blind to the rules of property, and grown deaf to the claims of private right—while the state is

involved in dispute, and threatened with disgrace, by a system of legislative acts, springing out of that source. Such, however, is the unpleasant sequel, which belongs to this topic, and seems to lie within the scope of this history.

CHAP. VIII.

Questionable state of peace—Definitive treaty—Complaints as to negroes, and posts—Inexecution of the treaty—Internal occurrences, &c.

[1783.] THE winter of 1782—3, passed away with but little interruption from the Indians. Those, to the northwest, felt the effects of the last fall's expedition; and all, it is presumable, had been apprized of the expected peace between the United States, and Great Britain. While the most ignorant among them, could but be apprehensive of the consequences to themselves, should they not be included. The tomahawk, seemed therefore to be held up in expectation of events. For although preliminary articles had been signed in Paris, on the 30th of November, 1782, it was not known in Kentucky, until the spring of 1783.

Nothing could have come more opportunely, for the prevalent views and occupations of the people, than a confirmation of this fact. It was, indeed, "glad tidings of great joy." For never were men more tired of war; never more desirous of peace; never more intent upon acquiring land. While the necessary means employed for the purpose of attaining this last, and grand object, called them into the woods; and exposed them to the Indians, should there be any in the country; in a manner peculiarly defenceless, and insecure; but whom, it was expected would entirely disappear, or be friendly, in consequence of peace with England.

Why these expectations, so natural, and reasonable, came to be disappointed, it will be a part of this history, to develop.

Next to the acknowledgment of the independence of the United States, was the ascertaining, and fixing their boundaries. This was a subject of much interest to Kentucky—and about which there had been much intrigue, in the courts of France, and Spain.

These powers, connected by nature, and by compact—the one, holding an almost incalculable extent of colonial territory on the Mississippi; and both possessed of islands in the seas connected with the mouth of that river—had seen with considerable anxiety, and solicitude, the claim of the United States extended, as well by conquest as by charter, to its eastern bank. And while both aided the United States in the war against Britain, upon the professed motives of friendship, and generosity; they were really actuated from considerations of resentment against England; and of policy, and self love, towards themselves. One certain consequence, worth all they risked, was to result from the establishment of American independence—the loss to Great Britain, ever a rival, if not an enemy, of so many colonies, rapidly increasing in population, riches, and power. This, was clearly foreseen by those competitors of England, in arms, and for territory, as well as for mastery by sea—and that in proportion to the loss sustained by their adversary, would be their relative gain. France, took the lead in the contest, being more immediately interested in the result; as having no inconsiderable pretensions to manufactures, and commerce; and possessing, moreover, the most active disposition for enterprise, both in the cabinet, and in the field. Hence much ingenuity and influence were employed by the ministers of his most christian Majesty, to subject even the tenure of American independence to his guarantee. The next object of French, and Spanish, policy, was to limit the western boundary of the United States, by the Allegheny mountain, and at most, by the Ohio. The residue of the country to the west, was to have compensated THESE TWO FRIENDLY POWERS, for their *disinterested assistance* to the United States; and enabled them forever to *controul that independence*, which they had kindly proposed to take under their PROTECTION!!

Already had the flattery of the French minister, and the thousand blandishments of Paris, gained over to his purpose, the ever eulogised, Doctor Franklin; already was there a party formed in congress, so powerful, and so under the management of the same minister, the Count de Vergennes, that a

vote of instructions to the American ministers in France, to conform themselves to the advice of the COUNT, was obtained in that body: already were the instruments prepared, and the machinery put in motion, which were to stifle the new born independence of the United States, in the cradle of French intrigue and influence, and to limit the boundaries of their united territory, at the will and pleasure of France—when the sagacity, the patriotism, and firmness of John Jay, and John Adams, the other American ministers, discovered, and frustrated, the diabolical project. But for this, Kentucky might have been a French, or Spanish, province!! On such circumstances, often hang the fate of nations. No impure motive is ascribed to Doctor Franklin—nothing said, can detract from his philosophical celebrity. It is only as a politician that he is here regarded. As such, he is justly the subject of history; and as far as Kentucky is concerned in the fact, his want of circumspection, in the case stated, is worthy of her attention: and will illustrate a practical observation, “*that a profound electrician, may be a very unsafe public minister.*”

The real state of the negotiations for peace being once known, it was not difficult for the colleague of Doctor Franklin, to penetrate the motives, and views, of the French, and Spanish, cabinets—He sent to the third American minister, who agreeing with him, they were presently enabled to make the negotiator on the part of Great Britain, comprehend the objects, and motives of certain propositions, on these subjects: and also to convince him, that a liberal policy on his part, towards the United States, afforded the surest means of counteracting the enemy of his country; while it would conciliate to it, the good disposition of the reflecting part of the American people—the best possible substitute for the loss of territory, and government, now to be conceded on the one side, or obtained on the other. The result was, an unconditional acknowledgment of the independence of the United States, and a boundary ample, as their safety, or union, required. The necessary provisions for the attainment and security of these primary objects, compose the first, and second articles, of the

treaty of peace between the United States and Great Britain. Kentucky, then being a part of Virginia, escaped the snare, which had been laid for her; and retained her place in the union.

It is not within the plan of this history, to dilate on topics foreign from Kentucky; while those connected with her interests, seem to claim an indisputable admission. It followed necessarily, that the forts, and places, previously held by the British government, within the bounds conceded to the United States, should be given up to them. And to that purpose was an article of the treaty. In the faithful execution of which, the people on the Indian frontier, and none more than those of Kentucky, were deeply interested. For, by means of these posts, dispersed among, and contiguous to, the different tribes of Indians, they had been easily influenced, and seconded in their hostile designs, and enterprises. From these, they had derived their principal supplies for carrying on the war. These, once in the possession of the United States, would transfer to them, the influence, over the savages, which had invariably accompanied their occupation—first, by the French, and afterwards by the British. Hence, this transfer, became extremely interesting, and was looked for with sanguine expectations, and much sensibility. Since, however, these expectations, were afterwards cruelly disappointed,—it may belong to the subject, to observe, at this place, that the treaty contained stipulations, favourable to the interests of British subjects, equally obligatory—that it had not yet received its definitive character—and that it will again become the subject of further details, and discussions. While in the mean time, the good people enjoyed a respite from actual hostility, greatly heightened, by the pleasing prospect of replacing the British, with American, troops; and of enjoying permanent peace, with all their neighbours, as the consequence. A state of things, then highly desired.

In addition to these agreeable anticipations, the month of March, 1783, realized an improvement in the judiciary system, of the very first importance to the internal administration of justice—of course, to the prosperity, of the country.

The three counties, had by law, been erected into "the District of Kentucky," and a new court, of common law, and chancery, jurisdiction, co-extensive with its limits, established therein. This court, besides the facilities, which it afforded, of hearing and deciding land causes, originating in any part of the district, was also vested with powers of *oyer, and terminer*, in criminal cases. It was opened on the third of the month, at Harrodsburgh—by virtue of a commission from Benjamin Harrison, governor of Virginia; to John Floyd, and Samuel McDowell—who chose John May, for their clerk; and qualified, by administering the oath of office, Walker Daniel, who also held the governor's commission, as "attorney general for the district of Kentucky."

A grand jury, was empannelled and sworn for the body of the district; and who in the course of its sitting, presented nine persons for selling spirituous liquors without license; eight for adultery, and fornication; and the clerk of Lincoln county, for not keeping up a table of his fees; besides a few others, for smaller offences.

At this time, there was no house in Harrodsburgh, wherein the court could conveniently hold its sessions; and it adjourned to the meeting house, near the Dutch station; six miles from its place of meeting.

Walker Daniel, and John May, were appointed by the court, to fix upon some *safe* place, for holding the court, near Crow's station; and authorized to employ persons to build a *log* house, large enough for a court room in one end, and two jury rooms in the other; on the same floor. They were also authorized to contract for the building of a prison, of hewed, or sawed, logs; at least nine inches thick. And in case the said Daniel, and May, at their own expense, caused such buildings to be erected, the court engaged that they would adjourn to the place so to be fixed on; and promised a conditional reimbursement, in case they removed to any other place; either out of the funds allowed for the support of the court, if sufficient; if not, by using their influence with the legislature to have them paid. This had the desired effect; and Danville arose out of

the speculation. At which place the district court, continued to hold its sessions, until the separation from Virginia, when it was abolished.

As early as January, 1781, Virginia, actuated by a liberal policy towards the United States; as conciliating, as it was magnanimous; had offered to the acceptance of those states in congress, all the country comprehended within her charter, on the northwest side of the Ohio river. Subject, nevertheless, to such terms as were suggested by prudence, and justice, for the security of certain individual rights—the payment of incidental expenses of conquest—and the erection of new republican states. These terms being substantially acceded to by congress in this year; a formal deed was made and executed by the Virginia representation, on behalf of that state; and accepted by the United States in congress, in 1784.

Thus, while emperors, kings, and states, thrones, principalities, and powers, of the earth, fight, devastate, and conquer, for territory, and dominion; the great, and populous state of Virginia, peaceably and unconstrained, made a gratuitous donation to the common stock, of a country over which she had proposed to erect ten new states, as future members of the confederation. And to her honour be it remembered, that the favourable change which took place in the state of public affairs, from war, to peace—from a doubtful contest, to acknowledged independence—tainted not the purity of her motive, shook not the firmness of her purpose, nor varied the object of her policy. She conceded the right of soil, with the right of dominion: While Kentucky remained her most remote frontier; and the Ohio, instead of the Mississippi, her northwestern boundary. But she had magnified herself, and secured her peace, in the union; on which she relied, as on her own arm, for its protection, and durability.

Under this complication of circumstances—the vernal season, was expiring, at the approach of summer; the war cry of the savage, had scarcely been heard, since winter, by the husbandman; and those engaged in land business, were engrossed by their interests to a degree of forgetfulness of danger—yet it was

not peace : for sometimes, parties were discovered in the country—But there was no serious invasion this year; in fact, the usual hostility of the season, had disappeared. As a consequence of the apparent safety, many new settlements were made in different parts of the country. So that, to a great extent, it was no longer a military enterprise, but a mere act of civil employment, to commence a new improvement, or establish, a new station. Emigrants continued to augment the population. The people, finding themselves much at their ease, turned their industry to the improvement of their domestic affairs. The arts, connected with agriculture, took their residence in the country; and those which furnish the household, and kitchen, with vessels, and cabinet work, for ordinary use, had already become naturalized. Money was tolerably current; and labour of every kind well rewarded. Plenty abounded; cattle, and hogs, were seen to increase, and thrive to an astonishing degree; and the fields were burthened with Indian corn. Some trade, and barter sprung up among the citizens—amusements succeeded; and horse races were run. Schools were opened, for teaching, reading, and writing, in the vernacular tongue; and preachers of the gospel were heard publicly proclaiming the terms of salvation. To fill up the circle of the year, with its agreeable productions, it may be added—that sundry crops of wheat were raised on the south side of the river; and some distilleries erected on a small scale, in which spirits were produced from Indian corn. Merchandise, transported from Philadelphia to fort Pitt, in wagons, and thence to the falls of Ohio, in flat-bottomed boats, were landed; and a retail store opened, by Daniel Brodhead, in Louisville.

Such, were the consequences of suspended hostility; such, the fruits, of expected peace. Contrasted with the effects of war, how preferable! how inestimably precious!—Yet, defensive wars are just; and manfully to be met—while those, which are aggressive, merit the execrations of every people: on account of their injustice, and the consequences they involve.

It is still to be mentioned, as an occurrence of the year, that Thomas Paine, of notoriety, had written a book. to ridicule,

+ and expose to contempt, the chartered right of Virginia, to the western country, including Kentucky; by twisting the terms, "west, and northwest," which will be found in the charter, like a cork screw, round the north pole: and to persuade congress to assume the possession and sovereignty, of the whole territory. A species of writing, in which he excelled. This precious production, had fallen into the hands of two Pennsylvanians, by the name of Pomeroy, and Galloway—who had imbibed its spirit; and could twist, "west," and "northwest," as well as Tom Paine. The consequence was, that they felt the utmost hostility to the Virginia rights. And in order to destroy them; one came to the falls of Ohio, the other to Lexington, where they proceeded to propagate their seditious doctrines. At the falls, it is believed, nobody minded this disciple of Paine. But at Lexington, his brother apostle obtained considerable audience. Several of the good people, yielded so far to his persuasions as to commence chapping, and improving upon their neighbours' lands, with the *pious* intent of appropriating them, under an act of congress; which they were assured, was soon to be promulgated.

This gave to the subject, an aspect rather serious—mischievous might ensue; and it became necessary to "correct the procedure." A justice of the peace was applied to, for a warrant, to arrest this zealous propagator of civil, and political, heresy. Some law was deemed necessary to justify the proposed measure. Fortunately, there was an old Virginia law, which imposed a fine *in tobacco*, at the discretion of the court, upon the "propagators of false news, to the disturbance of the good people of the colony." This was believed to be sufficient—the justice issued his warrant, against Mr. Galloway—and the sheriff brought him up, for examination. The facts were proved upon him; both as to his assertions, in relation to the Virginia title, which he had said "was no better than an oak leaf," and as to the effect they had produced on the minds of sundry persons; who had been much disturbed. He was now regarded, as a culprit, and ordered to give bail for his appearance at the next court. This he did: and the court, not being distant—he

*Pamphlet entitled Public Good: It was
mentioned*

appeared. The subject, had taken wind, and was soon blown up into a matter of much interest: Whence a great concourse of people attended. The accused, was arraigned—the witnesses examined—and the law produced. The fellow, could make but little defence; for he had not even the book of his master; which contained the doctrine, he had been preaching. He looked convicted; and the court, fined him, *one thousand pounds of tobacco*—which at that time, it was impossible for him to pay. There was no such quantity of the article to be had. The alternative was, to go to jail. He appeared panic struck—detected in propagating *false news*; he stood as a public culprit, not devoid of shame—and although not to be hanged, he saw the prison, as his home, until the tobacco could be raised, or imported. He knew not what to do—his adherents left him—his distress was agonizing. At length, it was intimated to him, that if he would leave the country, it would do as well as to go to jail; and that the fine would not be exacted. He caught at the offer, and was permitted to depart. He instantly left the court, mentally ejaculating, without doubt, curses against TOM PAINE, and TOBACCO, even more bitter, than that deleterious weed itself.

From this time, the rights to land, derived from Virginia, were no more questioned, on the score of her authority to sell them; and Paine, henceforth lost his authority in Kentucky, as a land lawyer.

On a former occasion some inconsiderate persons, had offered an obstruction to surveying; which had occasioned a legislative act to punish like offences in future. This had the effect to prevent its own infraction.

The third of September, the preliminary articles of pacification, between the United States, and Great Britain, were transferred into a definitive treaty of peace; and an end put to the war of the revolution, as had been expected.

No part of the United States, was more immediately interested in the faithful execution of this treaty, than Kentucky; nor suffered more than she did, in consequence of its inexecution; as will be shewn in its proper place.

For the convenience of those, concerned in taking up Kentucky lands, the office of deputy register, which had been established in the country, was now filled, for the reception of plats and certificates of survey; instead of sending them to Richmond.

In the latter part of this year, the emigrations, for several obvious causes, were much increased; and Kentucky, elated with her prospects, and conscious of her strength, lost her fear of surrounding danger.

[1784.] The winter of 1783—4, proved to be a very severe one, of ice and snow. The frequent falls of the latter, and accumulation of the former, exceeded any thing which had occurred since the hard winter. Nothing of the kind, could, however, restrain the surveyors, and hunters; they were out in all directions, pursuing their different objects: Nor were they annoyed by Indians—to them, and the frontiers, a novelty of the most agreeable kind.

Colonel Robert Johnson, whose residence had been at Bryant's station, removed to the Great Crossing, on Elkhorn, his present residence. This was an exposed frontier; and subsequently, much infested by Indians: but steadily supported. Similar establishments also took place, on the approach of spring, in other parts of the country, which were exposed to a like fortune, and maintained with an equal fortitude: but which it seems useless to particularize.

The reputation of Kentucky, for growing population, for the increase of riches, and for abundant objects of speculation, had spread abroad; and was producing its corresponding results. The most important of which was, to increase its capacities, and resources, in all these respects. And which were not a little facilitated by disbanding the late continental army, and the continued expectation of a general peace with the Indian tribes.

Besides several companies of land speculators, formed in Philadelphia, who had disgorged their immense accumulations of paper money, or bills of credit, on Virginia for land warrants—and who had their agents in Kentucky, for the purpose

of realizing them by location—a mercantile, or trading company, had also been formed at the same place, in the course of the winter. At the head of the latter, was General James Wilkinson; who, in February, 1784, made his appearance in Lexington. The presence, the manners, and conversation of this gentleman, were calculated to attract attention, excite curiosity, and produce interest. Those who know him, will not doubt, but that enough, was soon disclosed, to place him in the most favourable light.

He had come to settle in the country—to open a store—and to carry on commerce. His first cargo, was on the river Ohio: it was assorted for the supply of the inhabitants; and Lexington, the object of his ultimate destination. He had been an officer in the regular army—was at the taking of Burgoyne—and lately, a member of the Pennsylvania legislature.

Besides these circumstances, so well adapted to prepossess the feelings, play upon the imaginations, and captivate the hearts, of the simple and rustic Kentuckians,—nature herself had gratuitously furnished Wilkinson, with a passport, which ensured his favourable reception, wherever he was seen and heard. A passport expressed in a language, which all mankind could read; whose influence every one felt; and which none would suspect, or scrutinize, on the first perusal.

A person, not quite tall enough to be perfectly elegant, was compensated by its symmetry, and appearance of health, and strength. A countenance, open, mild, capacious, and beaming with intelligence; a gait, firm, manly, and facile; manners, bland, accommodating, and popular; an address, easy, polite, and gracious; invited approach, gave access, assured attention, cordiality, and ease. By these fair forms, he conciliated; by these, he captivated. The combined effect was greatly advantageous to the general, on a first acquaintance; which a further intercourse contributed to modify; and whose subsequent course of action, will merit future notice.

The definitive treaty, so earnestly looked for, was announced; and the surrender of the posts within the territory of the United States, confidently expected, in the early part of this year.—

Had the British government, been intent upon withdrawing their troops, it might have been done, by the return of summer: Yet it was not done; although the treaty, was finally ratified, and exchanged in due form. Whence Kentucky, was doomed to feel the stroke of war, with the Indians; while the atlantic part of the state, enjoyed a complete exemption from its horrors; heightened by comparison, with the smiles, and graces, of mature and perfect peace; within the same state.

This condition of things depending in part, upon local circumstances, and in part, upon political controversy, will receive proper attention, in the due order, of time, and place.

Until this year, all that extensive region of country on the north side of Licking, remained unsettled. Having been most contiguous to the Shawanees, Delawares, and Wyandots, it had been considered peculiarly dangerous; even surveying had been restrained, by an order of the principal surveyor, to his deputies; which was revoked, under the impression of returning peace; and in March, several parties of surveyors, proceeded to business. They had not, however, been long engaged, before they discovered, by *fresh sign* of Indians, that they had overstayed their time, or gone out too soon. There had not yet been any formal treaty with the Indians; their pacific disposition could not be relied on; and these parties not liking appearances of danger, after executing a few surveys, returned home, for safety.

Other surveyors, in other sections of the country, found the *sign* of Indians also—and sometimes fell in with small parties of them, under very suspicious circumstances—indicating by their behaviour, strong remains of an hostile temper. In some instances, they offered no violence, or offence: in others, they were rude, and even predatory. But for some time no blood was shed. The tomahawk had not fallen on its victim—nor had it been buried. It was not war—yet hostility lowered around the settlements. The recollection of recent depredations—and the knowledge, that the British, still held the posts on the lakes; will account for these phenomena,

Candour, however, compels an absolution of the government of Great Britain, from the charge of stimulating the savages to a continuance, or renewal, of the war. While it need not be doubted, but that the traders of Canada, were interested, to engross the fur trade; by preventing competition—and for that purpose, were equally busy, and successful in keeping alive the angry passions of these ignorant, and vindictive men of the woods; as the most certain means of effecting their own objects of traffic. Nor is the fact to be dissembled, that the multifarious population of Kentucky, embraced individuals, not probably more considerate, or less revengeful, than the Indians. Individuals, whose sense of recent injury, still rankled in their hearts—and who had sworn eternal animosity to the whole race of red men. While others, therefore, burying their personal feelings, of complaint, in the more comprehensive desire of peace, and safety, encouraged the Indians to come into the stations, and to hold friendly intercourse; and after several instances of the kind had actually occurred, and Indians had come in as friends—one of them, was seduced into the woods by a white man, and clandestinely murdered. An attempt was made to prosecute the assassin. But it was found utterly impracticable. Such was the feeble condition of the civil authority—and so powerful was public resentment against Indians—so strong, in a word, was popular sympathy, with the offender against the laws of hospitality, and of humanity.

The effect on the Indians was instantaneous—the amicable parties disappeared—confidence was lost—friendly intercourse ceased. What but retaliation was to be expected, from the known character of these untutored men of nature, under a pressure of injury, combining both force and fraud?

Not, however, to ascribe more to this circumstance than its due—the current of narration will now be turned to other subjects, whose combined influence, revived, if not reproduced, the Indian war, with its usual train of hideous followers—robbery, and murder, ravage, and devastation.

The inexecution of the treaty with Great Britain, may be assumed as the prolific source of much ill to Kentucky—while

the *non-delivery* of the posts, already alluded to, presents the most obvious circumstance to popular attention, in the complicated drama, which ensued. An elucidation, at least, so far as Kentucky is concerned, will be offered; as an appropriate part of this history.

It may be remarked, as an important fact in the proposed development, that before the definitive treaty was signed, exceptions were taken, to the embarkation of certain negroes, at New York; which, it was alleged, was contrary to treaty—that the negroes, belonged to citizens of the United States, and ought to be restored to their masters, not carried away.

This was the first ground of complaint; and which as early as the twenty-sixth of May, 1783, produced the following act of congress:

“THE UNITED STATES, IN CONGRESS ASSEMBLED.

“WHEREAS, by the articles agreed upon on the thirtieth of November last, by and between the commissioners of the United States of America for making peace, and the commissioner on the part of his Britannic Majesty, it is stipulated, ‘that his Britannic Majesty shall, with all *convenient* speed, and without causing any destruction, or carrying away any *negroes, or other property of the American inhabitants*, withdraw all his armies, garrisons, and fleets, from the said United States, and from every port, place, and harbour, within the same:’ And whereas a considerable number of negroes belonging to the citizens of these states, have been carried off therefrom, contrary to the true intent and meaning of the said articles:—

“*Resolved*, That copies of the letters between the commander-in-chief and Sir Guy Carlton, and other papers on this subject, be transmitted to the ministers plenipotentiary of these states for negotiating a peace in Europe; and that they be directed to remonstrate thereon to the court of Great Britain, and take proper measures for obtaining such reparation as the nature of the case will admit.

“*Ordered*, That a copy of the foregoing resolve be transmitted to the commander-in-chief; and that he be directed to continue his remonstrances to Sir Guy Carlton, respecting the permit-

ring negroes belonging to the citizens of these states to leave New York, and insist on the discontinuance of that measure."

All this was done; but without the desired effect. The British, would not restrain the negroes.

To understand the merits of this controversy, an attention to dates in its origin, and progress, is all important—as is also the subject matter in debate: as negroes, being acknowledged a part of the human family, constitute, a peculiar species of property. These negroes, had been taken in the course of the war by the British army, and were now reclaimed by the United States, for their former owners, upon, the clause in the provisional articles, which stipulated, "that his Britannic Majesty shall, with all convenient speed and without causing any destruction or carrying away *any negroes, or other property* of the American inhabitants, withdraw all his armies," &c.

It might be doubted whether any right whatever could be claimed under the treaty, before the final articles were at least signed, if not ratified. But the signature of the definitive treaty between the United States, and Great Britain, did not take place until the third of September, 1783. Three months at least after congress took up the claim, which the British rejected. The treaty, besides, contained a clause, that the ratification, should be exchanged in due form within six months, or sooner if possible, from the date. Allowing the six months, and the third of March, 1784, would arrive. It is thought that an attention to dates, is the more necessary, as the treaty of alliance with France, contained a stipulation that "neither were to lay down their arms, without the formal consent of the other first obtained." Now France, had not given her consent—nor dispensed with this stipulation—or made a definitive treaty. Although it is true, that France, and Spain, had signed preliminary articles of peace, with England, on the 20th of January, 1783; yet these were not ratified until the succeeding autumn. So that the United States could not consider their treaty, with Great Britain, as conclusively obligatory, until fully ratified, by and with the assent of France. And this seems irrefragably confirmed by the *ratification* of that instru-

ment, on the 14th of January, 1784. When reciting the treaty, congress declares, "that it was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain, and France, having since been concluded"—that with England, was RATIFIED, and ordered, to be *exchanged*, by her ministers in Paris. It seems almost superfluous to add, what must be obvious to all, that the treaty did not bind Great Britain, sooner than the United States: nor either, otherwise than conditionally, before it was ratified by both. Nevertheless, it may be pertinent to remark, that the dispute about the negroes, had not prevented their embarkation—produced any change in the article—or in any manner, prevented the final ratification. Congress had without exception ordered it to be executed; and particularly recommended the restoration of confiscated property, pursuant to one of its stipulations.

The fair inference seemed to be, that congress had abandoned the claim to the negroes: While Virginia, no less then, than now, an important member of the confederation; soon demonstrated, that she had not. Her conduct will next be exhibited; in relation to this subject, as it was followed by the most important consequences, to Kentucky: who was made a victim for a few negroes.

On the 22nd of June, 1784,—that is, within less than six months after the ratification of the treaty, the legislature of that state, adopted the following measure:

"It appearing to the general assembly from a letter from his excellency General Washington, dated the 7th day of May, 1783, that in obedience to a resolution of congress, he had a conference with General Carlton, on the subject of delivering up the slaves, and other property belonging to the citizens of the United States, in compliance with the articles of the provisional treaty; that he (General Carlton,) appeared to evade a compliance with the said treaty, by a misconstruction of the same, and permitted a large number of the said slaves to be sent off to Nova Scotia: It further appearing to the general

assembly, from the testimony of Thomas Walke, Esquire, that he together with several other persons from the counties of Norfolk and Princess Anne, in or about the month of April, 1783, went to New York, with a view of recovering the slaves which had been taken from them by the British troops during the war; that not being permitted to take possession of those slaves which they found in that city, the said Walke made a personal application to General Carlton, and requested the delivery of the said slaves, in compliance with the seventh article of the treaty, which prohibits *the carrying off negroes and other property belonging to the inhabitants of the United States*; this he peremptorily refused; alleging that he was not authorized to do it, without particular instructions from the British government; that at the time of this application the said Walke was informed by an aid-de-camp, of General Carlton, that an agent was appointed to superintend the embarkation, and to keep a register of the slaves sent to Nova Scotia, and that he afterwards saw the said agent, and also saw a large number of negroes embarked to be sent to that country: It farther appearing to the general assembly from the testimony of Mr. John Stewart, of the state of Maryland, as well as from a variety of circumstances that many applications were made to General Carlton by citizens of the United States, for the restitution of property, which were invariably rejected:

Resolved, That there has been an infraction, on the part of Great Britain, of the seventh article of the treaty of peace between the United States of America and Great Britain, in detaining the slaves and other property of the citizens of the United States.

Resolved, That the delegates representing this state in congress be instructed to lay before that body, the subject matter of the preceding information, and resolution, and request from them a remonstrance to the British court, complaining of the aforesaid infraction of the treaty of peace, and desiring a proper reparation of the injuries consequent thereupon; that the said delegates be instructed to inform congress that the general assembly has no inclination to interfere with

the power of making treaties with other nations, which the confederation has wisely vested in congress; but it is conceived that a just regard to the national honour and interest of the citizens of this commonwealth, obliges the assembly to withhold their co-operation in the complete fulfilment of the said treaty, until the success of the aforementioned remonstrance is known, or congress shall signify their sentiments touching the premises.

“Resolved, That so soon as reparation is made for the aforesaid infraction, or congress shall judge it indispensably necessary, such acts of the legislature passed during the late war as inhibit the recovery of British debts ought to be repealed; and payment thereof made in such time and manner as shall consist with the exhausted situation of this commonwealth.”

These proceedings of the legislature, connected with the fourth article of the treaty, which stipulated “that the creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts—heretofore contracted,” and with the laws alluded to, as inhibiting their recovery,—still in force, plainly disclosed a breach of the treaty, actual, or intended, on the part of Virginia. And laid the foundation for the ostensible, if not the real cause, of the detention of the posts.

In this point of view, the subject is too deeply interesting, not to engage further discussion. This will be as concise, as the discrimination of right, from wrong, will admit. While history has nothing to give to mere words, it owes every thing to truth, and justice. To award the latter, it becomes indispensable to ascertain, and attend to, the former. Since truth is the sole basis of right.

It has been seen, that congress, possessing the treaty-making power, had on the 26th of May, 1783—that is, between the dates of the preliminary articles, and definitive treaty—taken cognizance of, and remonstrated against, this supposed infraction of the treaty, in sending away negroes, &c. by the British; and that notwithstanding the claim of the Americans, was effectually resisted, yet the treaty was fully ratified, and declared to be in force. And in this state of the case, was it

taken up, as has also been seen, by Virginia. Did the terms of the treaty justify her?, is the question to be investigated. While no inquiry will be moved, whether, she improperly, or not, interfered with decisions, which belonged only to congress.

Then to proceed.—It will be recollected, that the treaty, in so many terms, forbade the British to *destroy, or carry away, any negroes, or other property, of the American inhabitants.* Such was the preliminary—and such the final treaty. It is nothing to this argument, whether the one or the other be taken. The date of neither, is important to the result. The prohibition is the same in both—the meaning only, is sought for.

In the United States, negroes—of the African race of men—are held as property!—and in the treaty, classed with *other property!* Thousands of these people, held as *SLAVES*, had been taken into custody, or protection, by the British troops—tens of thousands remained still, in the possession of their masters. Such as the British had taken in the war, they held—they took none after peace—these were reclaimed by their former American owners—the claim was rejected—and the negroes, embarked. Let it now be seen upon what ground of right. On the side of Great Britain, it was insisted that the belligerent rule which transfers property, from the prior owner, to the captors, applied to all the negroes reduced to their possession, during the war. That the negroes, sent away, or about to be sent, of which complaint was made, “were all taken in the course of the war:” And hence could not be the *negroes, or property, of the American inhabitants, intended by the treaty.* Which was made to *protect*, such of both, as had, *not been taken*; not to *restore*, such of either, “as had been reduced to possession.” Besides, said, Sir Guy Carlton, “I found them free, I cannot reduce them to slavery.”

The American claimants denied the application of the belligerent rule, and reiterated their former ownership. In fact, Virginia could do no more. For there was not another item, in the treaty, first, or last, which favoured the claim. Negroes, were nowhere in the treaty recognized as prisoners of war—no where stipulated for as men, or individuals, having rights, or

to be surrendered, even as slaves. But classed as *property, belonging to American citizens*, the treaty protected them, from *destruction*—and from *transportation*; when peace, was about to put an end to the war; and the British troops, to be withdrawn from all parts of the United States. Such a provision seemed equally necessary, and prudent. But had it been intended to apply to the negroes in the possession of the British, surely a very ordinary share of intellect, imbued with a single grain of prudence, would have suggested the propriety of covenanting for their *restoration, or delivery*, as men, or as slaves in possession. As in the same treaty it is provided, on the subject of stores, archives, records, &c. which were to be RESTORED—as, by another article, they being in British possession.

More on this topic, might seem superfluous; the pen will therefore, be transferred to the next subject of complaint on the part of the United States—that is, “the detention of the posts.”

Again, some investigation will be resorted to, for the purpose of elucidating the matter of right; in which will be inserted the complaint of the British, touching the impediments to their recovery of the debts, contrary to the treaty.

It may then be remarked, that upon these two parts of the treaty, as to the posts, and the debts, the terms admit of no ambiguity, in relation to their objects—and are only indefinite in regard to the time of their execution: which nevertheless seem to carry a meaning in the thing to be done, which abundantly guarded the parties against mistake. The complaint was reciprocally, against the inexecution of the treaty by the one against the other.

The article relative to the payment, or recovery of the debts, has already been recited—as well as that for the surrender of the posts—and need not be repeated. Suffice it to mention among the latter, Michilimackinac, Detroit, Niagara, Oswego, Oswegatchie, Point-au-fer, and Dutchman's point, were enumerated, as being within the American lines, and contiguous to the lakes—from which the British garrisons had not been withdrawn previous to the 12th of May, 1783. At this

time the definitive treaty had not been signed. When, however, the solicitude of congress to realize, if not to anticipate, the good effects of the insipient peace, induced that honourable body to resolve—

“That the commander-in-chief be directed whenever the frontier posts in the United States shall be evacuated pursuant to the articles of peace, to place therein, of the troops under his command, who have enlisted for three years, and whose terms of service may not then have expired, such force as he may judge necessary, to secure and hold the same, until further measures can be taken for the security of such of them as it may be necessary to continue to support, provided that it does not exceed the term of nine months; and that he take measures for exchanging with the British, or transporting such artillery, stores, and provisions, as he may judge necessary for that purpose; and the superintendant of finance is directed to afford all the assistance in his department which circumstances will permit.”

Without animadverting ^{on} this document, which seems sufficiently cautionary, it is exhibited as the basis of a correspondence which ensued on the subject; and which, as an expression of the relative views of the parties, will be inserted.

“CHAMBLEY, August 3d, 1783.

“SIR: The United States of America in congress having charged their commander-in-chief with making the necessary arrangements with the commander-in-chief of the British armies, for receiving the posts now occupied by the troops of his Britannic Majesty, and which are within the United States; for this object, as well as to others relative to the preliminary articles of peace, I am ordered by General Washington to concert such measures with your excellency as shall be mutually agreeable.

“Major North, my aid-de-camp, will inform your excellency, that I am on my route to Quebec; where I expect in three or four days, to assure you that I am,

“Your excellency’s most obedient humble servant;

“STEUBEN.

“His Excellency GENERAL HALDIMAND.”

The final answer:

“ST. JOHNS, 13th August, 1783.

“SIR: In answer to the letter which I had the honour to receive from you yesterday, desiring a final answer in writing, to the requisitions which you have made in the name of the United States, I very readily comply with that desire, though the sense of my answer can be no other than a repetition of that which I have made to his excellency General Washington, delivered to you under a flying seal. I have therefore the honour to acquaint you, that however definitive the United States may consider the provisional treaty to be, the sense I have of my duty, and the customs of war, will not permit me to consider a cessation of hostilities in that light. The orders I have received, direct a discontinuance of every hostile act on my part, and an attention to defensive measures only. I have most punctually obeyed them, and shall continue to do so, until I shall receive his Majesty's further commands. I have not a doubt of the wishes expressed in your letter, of the United States to establish a perfect harmony with Great Britain, by making good every engagement on their part. You will at the same time allow me to express an equal confidence that every promise on the part of Great Britain will, in due time be fulfilled. But it is not for me to anticipate them on this occasion. When the ratification of peace shall be announced to me, I beg you will be assured, that it will afford me the highest pleasure to execute every instruction I shall receive relative to it, with the utmost punctuality and despatch. Until that event shall arrive, it is totally out of my power to permit you to proceed to the posts in the upper country, or in fact to treat with you on the subject of your mission. Wishing you a safe and agreeable passage,

“I have the honour to be, &c.

“FRED: HALDIMAND.

“*Major General BARON STEUBEN.*”

If a demand was made of the posts, it certainly was declined. But it is believed that no demand of them was made—and certain it is, that the act of congress, did not authorize, any such demand. Further comment is deemed unnecessary.

The next message transmitted to the British general on the subject of the posts, was from the governor of New York. And as it was answered—the parties shall as before, speak for themselves.

“MARCH 19th, 1784.

“SIR: I now do myself the honour to transmit to your excellency the copy of a proclamation of the United States of America in congress assembled, announcing the ratification of the definitive treaty of peace, between these states, and his Britannic Majesty, and enjoining a due observance thereof.

“Having no doubt that your excellency will as soon as the season admits, withdraw the British garrisons under your command, from the places they now hold within the United States, agreeably to the seventh article of the treaty; it becomes a part of my duty to make the necessary provision for receiving the post of Niagara, and the other posts within the limits of this state,—and it is for that purpose, I have now to request that your excellency would give me every possible information of the time when those posts are to be delivered up.

“Lieutenant-Colonel Fish, who will have the honour to deliver this despatch, is instructed to confer with your excellency, and to endeavour to make such arrangements for the transaction of this business as shall tend to promote mutual convenience, and that harmony which it is the interest of both parties, and doubtless their desire to establish.

“I have the honour to be, &c.

“GEO: CLINTON.

“*His Excellency* GENERAL HALDIMAND.”

The answer follows:

“QUEBEC, 10th May, 1784.

“SIR: Some accident, which has befallen the packet, or messenger, has hitherto prevented me from receiving from England, any notification of the definitive treaty: but in consequence of orders which I received last summer, subsequent to the ratification of the preliminary articles, all hostilities ceased, no great inconveniences have hitherto arisen from that misfortune. I only regret that not having had the honour to

receive orders and instructions, relative to withdrawing the garrisons from the upper countries, which are without the limits assigned to the province under my command, by the definitive treaty, I cannot, at present, enter into arrangements with Lieutenant-Colonel Fish; or give your excellency the information which you desire.

"My duty, and my inclination is, to pay cheerful and punctual obedience to the orders, and instructions which I shall have the honour to receive; and your excellency may be assured, that upon every occasion, I will exert my utmost endeavours to promote harmony and mutual convenience between the subjects of both nations, as well as in my transactions with your excellency, or the United States of America.

"I have the honour to be, &c.

"FRED: HALDIMAND.

"*His Excellency* GEORGE CLINTON."

And thus ended this effort. Of which it may at least, be remarked—that it was prompt—and wanted the authority of congress. A demand of the posts, it is thought, would have been utterly premature; as the ratification of the treaty had not been exchanged; or the ratification on the part of Great Britain, even executed—but no such demand was made.

On the 9th of April, 1784, the treaty was ratified by the British government—and the ratifications exchanged, the 12th of May, following, in Paris. The same day, the coincidence may seem remarkable, the congress, resolved: "That the commanding officer of the troops now in the service of the United States be, and he is hereby directed to open a correspondence with the commander-in-chief of his Britannic Majesty's forces in Canada, in order to ascertain the precise time when each of the posts within the territories of the United States, now occupied by British troops, shall be delivered up; and to propose an exchange of cannon, and stores," &c.

The 24th of the month, a letter from Major-General H. Knox, was read on the subject of the posts: whereupon, it was

"Resolved, That congress approve of the proposition of Major-General Knox, to send a *field officer* into Canada, for the purpose

of ascertaining with precision, and expedition, the time when the posts within the United States, now occupied by the British troops, shall be evacuated; and endeavouring to effect an exchange of the cannon and stores, at these posts, agreeably to a resolution of congress of the twelfth of May instant."

The next day, being the 25th, the report of the committee appointed to consider of the measures proper to be adopted in order to take possession of the frontier posts, being before congress, it was proposed to *enlist* as soon as possible, to serve for the term of three years, unless sooner discharged, four hundred and fifty men; to be employed for the defence of the north-western frontier of the United States. From this time, the subject underwent various changes of aspect, by means of offered amendments, and actual postponements, down to the 2nd of June: when it was

"*Resolved*, That the commanding officer be, and he is hereby directed to discharge the troops now in the service of the United States, except twenty-five privates to guard the stores at fort Pitt; and fifty-five to guard the stores at West Point, and other magazines, with a proper number of officers," &c.

On the next day however, being the 3d of the month, it was

"*Resolved*, That it be, and it is hereby recommended to the states hereafter named, as most conveniently situated, to furnish forthwith from their militia, seven hundred men, to serve for twelve months, unless sooner discharged, in the following proportions, viz: Connecticut, 165; New York, 165; New Jersey, 110; and Pennsylvania, 260."

The purpose, was avowed in the preamble, to be "for taking possession of the western posts, as soon as evacuated by the troops of his Britannic Majesty—for the protection of the north-western frontier, and for guarding the stores."

The next link intended to be introduced into this chain of investigation, shall be composed of the step taken by General Knox, pursuant to the resolve of congress; and the result of that measure.

The project of the general, to send a special messenger to Canada, being sanctioned by congress, on the 24th of May,

no time was lost, in reducing it to practice. Lieutenant-Colonel William Hull, with proper orders, and credentials, was despatched to Canada; and on the 12th of July, being in Quebec, he addressed a letter on the subject of his mission, to the commanding general of the British forces: stating to him, that he was instructed on the part of the United States, to know when, each of the posts within their territories, then occupied by his Britannic Majesty's forces, would be delivered up agreeably to the definitive treaty of peace; and to propose as a matter of mutual convenience, an exchange of certain cannon and stores, &c.—The nomination of a time for the delivery of the posts, was pressed; and an early day suggested in order to avoid the inconveniences of the approaching cold season. As they were numerous, and distant apart, and it was presumed that the troops would not be withdrawn from all, at the same time, it was made an earnest request, that a *particular day*, might be named for each. The other part of his duty, was also discharged, in the same communication.

And this, is distinctly understood, to be the first legitimate demand ever made for the evacuation, or delivery, of the posts. The effort proved abortive. The following letters will explain the immediate, while future reflections, may, develop, the more permanent, cause.

“QUEBEC, 13th July, 1784.

“SIR: I have had the honour of your letter of yesterday, and have communicated to Major-General Knox, by the enclosed letter, the reasons which put it out of my power to enter, for the present, into the consideration of the matter mentioned in your letter.

“I have the honour to be, &c.

“FRED: HALDIMAND.

“LIEUTENANT-COLONEL HULL.”

“QUEBEC, 13th July, 1784.

“SIR: I have had the honour to receive your letter dated New York, 13th of last June, by Lieutenant-Colonel Hull, acquainting me you were directed by congress, the sovereign

authority of the United States, to write to me, in order to ascertain the precise time when each of the posts within the United States, now occupied by the troops of his Britannic Majesty, shall be delivered, agreeably to the definitive treaty of peace; and to propose as a matter of mutual convenience, an exchange of certain cannon, and stores, now at these posts, for others to be delivered at West Point, upon Hudson's river, New York, or some other convenient place.

"I have the honour to enclose, for your information, copies of letters which passed between his excellency Governor Clinton, and me, upon the first part of your proposition. Though I am now informed by his Majesty's ministers of the ratification of the definitive treaty of peace, I remain, in other respects, in the same situation I then was, not having received any orders, to evacuate the posts which are without the limits assigned, by the treaty of peace, to this province.

"It is, therefore, impossible for me to ascertain the time when the evacuation of these posts shall commence. I can only assure your excellency, that I shall lose no time in carrying into execution his Majesty's orders on that head, when I shall have the honour to receive them.

"In the mean time, I have to acquaint you, that however desirous I am, to consult mutual convenience, I am not at present empowered (and have reason to think I will not in future be empowered) to make the exchange of cannon; and stores proposed by you, and for which Lieutenant-Colonel Hull, was authorized to make the proper arrangements.

"I have the honour to be, &c.

"FRED: HALDIMAND.

"*His Excellency* MAJOR-GENERAL KNOX."

The facts already brought into view, will sufficiently represent the state of the parties, for the purpose of demonstrating that there had been no breach of the treaty, when Virginia, manifested her determination, not to concur in its execution. As has been shewn, by her proceedings of the 22d of June, of the same year 1784.

CHAP. IX.

Further observations on the Treaty, inexecution, &c.—Extension of settlements—Assemblage at Danville—First Convention—Separation suggested—Another Convention recommended—Indian hostilities, &c.

[1784.] AN observation, resulting from all other histories of democratic republics, which is, that public measures, are mere results of popular feeling, can but be applicable to those of the United States. Before Virginia, took the ground, in relation to the treaty, which was disclosed in her resolutions of the 22d of June, the subject of the *detained negroes*, had been agitated, from one end of the union, to the other; while the claim, had even been countenanced, by congress, itself; and sustained by all the slave-holding states. The rejection of this claim, on the part of the British, reacting on sensations excited by war, and not allayed by peace; agitated by interest, and heated by ignorance, under the influence of design, produced a general state of mind, as little qualified, to judge correctly, as to act justly, towards those whom the people could not yet call friends, and had long been in the habit, of seeing, and hearing, treated as enemies.

A breach of the treaty was asserted, proclaimed, and reiterated. That congress had abandoned the negro claim, though a consequence of the ratification of the treaty, after it had been rejected, seems to have been an inference which escaped the attention of Virginia. Or else, her conduct would appear more haughty, than it was impolitic—more in defiance of the general government, than regardless of the public peace: though calculated to implicate the one, and commit the other.

But the war, in its origin, was of the class called, civil wars. Such had been the nature of the connexion; and such the course of trade between the two countries; that there were but few debtors in Great Britain, while they were numerous

in the United States; and especially, in the middle, and southern sections of the union. For eight years, the war had suspended the payment of those debts—the treaty in terms, secured their collection—it was but natural, the creditors should demand their disbursement. This became an individual concern; and claims of payment, not only apprehended, were actually preferred, before the ratification of the treaty. Means were not prepared; and coercion might be apprehended, should the treaty be executed. The effects of the war on trade; the destruction of property; and the abduction of negroes; were alleged as reasons why the debts *should* not, or assigned as causes, why they *could* not, be paid. Great Britain was accused with violating the treaty—the charge was retorted on the United States. Other subjects were now pressed into the controversy. Not only were confiscations of property, to cease; but congress was to *recommend* to the states, the restoration of such as had been confiscated. This congress did—which the states disregarded. And the reproach, of injustice, and bad faith, were freely bestowed by adversaries; in a case, where friends, thought the recommendation of congress, a warrant for compliance; and the failure, censurable.

The state legislatures, were however, but little moved to compliance, by any sense of national honour, so faintly felt by their constituents, or of public obligation, so loosely constructed,—and which at the same time, pressed so hard against the personal interests of themselves, their friends, and neighbours.

For the states, it was contended, that they were free agents; independent sovereigns; and never bound, but by their own consent, expressly given, or necessarily implied. That in this case, they were bound to nothing—had undertaken nothing—and had nothing to do. That even congress had only engaged to *recommend*, not to *bind*, them, to restore, the confiscated property. This congress had done, according to their stipulation—which preserved the national honour untainted: and such was popular opinion. Against these arguments, logic found no resources—the states adopted them—and exempted

themselves, from compliance. British subjects complained, and the government remonstrated. But the firmness, and consistency of the states, soon extinguished all hope of success, on the part of British subjects.

To say the very best of this case, for the claimants, it was one of much doubtful speculation. If it had created hopes, it was but to perplex, and disappoint, them.

There was however, another class of case embraced in the fourth article of the treaty, the debts are meant, which were expressed in terms of obligation, too clear to admit of doubt. Cash, was the only argument, which was to the point: and those who could not, or did not choose to advance this, had the single alternative, of silence, or evasion. Time elapsed—and the liquidation of these debts, became an object of earnest attention to the British creditors; and of anxious inquietude, to the American debtors.

It was obvious, that many of the latter had hoped the debts were extinguished by the war: and that since they were not, they yet most ardently desired to avoid the payment. Hence, it is no matter of surprise, that they sought for pretexts to evade their disbursement—and even interposed, when it was in their power, legislative acts, to their recovery.

Unexpectedly, British subjects found themselves embarrassed, by *legal impediments*, to the recovery of their debts, contrary to the treaty; as already quoted; of course, they complained—and for once, with justice. Many of the states, in the time of the war, had passed laws, to suspend, or prevent the recovery, and collection of debts. These laws in most cases remained in force, after the full ratification, and exchange of the treaty. That this was the case, in Virginia, has already appeared, by her act of the 22d of June, previously recited; and which she was determined should remain.

At the time this measure was taken on the part of the commonwealth, to which Kentucky was appertinent, there was not, as it is believed, upon the facts here exhibited, any well founded complaint against Britain, for withholding, either, the negroes, or the northern posts. In the latter of which, had

Virginia duly appreciated the situation of her exposed frontier, she could but have felt deeply concerned—and been the last, instead of the first, to do any thing to prevent, or suspend, the earliest possible exchange of British, for American possession, of these posts. Yet, she is to be looked to, as the principle cause of their detention—and that detention, as the certain cause, of the renewal, and continuance, of a long, and calamitous, Indian war.

For had the posts been evacuated by the British, and garrisoned by United States troops, the measures, and means, adopted by congress, for effecting peace, and friendship with the Indian tribes, could not have failed of complete success: which would have terminated the war.

If indeed, the detention, or removal of the negroes, had been a breach of the treaty, it surely did not belong to Virginia to declare that breach—and as a consequence, to refuse her concurrence in the execution of it. Inasmuch as congress was charged with the foreign relations of the United States—and possessed exclusively the treaty-making right; of course, the treaty-breaking, right. The course pursued by the British in relation to the negroes, was as certainly known to congress, as it was to Virginia; and yet, it had not prevented a ratification, by that honourable body—who had thereby, most effectually declared, that it did not consider the treaty broken; but were willing to take it, with the British interpretation—or at most, make the controverted part, a subject of future negotiation. At all events, a strict execution had been required. Virginia, however, after this, and in contravention of it, adopted the resolutions which have been detailed. Between which, and her former resolutions, as to confiscated property, Great Britain, was compelled to see, a striking similitude—while her experience of that which was prior, taught her what to expect from the latter. The result, had proved to Great Britain, that the head, was nothing, without the co-operation, of its members—and that the declaration of Vir.

ginia, of the 17th of December, 1782, *that she would not restore the confiscated property*, and which was known in London, in 1783; was of more importance than the recommendation of congress, to the contrary. And she might very naturally infer a similar effect, from a like declaration, as to the execution of the treaty.

In cases of this kind, to arouse suspicion, is to inspire caution—a prominent character of which, would be, delay. The experience of Britain, could but suggest to her councils, what ought to have occurred to those of Virginia—which was, the propriety of seeing how, the treaty when fully ratified, would be executed by the United States. Britain, had executed, on her side, a most important provision of it—she had withdrawn her fleets, and armies from all ports and places, except those on the northwestern borders;—comparatively, insignificant. Confiscated property—and the debts, due British merchants, were objects of much interest to them; and if the government paused, to see how they were met, or disposed of, before it gave up the last stake; it did no more, than that of the United States, should do, in a similar situation.

Even Virginia, had not perceived any breach of the treaty, in the detention of the posts, at the date of her resolutions, in June, 1784. Otherwise, it is not to be supposed, but that she would have numbered the fact among those which reflected disgrace on the national honour. That she was silent, evinces unconsciousness of British offence. She well knew the fact of their detention—and cannot be supposed either, ignorant, or indifferent, as to consequences.

And now, to bring this disagreeable discussion to a close—a discussion, which nothing less than the obscurity in which the subject has been involved, and the propriety which the occasion furnished of making the truth appear, could have induced a recurrence to it; since if it does not put the British in the right, it certainly puts Virginia in the wrong. And had the consequences fallen upon the wrong doers only, it

should excite but little sympathy: Kentucky, and not Virginia, has however been the sufferer.

Let it suffice, to say, that it must be quite obvious, the conduct of Virginia, was unauthorized, premature, and injurious. That even silently, to have permitted her law, against the treaty to have remained in force, to the impediment of British creditors, in pursuing their debts—was a breach of the treaty, on that subject. This was enough to provoke retaliation—and to justify the detention of the posts, on the lakes; at least, in the opinion of Great Britain. And it presently became obvious, that she did not mean to surrender them.

From this time, the parties, were individually, to say the least, at open variance. Provocations to ill will, and to obstinacy, were abundantly multiplied by words, on both sides; while facts, and arguments, became so numerous, distorted, and confused, that no ordinary capacity, could develop the right, from the wrong. The country was filled with clamour, by the debtors, who had, and those who had not, “lost negroes;” and upon this ostensible ground, debts were not to be paid—while the laws, which obstructed their recovery, were continued in force—or enacted. Nothing was easier than to raise prejudice, and passion against the British—for in truth, they had not subsided, then, nor yet, among the multitude. Much was told to them, a few things they could understand, and they were often repeated. “Great Britain had not only made war to enslave them—but after peace, she was still their enemy—she had carried away the negroes—she had claimed payment of the debts—she kept the posts—she encouraged the Indians to make war—and even paid them for prisoners, and for scalps.” And who could avoid being her enemy? In Kentucky, it could not be doubted, but that the detention of the posts, not only encouraged the Indians, to renew the war; but facilitated their supplies for its continuance. That a large portion of their hostility fell upon Kentucky, is but too true—that the British government was charged with causing it, is no less certain. That the people of the country, should have felt, their resentments, strongly excited, by such a combination

of causes, against the British, was just as natural, as that they had feelings, sustained injuries, and were Virginians; who imbibed, and cherished, sentiments, similar to those of their atlantic brethren. When in truth, avarice, pride, and selfishness, on the part of Virginia, inordinately indulged, in violation of her federal duties; had been the prime cause of all the mischief. It was the sum of debts due from Virginians, to the merchants of Britain, that by the treaty were to be paid; which chafed, fretted, and galled, their haughty spirit, through their love of keeping, and living upon, what they had, which induced them to cavil about the negroes—and their idea, of *state sovereignty*, which occasioned them to lift their heads, in high resolves, above the obligations which they owed to the rest of the union—whose government, more feeble in peace, than in war; of necessity, was compelled to submit to the cause which drenched their western frontiers, and Kentucky, in particular, in blood. Of which more will be said hereafter.

In the mean time, and to fill a pause in the war cry, some account will be given of the extension of the settlements into the regions of the northeast; and near to the present town, of Washington. This was done in 1784, by Simon Kenton, already mentioned, who repossessed himself of his improvement of 1775, after an absence of nine years.

This site, was near the head of Lawrence's creek. He, with George Clark, and some others, raised a block house, at the place, with a view of permanent possession; being the first taken in that part of the country. They added other cabins in the course of the summer; and in the autumn, the station became inhabited, by families. Thus was the frontier extended, but it was fortified—and became an important barrier; whence other settlements were covered; and whence also great confidence and security, were derived, to emigrants who might land at Limestone—now Maysville. Where Kenton, in company with Edward, and John, Waller, erected a block house the same year. There being at the time no establishment nearer that point, than the lower Blue Licks, except Kenton's—at the licks, the Messrs. Tanners, had made

a small settlement, of the preceding year; and were making salt. This was the first advance, outside of Bryant's station; which in 1780, had become the frontier, in that direction. In the year of Kenton's settlement—William McClelland, the Millers, and others, settled near Hinkston's fork—on the route from Limestone to Lexington—which became then much travelled, as one of the great avenues, into the country. Emigrants found much comfort and security on it, compared with the same route, but two years before. Now they were permitted to lodge on the cabin floor, instead of the damp unbroken soil—now they were sheltered, by strong walls, and a tight roof, in the place of clouds, or the more distant sky—so lately their only caravansary. While the owner of the newly erected castle, not free from the apprehension of danger, felt himself, and his family, the more secure on account of the company of his travelling guests; bid them a hearty welcome—asked them the news—shewed where the best cane, or clover grew, for their horses—and when they were bell'd, and hopped, bid their owners come in, and rest themselves.

Thus, may men in every situation in life, be kind, and obliging, sociable, and serviceable, to each other.

While all possessed the more confidence, as Kenton was between them, and the nearest Indian towns.—This man, whose story would of itself make a book; may be allowed to furnish a brief episode, at the ends of a few chapters.

From the time he returned to Kentucky in 1779, he resumed his activity, and enterprise. His first public service, was performed on a tour to St. Vincennes—thence he returned in the fall—and in 1780, was with General Clark, against the Indian towns. The intervals, he passed, at Harrodsburgh, Logan's, &c.; always ready for active service.

In 1781, he made a settlement on Salt river, then a frontier; and which he maintained, until his removal in 1784, as mentioned. Having in 1780, met with his brother, John Kenton, they recognised each other, and he resumed his family name. In 1782, he was again with General Clark, at the Indian towns; and his principal spy, and guide, both then, as well as in, 1780.

On his return from the latter expedition, he became the locator of many land warrants, upon contracts, to share the property to be acquired; which engaged his attention, the ensuing winter, and succeeding year, or two; when not otherwise employed. The improvement of his place on Lawrence's creek, engaged a part of his time: while the renewal of the war, occasioned frequent calls on him, for active services; which were promptly obeyed, and skilfully executed—as will hereafter appear.

In the autumn of the year 1784, information was given to Colonel Benjamin Logan, that some of the Cherokee tribes meditated an invasion of the southern frontiers; while those to the north, made several demonstrations of hostile intentions: all which were readily connected with the detention of the posts by the British. An idea which entered with great facility into the public mind.

These circumstances induced Colonel Logan to propose a meeting of such citizens as chose to attend, at Danville, for the purpose of concerting the means of general security.

The meeting was effected, and as an introduction to the main object, Logan, communicated the intelligence he had received. All had a distinct perception of the evil with which the country was menaced; and for which a remedy was if practicable, now to be devised. After a short consultation, the unanimous opinion was, that the surest way to guard against the threatened mischief, was to anticipate and frustrate the enemy, by first invading them. This conclusion, led to another inquiry of equal importance, and much more difficulty.

Who was authorized to order an expedition? Who could call out the men, or supply them with the necessary provisions, and ammunition?

Upon an investigation of the existing laws, they were found wholly inadequate to these objects. No man, or collection of men, in the district, were competent to call the militia into service for offensive measures. The district contained no public magazine of arms, powder, or lead, equal to the necessary supply. There were no provisions in store; nor funds to

purchase them. The citizens, individually, had arms, ammunition, and provisions. But there was no law, to conscript the owners—none to place their effects in requisition. The expeditions heretofore carried on against the Indian towns, had been effected in time of public war, and under an universal impression of danger: but now a change had taken place, in these circumstances. The syren song of peace had being sung; danger itself, had retreated to the frontiers—and was not felt in the interior. And if formerly, some force had been used, and connived at, or tolerated, for the public safety—it would now be too hazardous an experiment, when that safety was not apparently jeopardized. For when the military force of a country, is its militia—composed of its agriculturalists, the officers are more dependent on the men; than the men, are on the officers. Hence in such a country, the people will be free, until they enslave themselves; or are subdued by a foreign power. On the present occasion no expedition could be ordered. In vain would it be to propose one of volunteers—thus, at least, thought the meeting. The danger was not sufficiently near, or apparent to the majority. The inconvenience, and the expense to be incurred, were serious objections, not easily parried, or at all to be obviated. The government, might disapprove of the measure—it had already complained of expense, and it might refuse to reimburse the expenditure; to pay officers, or men; or even, to compensate for real losses.

The project was relinquished—no expedition was ordered, or proposed: none took place. Perhaps, the intelligence which occasioned Colonel Logan to convoke the meeting was unfounded, or premature; perhaps, an expedition at this time, would have been unfortunate; it certainly would have drawn much censure on the country. For certain it is, no invasion of Kentucky was made by the Indians that year.

It is however to be noticed, and regretted, that some *out-lyers* of the Chuckamogga tribe, committed depredations on the wilderness road, upon some travelling emigrants, about that time; which had often been the case at other times.

The Danville assemblage, did not stop however, at the point, where the suggested expedition, failed. Its deliberations had sufficiently developed the situation of Kentucky, as to both, her local, and legal condition, and resources, to render, in their opinion, a change in the latter, a desideratum, of the first importance.

It had been rendered apparent that her inherent strength was every way equal to her protection, and security against the Indian nations, though numerous. And that she required the faculty only, of bringing this strength into action, in order to be every way competent to her own preservation, and expansion. But to want this faculty, was a tremendous defect in her political power, situated as she was, in the midst of savages.

Physically, Kentucky, might be compared to Sampson, going down to the Philistines—politically, to the same man, after his amour with Delilah.

To an intelligent people, concerned about their own political situation, there is no dilemma which is inextricable; no evil, without a remedy; if they will but act with prudence, and with spirit. Wherever the freedom of discussion is unrestrained by arbitrary power; and the determinations of the majority can be carried into execution; there will be safety, where there is sufficient strength.

While prudence exercises itself in vain, when its utmost efforts in opposing danger, are limited to its perception, instead of its extinguishment.

In such a situation, the means of safety, being the first object of the people's duty; and belonging essentially to their rights, cannot long remain unknown, or unattained.

To the people of Kentucky, forming a part of Virginia, and accustomed to look up to her, for acts of legislation, and grants of authority, it was as reasonable, as it was natural, to apply to her, for protection; and to demand as a right, the free exercise of the means, which God, and their own exertions, had put within their own grasp. This, to the extent of internal defence, was all legalized. Beyond that, it was forbidden. And this appeared an intolerable grievance.

The right which exists in nature to resent injury, and to seek redress—had been converted from an individual to a social principle, on the institution of government: and carefully rendered permanent in the constitution of the state, by authorizing remonstrance, against injustice; and petition, for relief, in case of distress. This right was in familiar practice with the people; and usually exercised, by personal subscription to a written statement of facts, on the part of those concerned, in the success of the application.

On the present occasion, however, it was thought inadequate, or ineligible. It was said, that the situation of the country, had assumed unusual importance. That it was not an individual case—but a public concern, which claimed attention. It was a crisis, which presented hostility without, and anarchy within. It was to the legislature indeed, that application was to be made, for a remedy of the evil. But in order to make it with the greater propriety, and the more certain success, it was deemed expedient by the assemblage, to invite to the same place in the month following, a CONVENTION of the representatives, of the whole people, of the district; that the deliberate result of their joint consultations, might be presented to that honourable body.

To produce the convention, the assemblage, addressed the people, in a circular letter, in which it was recommended, to each militia company, in the district, to elect, on a day certain, therein named, one representative; to meet in Danville, on the 27th of the month, (December, 1784;) to take into consideration, the important subject, of self defence.

The recommendation was well received; the elections made agreeably to requisition; and the *representatives* assembled at the time, and place, appointed. They hence placed themselves in a deliberative body, under the denomination of “convention;” having elected Samuel McDowell president, and Thomas Todd clerk; they proceeded to business.

Their inquiries, and deliberations, now directed to the means of obviating existing difficulties, and of guarding against those of a similar nature in future, were conducted with much

decorum:—which after a session of ten days, resulted in the opinion, that many of the causes of complaint, might be removed by the legislature of the state—while others, and those of the greatest magnitude, taking their rise in the local situation of the country, and existing in the very nature of the government, were beyond her legitimate power of redress, in the ordinary mode of legislation: and could only be obtained by a separation of the parts, and the erection of Kentucky, into an independent member of the confederation. An expedient, which was thus pressed upon the country, by the permanent features of its character, and suggested by its safety, and future prosperity, being sanctioned by a provision in the constitution, with a view to such case, was therefore embraced with considerable ardour, by many of the convention, who urged the exposed situation of the district, and its want of political power, as unanswerable arguments, for the change; even at the hazard of losing some objects of minor importance.

This latter opinion prevailed, and was embodied in a resolution in favour of applying for an act, to render Kentucky independent of Virginia.

Thus dawned the aurora of separation, which some, hailed with auspicious invocations, and others, deprecated with ominous forebodings.

In fact, it suggested an untried state of things, not destitute of risk, when viewed as relative to the heterogeneous mass of people from all countries, within; or the feeble state of the confederation, and the numerous enemies, without; who might assail its infancy.

Those who felt themselves at ease in places of safety—those who were strongly attached to Virginia—and there were many who loved her manners, habits, and institutions—those who were unmoved by new objects of ambition—and others, averse to any radical change—in a word, all those whose property rendered them timid—could but anticipate the event of separation from the parent state, with some apprehensions; many openly opposed the measure.

There was notwithstanding, a decided majority in the convention in favour of applying for the separation. But as the idea had not been suggested before they were elected; and they could not say they were elected for the purpose, they declined making the application—but yet very earnestly recommended it to the people of the district, by a resolution, that they should at their respective county elections, in April of the next year, for members of the legislature, also choose representatives to meet in convention, in the May following, at Danville; for the express purpose of considering, and deciding, on the propriety, and expediency, of applying to the general assembly, for an ACT OF SEPARATION, and permission to become an independent member of the union.

There being no printing press in the district, some pains were taken to inform the people, of the extraordinary election for convention; and to explain to them, the objects proposed to be effected; by circulars, and otherwise. It is believed the number to be chosen did not exceed twenty-five; and that they were apportioned, among the three counties which composed the district, with a reference to their supposed population; and also, to the expected division of Jefferson.

An immense accession to the number of settlers took place, during the fall of the year; and consequent extensions of the settlements succeeded, during the following winter and spring. Many genteel families, and persons of good information, were among the emigrants. The frontiers were also extended;—many parts recently exposed to danger, now became quite enveloped within the pale of safety; had the Indians even kept up their usually active hostility: but there was in this year, a very sensible relaxation in the depredations of the northern and western tribes, as already noticed, which continued through the winter.

[1785.] The first of January, 1785, all that part of Jefferson county, “south of Salt river,” became Nelson county. In March, the Indians killed, Elliott, who had recently settled at the mouth of the Kentucky—dispersed the rest of the family, and burnt the house. This indication of war was received,

with some alarm, and much chagrin. Other sign, was frequently seen, by hunters, and surveyors, in different parts; horses were stolen, and the out settlers kept in fear, by skulking parties, who dared not attack any place of strength.

April arrived, the elections came on, and members were chosen to the proposed convention, as well as to the general assembly; though in different numbers. On the 23d of May, those for the convention, assembled in Danville; and having organized themselves, proceeded to the business of their mission. The greatest attention to good order, and decorum, was observed. Many citizens attended, whose conduct was marked, by observance, and respect. The ninth day of the session, the convention, came to sundry resolutions; which are committed to history, for the use of the present, and future reader.-- They follow:

"1st. *Resolved, unanimously, as the opinion of this Convention,* That a petition be presented to the Assembly, praying that this district may be established into a state, separate from Virginia.

"2d. *Resolved, unanimously, as the opinion of this Convention,* That this district, when established into a state, ought to be taken into union with the United States of America; and enjoy equal privileges in common with the said states.

"3d. *Resolved,* That this Convention recommend it to their constituents, to elect deputies in their respective counties to meet at Danville on the second Monday of August next, to serve in convention, and to continue by adjournment till the first day of April next, to take further under their consideration the state of the district.

"4th. *Resolved unanimously,* That the election of deputies for the proposed convention, ought to be on the principles of equal representation.

"5th. *Resolved,* That the petition to the Assembly for establishing this district into a state, and the several resolves of the former and present Convention upon which the petition is founded, together with all other matters relative to the interest of the district, that have been under their consideration, be referred to the future Convention—that such further measures may be taken thereon, as they shall judge proper."

No comment can make these resolves, more conspicuous. For where there was no guile, there was no use for ambiguity. While the singleness of the heart is seen in the transparency of the expressions.

But it is worthy of remark, that this convention recognised, and sanctioned, by an *unanimous vote*, the principle, for future practice, of EQUAL REPRESENTATION BY NUMBERS, contrary to the constitution of Virginia; whose representation, was by counties, without regard to population, or extent.

This principle, of equal representation by numbers, without regard to property, was recommended in theory, as essential in a form of government which proclaimed *an equality of rights*, as that of Virginia, itself—and in practice, by the example of several states, who had realized it; although Virginia had not conformed her practice, to her theory.

It has been doubted by able politicians, whether in reality the application of this equalising principle, to bare numbers, has been attended with any perceptible advantage, over other forms of government, which give to precise districts, of unequal population, an equal representation.

It however, required no lengthy investigation to conduct the convention to the conclusion which it adopted. Its own numbers, had been determined by a tacit assumpt of the principle, now explicitly avowed. It was the popular principle. And had the members possessed less desire for personal popularity, yet they were in favour of separation; and knew that to effect it, they must have the people on their side. The ardour of their patriotism need not be doubted; nor the motive for the unanimity of their resolution, called in question, in a case which so completely united the feelings of the man, with that of the politician.

Besides, had the convention possessed less political sagacity than it did, it would have been led to the same result, by the operation, of mere instinct, and every day's observation. For history will perpetuate, what recollection attests, that such had been the condition of the country, such the state of society, and such the habits of the people, that the constitution of the

state, had been completely superseded in elections to the legislature, as to the qualification of voters; by all voting, whether they had property, or not. And none would question an equal right, in any given number, to choose their representative—when the equal right in each man to vote, was admitted, and no longer denied.

The resolution of the convention, which has been made the subject of remark, was then a creature of local circumstances, and matters of fact at the time, rather than the result of any political sagacity. It was for the times and occasions near at hand, rather than for those in future, and distant. It was for a state of equality. For if equality ever existed in a civilized society, it was in those early periods of the settlement of Kentucky—when danger, the mode of living, and other circumstances, common to all—had placed all, on a common level. In such a community, entering into a political state, their *equality*, would of course, form the basis of their constitution. And for reasons perfectly analogical, and equally conclusive, when circumstances of *inequality* occurred, that were permanent in their nature; the constitution should conform to them. But if it should not, the reasons which would be opposed to it, to be solid, must take their foothold on some other ground. Which may hereafter, though at present can not, be explored.

The convention, having adopted the new principle of representation, proceeded to apportion the number of representatives, to be chosen from each county, to the next convention: and in this, they found their information deficient; and the principle subject to some misapplication. But perseverance, conquers difficulties; as courage, does assailants—by beating them down.

No regular census had yet been taken—for Virginia contented with having many people, cared not for the number in each county, nor in the state; nor had the enumerating government of the United States, yet been formed. But by means of tithe lists, and muster rolls, the number of the males in each county, could be ascertained, with tolerable accuracy; and the recollection of magistrates, and militia officers, who were

members, furnished the data, on which the apportionment was made. For the county of Jefferson, six; for the county of Nelson, six; for the county of Lincoln, ten; for the county of Fayette, eight. To thirty representatives, was the final question of separation, as it was then supposed, to be submitted. These were to be chosen by the freemen, in each county, in the numbers just mentioned, on the respective court days in the month of July, then ensuing; to meet in convention, at Danville, on the second Monday of the succeeding August.

These arrangements being executed, there were two others, no less important, which had claimed an equal attention; and of which disposition was yet to be made. The one, was a memorial and petition to the legislature—the other, an address to their constituents.

These will be subjects for the next chapter.

CHAP. X.

Convention addresses the General Assembly, and the people—New Convention elected, and assembled—give an expose of the situation of the country, in various papers—Indian hostilities repeated—First act of separation passed, &c.

[1785.] THE convention of May, 1785, of which some further account is to be given,—assimilating no doubt, the business before them, to the separation of the colonies from Great Britain; and attaching to it almost an equal degree of importance; determined to proceed with great caution, and equal moderation. In this spirit of prudence, and self humiliation, they suspend the petition which was prepared for the legislature, and recommend it to the people of the district, to choose representatives, to meet in another convention, for the purpose¹ of revising their proceedings; and of taking such other measures as should be necessary; as already noticed.

Yet, as the petition was predicated upon a view of the district, taken by a former convention, and recognised by themselves; and gives such reasons for the proposed change, as were thought necessary to be presented to the legislature; as well as the mode of expressing them, it is inserted—as follows:

“To the honourable the General Assembly of Virginia.

“The petition of a convention of the inhabitants of the district of Kentucky, begun, and held at Danville, in Lincoln county, on Monday, the twenty-third day of May, 1785—humbly sheweth:

“That your petitioners having been deputed by the people, pursuant to the recommendation of a late convention, to take into consideration the propriety and expediency of making application to the legislature for having the district established into a separate state, to be taken into union with the United States; (as also the several grievances stated by that convention; and to adopt such other measures thereon, and whatever

else might come before them, as should appear most conducive to its interests;) are unanimously of opinion—that the remote situation of the district from the seat of government, together with sundry other inconveniences, subject the good people thereof to a number of grievances too pressing to be longer borne, and which cannot be remedied whilst the district continues a part of the state of Virginia; conceiving it to be not only the privilege, but the duty of all men to seek happiness by entering into any form of civil society, not injurious to others, that they may judge most conducive to this great end: at the same time being anxiously desirous to cultivate the most perfect harmony with our brethren in the other parts of the state, and when we are under the necessity of being separated from the parent, whose fostering hand, we gratefully acknowledge, has formerly been extended to our infant settlements; wishing nothing more devoutly, than that her blessing may ever attend us: Therefore we are induced to pray, that, agreeable to the provisional clause in the constitution, the district of Kentucky may be established into a separate and independent state, to be known by the name of the Commonwealth of Kentucky; which we wish to take place under the following regulations, to-wit:

“That as soon as may be after the said state is established, a convention be authorized to assemble, and adopt, a constitution and form of government; that the several acts of assembly which may be in force at the time of separation, together with the common law of England, all statutes, or acts of parliament made in aid of the common law, prior to the fourth year of James I., which are of a general nature, not local to that kingdom, nor repealed nor altered by the legislature of Virginia, continue to be the rule of decision; and be considered in full force, so far as they are applicable to the district, until the same shall be altered by the legislative power of the commonwealth of Kentucky; and that as soon as conveniently may be, after the district is established into a state, an equal number of commissioners from Virginia and the said state, be appointed

and authorized to settle and adjust the proportion of the state debt to be paid by each; and if the commissioners cannot agree, that the difference be referred to and settled by congress, as provided by the articles of confederation and perpetual union.

“Finally, we hope and expect that our representatives will cheerfully grant a request, justified by the principles of our government, as well as by the necessities of our condition; and that by an act of separation, we shall be placed in the situation best adapted for attaining the advantages of a free and well regulated government; and that we shall likewise be recommended to congress, to be taken into union with the United States of America, to enjoy equal privileges in common with them. And your petitioners will ever pray, &c.”

This petition, in the true spirit of the previous resolutions, expresses the views and objects of the convention—a separation from Virginia, on account of local situation, and consequent, grievances; of which however, but little is said in detail—and a desire to be admitted into the confederation of American states, as an equal member of the union. But this address was never presented to the legislature; as will be hereafter explained.

Lastly—the convention proceeded to address the people of the district; explaining to them more at large, than they had expressed to the general assembly, the reasons which recommended, and the causes which urged the separation. Considering this address, as completing the labours of the convention of May, 1785; and a necessary part of its history; containing withall, an interesting representation of the internal and political state of the country, which was excluded from the petition to the legislature; it will be inserted here, as worthy of preservation, in the original—rather than any paraphrase that might be made.

“To the Inhabitants of the District of Kentucky.”

“Friends and fellow citizens:

“We your representatives, met in convention, in consequence of our appointment, beg leave to address you on a sub-

ject which we consider of the last importance to you, to ourselves, and to unborn posterity. In every case where it becomes necessary for one part of the community to separate from the other; duty to Almighty God, and a decent respect for the opinions of mankind, require that the causes which impel them thereto should be clearly and impartially set forth.

"We hold it as a self-evident truth, that government is, ordained for the ease and protection of the governed: and whenever these ends are not attained by one form of government; it is the right, it is the duty of the people, to seek such other mode, as will be most likely to ensure to themselves and their posterity, those blessings to which by nature they are entitled.

"In the course of our inquiries, we find that several laws have passed the legislature of Virginia, which, although of a general nature, yet in their operation are particularly oppressive to the people of this district; and we also find, that from our local situation, we are deprived of many benefits of government, which every citizen therein has a right to expect; as a few facts will sufficiently demonstrate.

"We have no power to call out the militia, our sure and only defence, to oppose the wicked machinations of the savages, unless in cases of actual invasion.

"We can have no executive power in the district, either to enforce the execution of laws, or to grant pardons to objects of mercy; because such a power, would be inconsistent with the policy of government, and contrary to the present constitution.

"We are ignorant of the laws that are past, until a long time after they are enacted; and in many instances not until they have expired: by means whereof penalties may be inflicted for offences never designed, and delinquents escape the punishment due to their crimes.

"We are subjected to prosecute suits in the high court of appeals at Richmond, under every disadvantage, for the want of evidence, want of friends, and want of money.

"Our money must necessarily be drawn from us, not only for the support of civil government, but by individuals, who are frequently under the necessity of attending on the same.

“Nor is it possible for the inhabitants of this district, at so remote a distance from the seat of government, ever to derive equal benefits with the citizens in the eastern parts of the state; and this inconvenience must increase, as our country becomes more populous.

“Our commercial interests can never correspond with, or be regulated by, theirs; and in case of any invasion, the state of Virginia can afford us no adequate protection, in comparison with the advantages we might (if a separate state,) derive from the federal union.

“On maturely considering truths of such great importance to every inhabitant of the district, with a firm persuasion that we were consulting the general good of our infant country, we have unanimously resolved—‘that it is expedient and necessary for this district to be separated from Virginia, and established into a sovereign independent state, to be known by the name of the Commonwealth of Kentucky—and taken into union with the United States of America.’ In order to effect this purpose, we have agreed on a petition to be presented to the legislature of Virginia, at their next session, praying that a separation may take place; in which petition are fully set forth such terms as we thought beneficial to our infant country, and not inconsistent for Virginia to grant.

“It is generally admitted that this district ought at some period not far distant, to be separated from the government of Virginia.

“The only question then, is, Whether we are now, of sufficient ability, either to fill the different offices of government, or provide for its support?—In answer to the first part of this objection, examples have taught us, that sound principles and plain sense, suffice for every laudable purpose of government; and we generally find that the liberty of the subject, and the laws of the land, are in the highest reverence, at the foundation and rise of states, before the morals of the people have been vitiated by wealth and licentiousness, and their understandings entangled in visionary refinements, and chimerical distinctions: and as to the latter part, we have now in our power several valuable funds, which if by *procrastination* we suffer to

be exhausted, we shall be stripped of every resource, but internal taxation, and that under every disadvantage; and therefore we do not hesitate to pronounce it as our opinion, that the present, is preferable to any future period.

“By an act of the last session of assembly, we find that the revenue law is now fully and immediately to be enforced within the district, so that we shall not only pay a very considerable part of the tax for supporting the civil government of the state, but also be obliged to support our supreme court, and every other office we need in the district, at our own charge; and we are of opinion that the additional expense of the salaries to a governor, council, treasurer, and delegates to congress, will for a number of years be more than saved out of the funds before alluded to, without any additional tax on the people.

“To impress you still more with a sense of our regard for your interests, as a free people, we have determined, not to proceed in a matter of such magnitude without repeated appeals to your opinions; we have therefore recommended the election of another convention, to meet at Danville on the second Monday in August next, to take further into consideration the state of the district, and the resolves of this, and the preceding convention.

“In this election we hope you will be actuated by a serious sense of the important objects which the proposed election is designed to promote.”

Declining to contrast this address to the people, with that to the legislature—and waving all animadversions on either, as to matter of fact, or diversity of style—it will be observed, that it is apparent, the convention doubted of being supported by a majority of the people; whom they considered nevertheless, as necessary supporters, to enable them to effect their purpose. All revolutionists are sanguine, and no wonder if those who were in favour of separation partook of this disposition, and stepped a little further forward—saw more reasons, and talked both, faster, and louder, in favour of it, than others, who did not see things in the same light—feel them with the same sensibility—nor desire the event, with the same degree of

ardour: since it is but just, and therefore proper to concede, that the situation of the country, without any exaggeration, realized many serious evils, while the proposed change, without being able to cure all, promised many important ameliorations, and improvements.

If the petition to the legislature could be accused of a deficient portraiture of grievance; and a too great reliance on matter, of right, and sense of duty—the address to the people, ran some risk of falling into the opposite extremes—and comprised under the denomination of *facts*, a variety of topics, presented in a drapery calculated to affect their feelings—awaken their fears—and infuse into their minds, disaffection towards the existing state of things, and the government of Virginia: from the mischiefs of which, no longer to be borne, they were taught to believe that a separation, and it alone, could relieve them. Indeed, the convention, seems to have found a draftsman, (not, as it is thought, a member;) who was warm for a separation, and certainly held a glowing pen; whose traits of representation, partake at least, as much of oratory, as history—and which appear to be as well drawn, to awaken, and inflame impatience among the people, at their connection with Virginia, as the writer himself was inflated with the subject—and impatient under the restraints which surrounded them.

In consequence of their being no printing press, there was some difficulty in disseminating the address. Which, however, was partially overcome by written copies—and the activity of the late members, and others, after the adjournment.

These circumstances were attended by some excitement, and the subject of separation became to be discussed among the people, a large portion of whom had doubts and fears; which were not allayed by the fervour of those who were its advocates.

Those in favour of the measure, as they had no scruples to encounter, adopted the recommendation of another convention, and waited with some impatience for the election. They were found in every county; numerous, and respectable; while

the opposition, seemed rather to await events, than make any exertions to control them. July, arrived, and the elections were made—August, came, and members elect, assembled at Danville.

On the 8th of the month, they formed a convention, consisting of the persons whose names follow, from the counties, which they succeed, respectively. That is to say:

From LINCOLN—Samuel McDowell, George Muter, Christopher Irvin, William Kennedy, Benjamin Logan, Caleb Wallace, Harry Innis, John Edwards, and James Speed.

From FAYETTE—James Wilkinson, James Garrard, Levi Todd, John Coburn, James Trotter, John Craig, and Robert Patterson.

From JEFFERSON—Richard Terrell, George Wilson, Benjamin Sebastian, and Philip Barbour.

From NELSON—Isaac Cox, Isaac Morrison, Andrew Hynes, Matthew Walton, James Morrison, and James Rogers.

Of the foregoing members, they elected Samuel McDowell president; and having organized themselves as a convention, proceeded to business.

The papers referred, by the late convention, being before them, were committed; and after several days, reported on, as follows, to-wit:

“The convention, according to the order of the day, resolved itself into a committee of the whole, on the state of the district, and after some time spent therein Mr. President resumed the chair, and Mr. Muter, reported that the committee, had had under consideration the matters to them committed, and having made several amendments, which he read in his place, and afterwards delivered to the clerk; they were again read, and agreed to, as follows, viz:

“Your committee having maturely considered the important matters to them referred, are of opinion that the situation of this district, upwards of five hundred miles from the seat of the present government, with the intervention of a mountainous desert of two hundred miles, passable only at particular sea-

sons, and never without danger from hostile savages, precludes every idea of a connexion on republican principles; and originates many grievances—among which we reckon the following:

“1st. It destroys every possibility of application to the supreme executive power, for support or protection in case of emergency; and thereby *subjects the district to continual hostilities and depredations of the savages*; relaxes the execution of the laws, delays justice, and tends to loosen, and dis sever the bonds of government.

“2d. It suspends the operation of the benign influence of mercy, by subjecting condemned persons, who may be deemed worthy of pardon, to tedious, languishing, and destructive imprisonment.

“3d. It renders difficult, and precarious the exercise of the first and dearest right of freemen—adequate representation—as no person properly qualified can be expected at the hazard of his life, to undergo the fatigue of long journeys, and to incur burdensome expenses, by devoting himself to the public service.

“4th. It subjects us to penalties, and inflictions, which arise from ignorance of the laws; many of which have their operation, and expire before they reach the district.

“5th. It renders a compliance with many of the duties required of sheriffs, and clerks, impracticable; and exposes those officers, under the present revenue law, to inevitable destruction.

“6th. It subjects the inhabitants to expensive and ruinous suits in the high court of appeals, and places the unfortunate poor, and men of mediocrity, completely in the power of the opulent.

“Other grievances result from partial, and retrospective laws, which are contrary to the fundamental principles of free government, and subversive of the inherent rights of freemen—such as:

“1st. The laws for the establishment, and support of the district court, which, at the same time that we are subject to a general tax, for the support of the civil list, and the erection of the public buildings, oblige us to build our own court house,

jail, and other buildings, by a special poll tax imposed upon the inhabitants of the district; and leaves several officers of the court without any certain provision.

"2d. The law imposing a tax of five shillings per hundred acres, on lands previously sold, and directing the payment thereof into the register's office, at Richmond, before the patent shall issue: the same principles which sanctify this law would authorize the legislature to impose five pounds per acre on lands previously sold by government on stipulated conditions, and for which an equivalent had been paid; and is equally subversive of justice as any of the statutes of the British parliament, that impelled the good people to arms.

"3d. General laws, partial and injurious in their operation. Such are the laws,

"1st. Concerning entries, and surveys on the western waters;

"2d. Concerning the appointment of sheriffs;

"3d. For punishing certain offences injurious to the tranquility of this commonwealth.

"Which last law, prohibits, while we experience all the calamities which flow from the predatory incursions of hostile savages, from attempting any offensive operation: a savage, unrestrained by any law, human, or divine, despoils our property, murders our fellow citizens, then makes his escape to the northwest side of the Ohio, is protected by this law. Now,

"Whereas all men are born equally free and independent, and have certain natural, inherent, and unalienable rights; among which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety: Therefore,

"Resolved, That it is the indispensable duty of this convention, as they regard the prosperity and happiness of their constituents, themselves, and posterity, to make application to the general assembly, at the ensuing session, for an act to separate this district from the present government forever, on terms honourable to both and injurious to neither; in order that it may enjoy all the advantages, privileges, and immunities, of a free, sovereign, and independent republic."

And this report, and resolution, were unanimously concurred in, by the members, whose names have been previously inserted.

It requires but little propensity to find analogies, to see the model of this document, in the Declaration of American Independence; as that, might from similarity, be fathered, upon a catalogue of grievances, priorily drawn up, by a Virginia convention, sitting in Richmond. Nor do these circumstances detract from either performance, any of their merit.

The convention of August, 1785, having thus, as it supposed, laid the firm basis of a separation; and thrown aside the address of their predecessor, as too frigid, and insipid—now proceeded to form, and adopt, another, better agreeing with the improved feelings, brilliant conceptions, and greater anxiety, of the new members; which the repeated agitation of the same subject had excited in minds, naturally ardent, and open to new views of their situation: and which the pen of their ready draftsman, was so well qualified to elicit.

In order to transmit, unimpaired, and without disguise, to posterity, the views which this convention took, the impressions received, and the sentiments imbibed, and cherished, by it, in relation to the local and political, condition of the country; its grievances, and its means of redress—the address to the legislature will be inserted, at large; in preference to any abridgment which could be made.

“Gentlemen:

“The subscribers, resident in the counties of Jefferson, Fayette, Lincoln, and Nelson, composing the district of Kentucky, being chosen at free elections held in these counties, respectively, by the freemen of the same, for the purpose of constituting a convention, to take into consideration the general state of the district, and expressly to decide on the expediency of making application to your honourable body, for an act of separation—deeply impressed with the importance of the measure, and breathing the purest filial affection, beg leave to address you on the momentous occasion.

“The settlers of this distant region, taught by the arrangements of Providence, and encouraged by the conditions of that

solemn compact for which they paid the price of blood, to look forward to a separation from the eastern parts of the commonwealth; have viewed the subject leisurely at a distance, and examined it with caution on its near approach:—irreconcilable as has been their situation to a connexion with any community beyond the Appalachian mountains, other than the federal union; manifold as have been the grievances flowing therefrom, which have grown, with their growth, and increased with their population; they have patiently waited the hour of redress, nor even ventured to raise their voices in their own cause until youth quickening into manhood, hath given them vigour and stability.

“To recite minutely the causes and reasoning which have directed, and will justify this address, would, we conceive, be a matter of impropriety at this juncture. It would be preposterous for us to enter upon the support of facts, and consequences, which we presume are incontestable; our sequestered situation from the seat of government, with the intervention of a mountainous desert of two hundred miles, always dangerous, and passable only at particular seasons, precludes every idea of a connexion on republican principles. The patriots who formed our constitution, sensible of the impracticability of connecting permanently in a free government the extensive limits of the commonwealth, most wisely made provision for the act which we now solicit.

“To that sacred record we appeal. ’Tis not the ill directed, or inconsiderate zeal of a few—’tis not that impatience of power, to which ambitious minds are prone—nor yet the baser consideration of personal interest, which influences the people of Kentucky: directed by superior motives, they are incapable of cherishing a wish unfounded in justice; and are now impelled by expanding evils, and irremediable grievances, universally seen, felt, and acknowledged, to obey the irresistible dictates of self preservation, and seek for happiness by means honourable to themselves, honourable to you, and injurious to neither.

“We therefore, with the consent, and by the authority of our constituents, after the most solemn deliberation, being

warned of every consequence which can ensue, for them, for ourselves, and for posterity unborn,—do pray that an act may pass at the ensuing session of assembly, declaring and acknowledging the sovereignty, and independence of this district.

“Having no object in view but the acquisition of that security and happiness which may be attained by scrupulous adherence to private justice, and public honour: we should most willingly at this time enter into the adjustment of the concessions which are to be the condition of our separation, did not our relative situation forbid such negotiation; the separation we request being suggested by necessity, and being consonant to every principle of reason and justice, we are persuaded will be cheerfully granted; and that we shall be as cheerfully received into the continental union, on the recommendation of our parent state.

“Our application may exhibit a new spectacle in the history and politics of mankind: a sovereign power solely intent to bless its people, agreeing to a dismemberment of its parts, in order to secure the happiness of the whole. And we fondly flatter ourselves from motives not purely local, it is to give birth to that catalogue of great events which we persuade ourselves are to diffuse throughout the world, the inestimable blessings, which mankind may derive from the American revolution.

“We firmly rely that the undiminished lustre of that spark which kindled the flame of liberty, and guided the United States of America to peace and independence, will direct the honourable body to whom we appeal for redress of manifest grievances, to embrace the singular occasion reserved for them by Divine Providence, to originate a precedent which liberalize the policy of nations, and lead to the emancipation of enslaved millions.

“In this address we have discarded the complimentary style of adulation and insincerity. It becomes freemen when speaking to freemen, to employ the plain, manly, and unadorned language of independence, supported by conscious rectitude.”

In this address is recognised the florid writer, and eloquent orator, Gen. James Wilkinson.—This gentleman, had removed

his family from Philadelphia, to Lexington, in the fall of the preceding year; and was now, as it is believed, for the first time, elected a member to this convention. Although it is not questioned but that he was the primary cause of its being called, to consider the proceedings of the May convention; and was the author of the address to the people, which was sent out by that convention. If nature, education, and some knowledge of parliamentary proceedings, had given him a decided advantage over the other members, of the convention, he did not want vanity to see it; nor ambition to avail himself of circumstances so much in his favour, and so convertible, to his purposes: at that time, it is supposed, perfectly laudable. While it is to be admitted without hesitation, that the perspicuity of his arrangements, and the ease, and elegance of his style, gave both a dignity, and grace to the proceedings of the convention, which they otherwise would not, it is probable, have attained. For, although, that convention contained other men, of very considerable talents, and acquirements, they readily yielded to Wilkinson, or were thought to be his inferiors, as speakers, and as writers.

If not to add circumstances of pomp, and parade, to the presentation of the address, yet certainly to increase the effect, and ensure its success; the chief justice, George Muter; and the attorney general, of the district, Harry Innis, were deputed to present it to the legislature; and to offer their personal solicitation, as well as to give any verbal explanation, which might facilitate the passage of the much desired act.

Disposition being made of these matters—the convention had yet to address the people of the district—and that was done in the following terms:

“To the Inhabitants of the District of Kentucky.

“Friends and countrymen:

“Your representatives in convention having completed the important business for which they were specially elected, feel it their duty, before they adjourn, to call your attention to the calamities with which our country appears to be threatened—*blood has been spilled from the eastern to the western extremity of the*

district; accounts have been given to the convention, from post St. Vincennes, which indicate a disposition in the savages for general war; in the mean time if we look nearer home, we shall find our borders infested, and constant depredations committed on our property. Whatever may be the remote designs of the savages, these are causes sufficient to rouse our attention, that we may be prepared not only to defend but punish those who unprovoked offend us: God and nature, have given us the power, and we shall stand condemned in the eyes of Heaven, and mankind, if we do not employ it, to redress our wrongs, and assert our rights.

“The Indians are now reconnoitering our settlements, in order that they may hereafter direct their attacks with more certain effect, and we seem patiently to await the stroke of the tomahawk. Strange indeed it is, that although we can hardly pass a spot, which does not remind us of the murder of a father or brother, or friend—we should take no single step for our own preservation. Have we forgot the surprise of Bryant’s, or the shocking destruction of Kincheloe’s station? Let us ask you—ask yourselves, What is there to prevent a repetition of such barbarous scenes?—Five hundred Indians might be conducted undiscovered, to our very thresholds, and the knife may be put to the throats of our sleeping wives and children. For shame! let us rouse from our lethargy, let us arm, associate and embody; let us call upon our officers to do their duty; and determine to hold in detestation and abhorrence, and treat as enemies to the community, every person who shall withhold his countenance and support, of such measures as may be recommended for our common defence:—let it be remembered that a stand must be made somewhere—not to support our present frontier would be the height of cruelty, as well as folly; for should it give way, those who now hug themselves in security will take the front of danger, and we shall in a short time be huddled together in stations; a situation in our present circumstances, scarcely preferable to death—let us remember that supineness and inaction may entice the enemy to general hostilities—whilst preparation and offensive movements will,

disconcert their plans, drive them from our borders, secure ourselves, and protect our property. Therefore:

“Resolved, That the convention in the name and behalf of the people, do call on the lieutenants, or commanding officers of the respective counties of this district, forthwith to carry into operation the law for regulating and disciplining the militia.

“Resolved, That it be recommended to the officers, to assemble in their respective counties, and concert such plans as they may deem expedient for the defence of our country, or for carrying expeditions against the hostile nations of Indians.”

This address, and these resolutions, are from the same pen, as the petition, if one it can be called, to the legislature. And it may be said to breathe the same spirit, in one grand point of view at least—that of persuading Virginia, “to make a virtue of necessity,” and to grant, with a cheerful grace, what force, might extort from her; a separation of the district, from the body of the state. It will hardly escape remark, that the prayer for separation, is for an acknowledgment of *sovereignty*, and *independence*—while the address to the people, and the last resolution, imply an assumption of both.

It is however, believed, that the real spirit of these papers, was peculiar to the author, or embraced by a few only of the members of the convention. A separation of the western, from the eastern part of the commonwealth, on peaceable, and constitutional terms, occupied the mind, and filled both the desire, and expectation, of a great majority of the members. Nor can it be ascertained, that at the time, any other scheme was formed; notwithstanding a subsequent period, revealed an intrigue with Spain: which will be developed in the sequel.

Most of the gentlemen in the convention foresaw that a considerable length of time would unavoidably elapse before the event of separation could take complete effect; and they knew that the country was every day ripening to its maturity, for the change. They were hence, not opposed to the application nor impatient of any necessary delay, which prepared the country, for the reception, and exercise, of independent government; as a state of the American union.

On the subject of Indian hostility, there was exaggeration. It was evident from the events of the late war—from the return of peace—and from the measures adopted by congress, to bring about a general pacification with the different tribes, on the frontiers, that great relaxation had taken place in the frequency, and nature of their depredations. The frontiers were sometimes alarmed, perhaps, some lives might be lost, in the course of the summer; and no doubt horses were stolen. But the country had now grown strong, and felt restless under the pressure of circumstances, which a few years before were supported with patience, or changed with facility, by individual exertion.

And to say the plain truth, it was not so much an apprehension of real danger, as a desire of rule, that impelled the leaders of separation, into those inflated expressions, of injury, of fear, and of impatience, which figure in these papers. The propriety of them, was by no means, generally felt, or perceived. Nor were the questions unasked, "To what do they tend?—Can it be useful to inflame the public mind, without an object? What are the militia officers to do, after they have in their respective counties, considered of the means of defence—and of carrying expeditions against the hostile nations of Indians? Is each county to possess the power, of peace, and war?" It was evident, that there was an attempt to excite the people; while the propositions offered to their adoption were as ill digested, as they were useless, and extravagant.

This is not said, with respect to the separation, nor in any degree to detract from the propriety of applying for an act to authorize the measure—but solely as relative to the war, the Indians, and the militia. Because, it is really thought, that such application was proper; and that the result of it, should have been waited for with temperance, by the leaders; whose example was to influence the people; and whose duty it was to have given them just representations, and practicable counsels.

These remarks will find their justification in a desire to present a correct history of the times, the circumstances of which, are perfectly recollected, while truth demanded these explanations.

It could but be obvious to every one who reflected on the local position, legal relations, and political embarrassments of the country, as connected with the residue of the state, that a separation of the parts ought to take place, so soon as the population could conveniently sustain the burthens of government; and the people themselves be brought to think the change expedient. The government of Virginia, had manifested no hostility to the measure; nor was there in Kentucky, much diversity of opinion; except as to the time. But it is a fact, that however unanimous the convention might be, the people were much divided in opinion as to the time when, a separation, and a new government, would be proper, and could be sustained with convenience, as a member of the union.

Some, indeed, there were, who were opposed to the measure, as being unnecessary, dangerous, and inexpedient, both upon general principles of policy; and as it might affect personal, and local interests, connected with the safety of property—which had not escaped open menace. The number of these, was small. While those, who apprehended that the application was premature, amounted to a respectable proportion, of the whole community.

Certain characters, perhaps, by a more familiar contemplation of the event, had embraced with great ardour the idea of separation; who seem to have thought it necessary to heat the people, in order to persuade them, of its expediency: and knowing that without their concurrence, they could not succeed, they had resort to declamation, as well as argument. Hence the catalogue of Virginia's offences. While her citizens, to the east, and in the west, heard with astonishment of the hardships, restraints, inflictions, and oppressions, she had accumulated on Kentucky. She was *about* to enforce the general laws for the collection of revenue:—These had heretofore been a dead letter—but were now to be quickened into life, and put into practice. Always a ready, and copious subject of declamation for popularity-hunting demagogues.

She had not environed the frontiers with a cordon of troops, nor raised a wall to defend them from the Indians:—No subject could touch more immediately the sensibilities of the multitude, than an exposure to danger.

She had not delegated the executive power of the commonwealth, to the local authorities, or county lieutenants of Kentucky:—And although this subject might not suit as well as some others for declamation; there was no other more sensibly felt, or which caused more intemperance among the leaders.

She had passed a law to compel surveys on previous entries; she had imposed a tax on the emanation of grants for land—and actually derived revenue from the registering fees on surveys. Nay, she had been so illiberal as to listen to representations—true indeed—of a disposition in some of the Kentucky people, to keep up hostilities with the Indians, by repeated and public threats of violence against them, whether in peace, or war. And she had gone so far, as to indicate a wish to avoid hostility, by legal restraints on aggressions.

The congress of the United States, were also at the time, making arrangements for establishing peace, and friendship with all the hostile tribes.

Those who were anxious for the separation delighted to dwell upon these topics; and no astonishment should be felt, if they sometimes carried their representations beyond the plain and simple matter of fact, into the regions of imagination, and the fields of oratory.

Nor is it difficult to explain how these different views come to be taken of the same subjects, by the convention, and the historian. The former represents objects as seen by the optics of a politician, anxious to effect a particular result: the latter, presents them, as one calmly reviewing a scene, in which he was but a spectator. Besides, the magic of composition is beyond the conception of those, who have not attended minutely to its effects. Who was there, in the convention, that could contradict any statement of fact in the address to

the people?—For what facts were stated?. And as to the colouring, that belonged to the pallet, and the art of the painter; and rich, and glowing as they were, the subject would bear their most vivid tints.

Was there ever language which reprobated in terms too strong, or too animated, the conduct of a government, which exacted taxes from the people, when those people composed the audience, and were to pronounce the sentence?—Was there ever an orator, who represented in language too ardent and figurative the sad condition of a people exposed to an enemy, whom they were forbidden to exterminate?—Was there ever a pen which delineated with more than sufficient energy, and display of dramatic effect, the state of a country, from which any thing was required, while every thing was not conceded?. In fine; who could complain in tones too loud, or in strains too pathetic, to a people, who were taught to complain, not of real grievances only, but of many, merely imaginary, and of their existing condition, as the sure means of removing grievances—and of bettering that condition?.

Again: What member was there in the convention, who could have imbibed so little of the patriotic feeling of the rhetorician, as to rise, and propose that the address, should be pared down to the standard of sober narrative, and plain matter of fact?—Who was not pleased, and even transported, to find, that the oppressed rights of man, to the possession and enjoyment of life, liberty, and property, had attained so able an advocate; one so pure, disinterested, and worthy of their cause?. Who, in a word, was not enchanted, by a style so brilliant—expressions so glowing, sentiments so patriotic, as those in which the interesting subjects of these appeals to the legislature, and to the people of the district, were made?.—There was not one.

There is a fascination, an enthusiasm, on these occasions, to which honest men, even think it a virtue to yield; and to oppose, or impair which, would be thought at such times, little less criminal, than treason, or sacrilege.

Therefore, it is not a subject for surprise if politicians, engrossed by their schemes, orators enraptured by the warmth of their passions, or writers heated by the fervour, with which their favourite objects are pursued, on the one hand; and the sober reviewer of the same transactions, or one who afterwards describes the same state of things, on the other; should not see with the same optics, or give to the same subjects, the same colouring, of light, and shade.

Copies, of the address to the people, were industriously multiplied by the pen, and circulated among them. That to the general assembly was in due time presented.

The northern Indians, had not yet, made any decisive movements of a hostile character; but some of those to the south, in the October following, beset the wilderness road: and defeated McClure, and others, near the head of Scagg's creek, coming into Kentucky, with families.

The Indians attacked the camp, by night, and killed six of the company; whom they scalped.

Mrs. McClure ran into the brushwoods with her four children; and could have made her escape, with three, if she would have abandoned the fourth;—this, an infant in her arms, cried aloud—and thereby gave the savages notice where they were: she heard them coming—the night, and the grass, and bushes, offered her concealment, without her infant—but she was a mother—and determined to die with it: the like feeling, prevented her from telling, her three eldest to fly, and hide. She feared they would be lost, if they left her side; she hoped they would not be killed. For why should they?—They might be made prisoners—and to this, she was reconciled. In the mean time these barbarians arrive; and extinguish her hopes, and her fears, in the blood of her three children: of the youngest, and herself, they made captives. She was taken back to the camp, where there was plenty of provisions, and constrained to cook for her new guests. In the morning they compelled her to mount an unbroke horse, and to accompany them on their return home.

Intelligence of this sad catastrophe, being brought to Captain William Whitley's station, he was not at home. A messenger was however despatched for him, by Mrs. Whitley, and others, to warn his company. On his return, he found twenty-one men collected, ready to receive his orders. "These," says he, "were as tried steel." With them he directed his course to the war path; intending to intercept the Indians returning home: as he doubted not they would, after taking prisoners. Fortunately, for his success, these brutal marauders had stopped, to divide the plunder, which they had taken; and Captain Whitley gained the path, a short distance in advance of them. He immediately saw that they had not passed, and prepared for their arrival. His men were placed, and concealed, in an advantageous position; nor had they been long in waiting, before the enemy appeared dressed in their spoils. At the proper distance, he surprised them by a fire; which killed two, wounded two others, and dispersed the rest. He recovered Mrs. McClure, her child, and a negro woman; and retook the six scalps, which the savages had taken at the camp.

In the various small affairs with the Indians which has been noticed, there has not appeared any one, taking it throughout, with more circumstances of interest, or conducted with more spirit, and judgment, than that just described.

Ten days after this event, a Mr. Moore, and his party, also emigrants, were defeated two, or three, miles from Rackoon creek, on the same road.

In this attack, the Indians killed nine persons, and scattered the rest. Upon the receipt of this news, Captain Whitley, raised thirty men; and under a similar impression, as before, that they would return home, to Chuckamogga; marched to intercept them. After passing all the trails but one; in consequence of thinking, they were not on it, and bending his course to that; on the sixth day, in a cane brake, he met the enemy, almost up face, to face, before they saw each other: he instantly ordered ten of his men to the right, as many to the left, and the others to dismount on the spot with him. The Indians were mounted on good horses, twenty in number,

and well dressed in the plundered clothes. Being in the usual file, and still pressing from the rear, when the front made a momentary halt, they were brought into view; but they no sooner discovered what awaited them, than they forthwith sprang from their horses, and took to their heels. They were pursued—and three of them killed—two by Captain Whitley; who scalped one of them: to atone for the nine they had taken at the camp; eight of which he retook. He also took from them, what was called a rich booty—consisting of twenty-eight horses—fifty pounds in cash—and a quantity of clothes, and household furniture: with these he returned.

In November, another party, of these men of the woods, killed two of the Sloane's, on the Rolling-fork of Salt river.

And thus stood the very interesting concerns of Kentucky, under her immediate notice.

In the legislature, her application for a separation, was well received, in the main—but not without some caution, as to the time, manner, and terms, on which the new state was to get into existence, with the assent of congress.

[1786.] In January, 1786, the act passed, in favour of the proposed separation; the substance of which is extracted; and the instrument itself is inserted in the Appendix. (A.)

The preamble refers to the expressed desire of the good people of the district of Kentucky, that the same should be erected into a separate state, and be formed into an independent member of the American union; and the general assembly judging that such a partition of the commonwealth, was rendered expedient by the remoteness of the more fertile, which must be the most populous part, of the said district, and by the interjacent natural impediments to a convenient and regular communication therewith. Wherefore,

Be it enacted, &c. That on the respective court days in August next ensuing, the *free male inhabitants* of the district, should elect representatives, to continue in appointment for one year, with the powers and for the purposes to be mentioned in the act—for Jefferson, five; for Nelson, five; for Fayette, five; for Bourbon, five; for Lincoln, five; for Madi-

son, five; and for Mercer, five, representatives: the elections to continue for five days—and the persons elected, to meet in Danville on the fourth Monday of September following, and thence to proceed, two-thirds being assembled, to organize themselves as a convention, to settle proper rules, and by a majority of voices to determine whether it be *expedient for*, and *the will of the good people* of the district, that it should be erected into an independent state, on the terms and conditions following:

“1st. That the boundary between the proposed state, and the state of Virginia, shall remain the same as at present separates the district from the residue of the commonwealth.

“2d. That the proposed state shall take upon itself a just proportion of the public debt of this state.

“3d. That all private rights and interests in lands within the said district, derived from the laws of Virginia prior to such separation, shall remain valid and secure under the laws of the proposed state, and shall be determined by the laws now existing in this state.

“4th. That the lands within the proposed state, of non-resident proprietors, shall not in any case be taxed higher than the lands of residents at any time prior to the admission of the proposed state to a vote by its delegates in congress, where such non-residents reside out of the United States; nor at any time either before or after such admission, where such non-residents reside within this commonwealth; within which this stipulation shall be reciprocal; or where such non-residents reside within any other of the United States which shall declare the same to be reciprocal within its limits; nor shall a neglect of cultivation or improvement of any land within either the proposed state, or this commonwealth, belonging to non-residents, citizens of the other, subject such non-residents to forfeiture, or other penalty, within the term of six years after the admission of the said state into the federal union.

“5th. That no grant of land, nor land warrant, to be issued by the proposed state, shall interfere with any warrant *heretofore*

issued from the land office of Virginia, which shall be located on land within the said district now liable thereto, on or before the first day of September, 1788.

"6th. That the unlocated lands within the said district, which stand appropriated by the laws of this commonwealth to individuals or descriptions of individuals, for military, or other services, shall be exempt from the disposition of the proposed state, and shall remain subject to be disposed of by the commonwealth of Virginia according to such appropriation, until the first day of September, 1788, and no longer; and thereafter the residue of all lands remaining within the limits of the said district, shall be subject to the disposition of the proposed state.

"7th. That the use and navigation of the river Ohio, so far as the territory of the proposed state, or the territory which shall remain within the limits of this commonwealth lies thereon, shall be free and common to the citizens of the United States, and the respective jurisdictions of this commonwealth, and of the proposed state, on the river as aforesaid, shall be concurrent only with the states which may possess the opposite shores of the said river.

"8th. That in case any complaint or dispute shall at any time arise between the commonwealth of Virginia, and the district after it shall be an independent state, concerning the meaning or execution of the foregoing articles, the same shall be determined by six commissioners, of whom two shall be chosen by each of the parties, and the remainder by the commissioners so first appointed."

And if the convention should approve of the erection of the district into an independent state on the foregoing terms, they were to fix a day *posterior*, to the first of September, 1787; on which the authority of Virginia, and of her laws under the exceptions aforesaid, were to cease and determine forever, over the proposed state, and the articles as above set forth, were to become a solemn compact, mutually binding on the parties: *Provided* however, that prior to the first day of June,

1787, the United States in congress, should assent to the erection of the said district into an independent state, release the commonwealth from all its federal obligations arising therefrom, and agree, that the new state shall be admitted into the federal union.

And to the end that no period of anarchy might happen to the good people of the district, the convention aforesaid, was to take measures, for the election and meeting of another convention, to form a constitution of government, and to declare what laws should remain in force, so as to have effect on the day of separation; and upon condition it took place.

The act was to be transmitted to the Virginia delegates in congress; who were instructed to use their endeavours to obtain from congress a speedy act for the purpose, and to the effect, of admitting the new state into the union.

To the passage of the act, there was in reality no serious objection on the part of Virginia. She had foreseen that such an event must take place, in the progressive settlements of her western territory; and she had prudently provided for it, in her constitution of government.

It was already apprehended, that inconveniences began to be felt in the legislature, from the conduct of the Kentucky representation. In general, the members were men of circumscribed, moral and political views; confined in their legislative attention to local objects—almost incapable of entering into more enlarged views; and ready to throw themselves on all occasions upon the side of that partisan in legislation, who would favour their particular topical pretensions. They were moreover, forever asking for some new indulgence to land claimants, and clamorous if they did not obtain all they asked.

These dispositions, becoming more obvious before the separation actually took place, were by some men of observation and reflection, seen, felt, and regretted, as very serious evils in the state legislature.

The terms of separation, seem to be such as prudence suggested to liberality, and both combined to produce, for the

security of property, and the internal peace of the country. They are by no means out of the bounds marked by the convention of May, of the preceding year; and as to that of August, it seems to have abandoned the idea of conditions, in the magnificent proposition of being at once acknowledged, SOVEREIGN AND INDEPENDENT. A thing, not quite safe for Virginia, or the union—and therefore, not permissible.

In Kentucky, the year had been ushered in, amidst discussions on the subject of separation; nor were they allayed by the arrival of the act. It was completely at variance, with the ardour and impatience, observable in the convention, which applied for its passage. It placed the proposed separation at a distance sufficiently remote, to be viewed leisurely, on its approach. And it certainly had the effect, to warm some, if it cooled others; according to their different dispositions. The separation itself, was however, apparently placed on the will, and determination of the people, by their representatives, in convention; and that it might, if really desired, receive the most unrestrained sanction, every *free man* in the district, whatever his standing, qualities, or qualifications; without regard, to person, character, or property; was allowed, a vote for members to the convention. No doubt, it was in compliance with the expressed sense of the country, that Virginia, deviated, from her own principles, on a subject so important, as that of the right of suffrage: holding still to the rule, of equal representation by counties: So rare, is consistency.

By acts, passed at the same session, three new counties—Bourbon, Madison, and Mercer—were to take place, in time, to be represented by their particular members, in the next convention. All that part of Fayette county, which lay “within a line beginning at the mouth of upper Howard’s creek, on Kentucky river, running up the main fork thereof to the head; thence with the dividing ridge between Kentucky and Licking, until it comes opposite Eagle creek; from thence a direct line to the nearest part of Raven creek, a branch of Licking, and down Raven creek to the mouth thereof: thence with Licking, to the Ohio; thence with the Ohio to the mouth of Sandy creek,

up said creek to Cumberland mountain; thence with the said mountain, to the line of Lincoln county; thence with that line, and the Kentucky river, to the beginning"—was on the first day of May, 1786, erected into the county of BOURBON.

So much of Lincoln county, as was included "within a line beginning at the confluence of Sugar creek, and Kentucky river; thence a direct line to the mouth of Clark's run; thence a straight line to Wilson's station, in the fork of Clark's run; then the same course continued to the line of Nelson county; thence with the said line to the line of Jefferson county; thence with that line to the Kentucky river; thence up the said river, to the beginning"—was on the first day of August in this year, set apart as a new county, by the name of MERCER.

And such other part of Lincoln county, as lay within lines, "beginning at the confluence of Kentucky, and Sugar creek; thence up said creek to the fork that James Thompson lives on; thence up said fork to the head thereof; thence a straight line to where an east course from John Ellis's, will intersect the ridge that divides the waters of Paint lick, from the waters of Dick's river; thence along the top of said ridge southwardly opposite to Hickman's lick; thence south forty-five degrees east to the main Rockcastle river; thence up the said river to the head thereof; thence with the ridge that divides the waters of Kentucky river, from the waters of Cumberland river, to the line of Washington county; thence along said line to the main fork of Kentucky river, that divides the county of Fayette, from the county of Lincoln; thence down the said river to the beginning"—was, on the same first day of August, established the county of MADISON.—For such was the tenor, and effect, of the laws, which created these counties; and which it has been seen, were each, to have an equal representation, in the grand convention, that was to decide on the contemplated separation.

In the mean time, there is an interval, not destitute of occurrences, and which claims its share of attention, to be filled up, with their details.

A subject, however unpleasant, and often as it may occur, which never fails to challenge attention; again presents itself—'tis Indian depredation. The occurrence now to be noticed, can but be considered as one of the most unpleasant, that took place, this year.

In the month of April, the Indians, as they had done before, stole horses on Bear Grass, with which they crossed the Ohio, as usual; thereby expecting to escape pursuit—according to former experience. But Colonel William Christian, having raised a party of men, crossed the river, determined that these robbers should no longer evade his pursuit, by flying to their own forests; although northwest of the great stream. About twenty miles within the Indian territory, he came up with these freebooters, attacked, and totally destroyed them, but fell in the conflict; with one of his men.

In the death of Colonel Christian, Kentucky sustained, a most sensible, and important loss.

He had migrated from Virginia, the preceding year; and settled on Bear Grass—where he was distinguished, for his intelligence, activity, and enterprise. From the death of Col. John Floyd, which took place in 1783, in consequence of a wound from the gun of an Indian, that part of Kentucky, had wanted such a man as Colonel Christian. He had been used to the Indians from an early period of his life; had distinguished himself as an officer—acquired much practical information—and possessed the manners, and accomplishments of a man of cultivated mind. He was a Virginian by birth; had been educated in Staunton; and served, when a young man, as a captain, in Colonel Bird's regiment; which had been ordered in the time of Braddock's war, to the southwestern frontier of his native state. In this service he obtained the reputation, of a brave, active, and skilful, partisan. After peace, he married the sister, of Patrick Henry; settled in the county of Bottetourt, and was made a colonel, in the militia. His natural bias, was strong towards military affairs. In 1774, the Indians were hostile on the Ohio, and Colonel Christian raised about three hundred volunteers, with whom he joined the army of Colonel

Andrew Lewis, at the mouth of the great Kenhawa, on the night after the battle, already noticed, at the Point; having performed an extraordinary march of near two hundred miles, to arrive in time for the expected battle; which he missed by half a day.

With Colonel Lewis, he crossed the Ohio; and was with Dunmore, at the treaty, which ensued.

This period, has been considered, rather, as the morn, than as the eve of the contest with Great Britain. Connected, as Colonel Christian was, he could but feel its impulse—governed as he was, by the correct feelings of his own heart, he had no hesitation in the choice of sides—he valued his allegiance—but his liberty, was without price.

He was a member of the general state convention, in 1775. In the next year, he was appointed a lieutenant colonel, in the first Virginia regiment; and upon the resignation of the colonel, in the same year, he was promoted to fill the vacancy.

The Cherokee Indians, having commenced hostilities, in 1776, Colonel Christian, was ordered by the executive, to that frontier, to take the command of an expedition against them. His army consisted of about twelve hundred men; this he conducted with singular propriety, and address. In consequence of the enemy who had assembled in considerable numbers, finding themselves baffled; they sent him a flag of truce, and peace was made without fighting. Colonel Christian, after this occurrence, returned home; and in no long time, the tories in the mountains, an ignorant, and infatuated set of people, under the influence of bad men, almost as ignorant, gave disturbance, by manifesting an adherence to the crown, in opposition to the measures recommended by the states; these he found it necessary to suppress: and for that purpose, resigned his commission in the regular service; in order to head the patriotic militia, of his county. He continued a vigilant, and enterprising citizen, during the war. By whose influence and example, an extensive section of the state on New river, was kept in subordination to the proper authorities, and disaffection almost banished from Virginia. Sometimes, he was com-

pelled to resort to harsh means, to bring real culprits, to justice, or a sense of their crimes. This once done, there was no more use for martial law—and although there were some instances of actual insurrection; but few deaths, or imprisonments, ensued; he, ever preferring to conquer by address, rather than, by force. If popularity is to be taken as a test of merit, and surely it is—though not infallible, Colonel Christian often exhibited the evidence of possessing it, in the character of a representative from his county.

During this time, and these occurrences, Colonel Christian had attained a high reputation for his acquirements, and knowledge, both civil, and military. In 1785, he removed his family to Kentucky, and his own land, in Jefferson county. Being about forty-two years of age, he felt all his former activity of disposition, all his former attention to the safety of his country—and participated in the active means of repelling the predatory parties of savages, who infested his neighbourhood.

The ideas of separation, and of independent government, having been familiarized in Kentucky, although Colonel Christian had kept himself pretty much out of the debate, he was frequently spoken of, by his acquaintances, as the first governor of the new commonwealth. The event of his death, as mentioned, terminated these anticipations, so agreeable to the public—so honourable to him. Mingling with his memory, both sympathy, and regret. The first, with his living relatives; the latter, for the deceased.

Inasmuch, as it was in this year, that congress brought their pacific system, of treating the Indians, into full operation; an account of the proceedings of that venerable body, as they seem to affect Kentucky, will be next given.

CHAP. XI.

Proceedings of Congress on Indian affairs—Incidents in relation to elections, conventions, &c.—Clark's, and Logan's, expeditions—Indian hostilities—Proceedings as to separation, &c.

[1786.] It has been deemed proper, on account of the interest which Kentucky had in the proceedings of congress relative to Indian affairs; consequent upon the peace with Great Britain, to introduce a succinct view of them, into this history. They necessarily fall into two parts—the one having peace for its object—the other war. The first, occupying a term from 1783, to 1786, inclusive, will exclusively, be drawn into this sketch; which is introduced at this place, for a reason already suggested; and will be given in a connected series, as best calculated to make a correct impression.

On the first of May, 1783, congress resolved, that the secretary at war take the most effectual measures, to inform the several Indian tribes on the frontiers of the United States, that preliminary articles of peace have been agreed on; that hostilities have ceased with Great Britain; that the British forts within the United States are soon to be given up; that the United States are disposed to enter into friendly treaties with them; and that unless they cease hostilities, and accede to these friendly offers of peace, congress will take the most decided measures to compel a compliance.

But what was congress?—Dependent on the states, for power, for efficiency, for existence. Prolific in resolves, but barren, in execution.

What if congress, was composed of the most wise, and virtuous men in the United States, or in the world; they could do little more than resolve, order, or recommend. The members were dependent on the state assemblies for their seats—the body itself, had to solicit the powers of the states, to effectuate its measures. War, a sense of common, and pressing

danger, had given it energy, and often efficacy—but now, that peace had secured the independence of the states—and each preferred its own immediate interests, to those which were common, or remote, the bond of union was perceived to relax—the unity of action was no longer felt—the spirit, which should have directed the head, had detached itself to the limbs; whence it could only be recalled, in combination with large quantities of topical affection, which confused its purpose, or paralyzed its effort.

But to narrate events, rather than anticipate conclusions; it is next to be stated—that on the 15th of October following the order to the secretary at war, among other things relative to Indians, congress announce that it is represented and believed, “that although the hostile tribes of the Indians in the northern and middle departments are seriously disposed to a pacification, yet they are not in a temper to relinquish their territorial claims without a further struggle.”

And on the same day, they resolve, “that a convention be held with the Indians residing in the northern and middle departments, who have taken up arms against the United States, for the purpose of receiving them into the favour and protection of the United States, and of establishing boundary lines of property, for separating and dividing the settlements of the citizens, from the Indian villages, and hunting grounds, and thereby extinguishing as far as possible all occasions for future animosities, disquiet, and contention.” The date of this benevolent resolution, as well as of other transactions of the same honourable body, will serve such as choose, from time to time, to collate them, with the transactions of the Indians, and others, relative to the same subject, as previously detailed in this history; and remove, as it is thought, all occasion for particular reference, comparison, or comment, as to their fitness, or unfitness.

The 30th of the month, it was resolved, that the commissioners for holding the convention with the Indians, under the act of the 15th, give notice to the supreme executive of Pennsylvania; in order that attendance might be directed, to buy

the Indians' land, as an intention of that kind had in the interim been intimated to congress.

March 3d, 1784, "congress proceed to the consideration of Indian affairs," and decided that the next day, five commissioners should be appointed to negotiate with the Indians. Accordingly George Rogers Clark, Oliver Wolcott, Nathaniel Green, Richard Butler, and Stephen Higginson, were elected. All former appointments, if any, were revoked.

The president of congress, was directed to inform the gentlemen, of their appointment; and that it was the wish of congress they should lose no time in effecting the objects of their mission. The 10th of April was appointed for their meeting, at New York; and they were enjoined to inform the Indians when and where they might be met, and to invite their attendance.

On the 9th of the month, congress dispute, without agreement, about the compensation to the commissioners; and on the 12th, agree to the form of a commission for them. The 19th, it is agreed, that the commissioners shall receive six dollars and fifty cents per day each—that fifteen thousand dollars' worth of merchandise be purchased for the disposition of the commissioners; who were authorized to appoint an agent, to receive and account for the goods. The superintendent of finance was ordered to furnish the money. And the commissioners to make up, and return to congress estimates of such other goods as might be necessary, for the Indian supplies.

So far on paper—yet, all this time, congress seem not to have thought of providing escorts, or guards, for the commissioners: notwithstanding, this was an important part of their equipage.

The 24th of April, Benjamin Lincoln, and Arthur Lee, were appointed commissioners, in the place of Mr. Higginson, and Mr. Green, who had declined accepting their appointments.

May 18th, it was thought expedient to have an armed force sent with the commissioners, who were to treat with the

Indians; and an attempt was made by Mr. Lee, to obtain an order to the secretary of war, for three hundred men; which failed.

A proposition was made the 25th of the same month, to enlist four hundred and fifty men to be employed for the defence of the northwestern frontiers. This motion was superseded by one, to engage as soon as possible, to serve for the term of three years, unless sooner discharged, eight hundred and ninety-six men, including non commissioned officers, for the defence of the northwestern frontiers, of the United States.

This proposition, being lost; on the 26th, a motion was made, repeating in substance, the foregoing, with this expletive; "to give protection to the commissioners appointed to negotiate treaties of peace with the Indians." And with this further idea, that the several states furnish their quotas, &c.

Upon this latter subject, Mr. Gerry, introduced a learned disquisition to shew that standing armies were dangerous in times of peace—that it was doubtful whether congress could rightfully, make a requisition on the states for their several quotas—that it was expedient first to consult the states, on the subject—and that instead of a *requisition*, it be *recommended*, to the states, to raise the troops which might be immediately necessary. And all this fine preparation, for a system of national defence, was lost.

After this result, some other modifications of the subject, were attempted; which also failed: and for that time, the subject fell; as before, through the interference of Mr. Gerry.

The 1st of June, congress was moved, that General Knox, be instructed to order three hundred and fifty men, properly officered, to march immediately, to be ready to take possession of the western posts, as soon as evacuated by the troops of his Britannic Majesty. That seven hundred men be raised for the term of three years, unless sooner discharged, for the relief of the three hundred and fifty, for the protection of the western frontiers, and to guard the public stores--and that the several states furnish their quotas.

To this proposition, Mr. Gerry, moved, by way of amendment, that New Hampshire, and Massachusetts, should be exonerated, from its operation. A debate ensued, which after several attempts at modification, terminated in the resolution: "that the commanding officer be directed to discharge the troops, now in the service of the United States, except twenty-five privates to guard the stores at West Point, and other magazines."

The 3d of the month, a proposition of a new aspect was made, for seven hundred militia to be raised from the states of Connecticut, New York, and Pennsylvania; to serve for twelve months, subject to the orders of the secretary of war, and of congress; "for the purpose of protecting the north-western frontiers of the United States, and their Indian friends, and allies; and for garrisoning the posts, soon to be evacuated by the troops of his Britannic Majesty."

After various debate, it was finally resolved, "that it be recommended to the states most convenient to furnish forthwith from their militia seven hundred men; to serve twelve months, unless sooner discharged, in the following proportions: Connecticut, 165; New York, 165; New Jersey, 110; and Pennsylvania, 260"—as heretofore noticed. And further, it was resolved, that the secretary in the war office be directed to order three hundred men of the militia, to be raised by the foregoing resolution, to be in readiness, to march when, and to what place, or places, the commissioners for negotiating with the Indians, or any two of them, may require.

It was also resolved the same day, that stores and rations should be placed at the disposition of the commissioners, for the purposes of the intended negotiation.

On the 10th of July, congress resolved to answer a letter which they had received from General George R. Clark, and that measures be taken to assemble the Indians at such time and place as the commissioners may appoint. And that the Indians be assured, "the United States will not in the mean time undertake any thing to their disadvantage, unless provoked thereto by hostilities on their part."

July 26th: "On motion, *ordered* that an exemplification of the commission granted by the United States in congress assembled, to the commissioners for negotiating with the Indians, and of the resolution empowering any two of them, being a majority of those present, to do the business of the commission, be made out and delivered to each of the said commissioners, under the seal of the United States."

At fort Stanwix, on the 27th of October, 1784, the commissioners of the United States, Oliver Wolcott, Richard Butler, and Arthur Lee, entered into, and concluded a treaty of *peace*, and *friendship*, with the sachems and warriors of the Six Nations.

And at fort McIntosh, the 21st of January, 1785, George R. Clark, with the last named commissioners on the part of the United States, concluded a treaty of *peace*, and *friendship*, with the sachems and warriors of the Wyandot, Delaware, Chippeway, and Ottawa, nations of Indians.

In 1785, March 15th, congress *resolve*, "that three commissioners, with the same pay as is allowed to the commissioners, for treating with the northern Indians, be appointed to treat with the Cherokees, and all other Indians southward of them within the United States, or who have been at war with them, for the purpose of making peace with them, receiving them into the favour and protection of the United States, and removing as far as may be, all cause of future contention or quarrels:" "That they be instructed to inform the Indians of the great occurrences of the last war, and of the extent of country relinquished by Great Britain:" "That the commissioners inform the executives of Virginia, North Carolina, South Carolina, and Georgia," &c.—"That they apply to these states for one hundred and fifty militia, or such part thereof as they may deem necessary, for their protection while concluding the treaty; and that they be authorized to draw on those states for nine thousand dollars, to discharge expenses; and that said states have credit for the sum advanced."

March 21st, Benjamin Hawkins, Daniel Carroll, William Perry, Andrew Pickins, and Joseph Martin, were appointed commissioners, for treating with the southern Indians. On

the same day, it was *resolved*, "that the secretary in the war office take order for discharging such of the troops raised in pursuance of the resolution of June 3d, 1784, as are not in actual service."

And to give greater security to the frontier settlements, and to establish a boundary line between the United States, the Pottawatamies, the Twightwees, Peankashaws, and other western nations, congress *resolved* that a treaty be held with them at post Vincennes, on the Wabash, on the 20th of June, 1785; or at such other time, or place, as the commissioners may find more convenient. And at the same time provision is made in the same inexhaustible resource *of resolve* to furnish rations, and pay, for the proposed treaty.

The 24th of March, it was *ordered*—"that the secretary of congress inform the commissioners who are appointed to negotiate a peace with the southern Indians, that it is the pleasure of congress that they meet at Charlestown, S. C. on the 16th of May, and there fix on the time and place for holding a treaty or treaties with the southern Indians—take the proper steps for giving due notice thereof to the several nations, or tribes, concerned—and make the necessary preparation for executing the further duties of the commission with all possible and convenient despatch."

On June the 14th, congress again take up the subject of the treaty to be held at St. Vincennes, and adopt sundry measures to facilitate its accomplishment; and to enlarge the powers of the commissioners in relation to the citizens of the country at, and about, the post; requiring from them an oath of allegiance; and prohibiting the settlement of all persons on the unappropriated land; which it is announced will be sold, as soon as it can be surveyed.

The commissioners, on the 29th of the month, were authorized to hold the proposed treaty at the falls of Ohio, or at the mouth of the great Miami. And troops are ordered for their protection. To the state of Virginia it was recommended to furnish one hundred and fifty men from the counties most contiguous; Kentucky of course—to protect all persons, attending the treaty.

The 9th of August, Mr. Robert Howe was chosen a commissioner to treat with the Indians, in the place of Arthur Lee, appointed to the treasury.

September the 12th, congress *resolve*, to guard against any failure on the part of the southern states, to furnish the money required for the treaty, that the commissioners are authorized to draw on the board of treasury, for such balance as it may not be in the power of the executives of the states to furnish, for the objects of the negotiation.

Samuel Holden Parsons, was elected a commissioner, on the 21st of September, to treat with the western Indians, in the place of Benjamin Lincoln, resigned.

The 28th of November, the commissioners on the part of the United States, to-wit: Benjamin Hawkins, Andrew Pickins, Joseph Martin, and Lachan McIntosh; concluded a treaty, of *peace and friendship* with the head men and warriors of the Cherokees, at Hopewell, on the Keowee.

Treaty, now succeeded treaty, in rapid succession. And had the effect equalled the benign, and just expectations of congress; Kentucky would have had much reason to felicitate herself on the result. While those, who were so ready on all occasions, to rouse, and inflame the people, on the subject of hostility by the Indians, would have been deprived of one of their most convenient topics.

The commissioners for the southern department had called the Indians together, from their different tribes, to Hopewell; nor were they more ready to bestow, than the Indians to receive, their presents of cloth, and wampum.

On the 3d of January, 1786, a treaty was concluded, between the commissioners, styling themselves "plenipotentiaries," and the *plenipotentiaries* of the Choctaw, nation of Indians—for the purpose of *peace*, and *friendship*.

At the same place, and for the same important objects, of *PEACE*, and *FRIENDSHIP*, a treaty was concluded on the 10th of January, 1786, between the plenipotentiaries, of the United States, and the first ministers and beloved men, of the Chickasaws.

And to complete the circle of pacification, a treaty of *peace* and *friendship*, was signed at the mouth of the great Miami, the 31st of January, 1786, between the plenipotentiaries, of the United States, and the chiefs and warriors of the Shawance nation of Indians. Annexed to this last mentioned treaty, are also the signatures, that is, names, and marks, of several Wyandot, and Delaware, warriors.

The particular articles of these treaties, are unimportant to this history; as *peace* was the only matter of concernment to Kentucky. Nor was even this, desirable to all. For there were none, who at this time, really apprehended any thing more than a predatory warfare on the frontiers. The country had become too strong, to entertain a moment's apprehension of general rout, or conquest: and it was yet thought convenient, by some, to have so manageable a topic, as savage cruelty, to declaim on, for purposes not then avowed. The great body of the people—the country—wanted peace.

There is one characteristic, however, in these treaties, which was not liked at the time, by the Indians. They are not acknowledged *independent*—but treated, in the style of inferiors. This circumstance, for some time, rankled in the breasts of these sons of nature; among the most free, and independent, of mankind; and then produced open complaint.

An almost invariable suggestion in these treaties, is: “the United States *give peace* to the Indians, and take them, under *their protection*”—on conditions then stipulated.

It would have been fortunate for the United States, and particularly for Kentucky, if the Indians, would have *given them peace*, on any conditions, stipulated by treaty.

It is, nevertheless, to be confessed, that there was, considerable abatement in their hostility in the years 1784, '85, and '86; even on the frontiers; and especially among the northern, and even western, tribes.

Nor is it to be dissembled, that parties of white men traversing the country on both sides of the Ohio, seldom permitted a party of Indians, in the most pacific time, to escape, after

discovery, without molestation. And hence it followed, that while the government was in good faith pursuing the honest means of obtaining peace; and after the treaties were formed, announcing *peace* and *friendship*; individuals, were at war:—While, it was well known, that an Indian always strikes back at those who have stricken him.

No doubt, congress saw in those treaties, at least, for a time, the entire success of its pacific policy towards the Indians: nor is it matter of surprise, that complaints against the Indians, or calls for aid, and for defence against their aggressions, should be heard by that deliberating body, with impatience, or suspicion. In truth, the subject was one of great difficulty.

The frontiers were extensive, and the residence of a great variety of characters, under the least sense of legal restraint, and with the strongest provocatives to break it, as to Indians. While the latter, were arranged round those frontiers, in detached, and numerous tribes; all barbarous, all warlike, and all actuated, as well, by a relish for blood, and a thirst for revenge, as, a love for spoil, and plunder—each tribe, independent of the rest—and each individual, in a manner, independent of his tribe. And congress, at the time, exhibited no unapt illustration, as to its powers of government, of an Indian democracy—a weak whole, composed of strong parts.

The detail which has been given of the proceedings on Indian affairs, shews but too clearly the alarming defect of powers; and the difficulty experienced in effecting objects of national concern, by the confederated states. A sovereign, in the vocative.

An attentive, and impartial review, of the detail just exhibited, will necessarily induce considerations for an abatement in that temper of restlessness, and that proneness to fault finding, which the people, feeling the effects, and blind to the cause, have often shewn, at the apparent insensibility, and seeming tardiness, but real embarrassment, in congress; relative to the interests of the western country, at large; or Kentucky, in particular.

Leaving these reflections, to be pursued by such as have no restraints, but their own will and pleasure; and returning to the narrative of those occurrences and events, of which the history of Kentucky, is the appropriate repository; the indulgence is only asked, to remark, that here ends the sketch of pacific measures—or the first part, of congressional attention to Indian affairs; leaving the second, or military part, to occupy its proper place, in future details.

As to Indian hostility, in the years just reviewed; it was rather a subject of individual irritation, than of political alarm; of private loss, than of public danger. The aid, and co-operation of Great Britain was withdrawn from them, in a great degree—and Kentucky was becoming, covered from their depredations, at least in the same proportion, by the settlements in the different sections of Tennessee; and on the northwest side of the Ohio. And although the posts on the lakes had not been given up to the United States, at the period of the Indian treaties; yet, undoubtedly, the Indians expected they would be; as much, or more, than it was expected, by the United States. To this idea, may be ascribed in a great measure the disposition of the Indians to peace; and the detention afterwards, of those posts, by the British, as facilitating their return, to the practice and habits of war. The correctness of this observation; is however, referred to facts, rather than argument.

It has already been seen, that the legislature of the state, in passing the act for separation, had given up the substance, and adhered to the surface, of representation. It dispensed with personal qualification, in the voters, and in those to be elected; and stuck to the equality of representation by counties, not numbers. Now, if men are *equal* in any manner, it is by numbers; and not by individuals: and yet sufficiently equal, in their rights, to vote for representatives.

There being seven counties in the district, and each, entitled to send five members to the convention, the aggregate is so entirely an arithmetical conclusion, that it need not be expressed.

The people very peaceably conformed themselves to either mode of assigning the number to be elected; although it is not believed that they would have been so indifferent, on the score of suffrage, or the personal right of voting. The contents of the act itself, was by no means relished, by some of the sanguine, and highly expecting, leaders of separation.

Complaints were made of the delay introduced, by again submitting the question of *expediency* to be decided, after so many previous expressions of the conventions in its favour. Some of the terms were thought inexpedient, if not inadmissible: and considerable dissatisfaction and some impatience, were expressed and diffused, by several of the leading members of the late convention; but by none more than General Wilkinson. He declared that the circumstances of the country, would not admit of delay: and that throwing off the authority of Virginia; the people would meet with no difficulty in the way of attaining independent government; and the means of taking care of themselves. Which he suggested was essential to their personal safety, and public prosperity—and without which, they were not only exposed to the invasions of hostile savages, whom they were forbidden to invade, but that they also were exposed to the operation of a variety of unjust, and oppressive acts, imposed on them by Virginia—who being, herself, secure from danger, and at ease, had lost all fellow feeling for the people of Kentucky.

As the election for members to the convention approached, it was given out in speeches, by General Wilkinson, and repeated by his particular friends, that he should address the people assembled at Lexington on the first day of the election in a public speech; in order to persuade them to an immediate separation, instead of waiting the time, and taking the course, prescribed by the act of the legislature.

To some, this idea seemed agreeable; to others, cause of much alarm. An opposition, by a speech, was determined on. The day arrived—the people assembled—the speech was made—and opposed.

The particular subject of controversy, was the time of separation; and whether it should take place by an inherent right in the people, of the district, as the general contended; or be regulated by the act of assembly, as the opposition, maintained, it should be.

The address, of General Wilkinson, was to precipitate the actual separation, by arguments opposed to its delay; and by prescribing an earlier day, than that mentioned in the law, for its consummation. His opponent, laid much stress on the impropriety, and dangerous tendency of this course. To obviate the force of his remarks, the general, explained the word *posterior* which may be seen in the act, applicable to the time of separation, to mean, *before*, not *after*. And thus cut up his opponent, by adroitly taking his ground of argument from under him.

In reply, however, he was reduced to this dilemma—either, he did not know the meaning of the word, “posterior;” or meant to impose upon his audience. That, in the one case, he was unfit to guide—in the other, unsafe to follow.

That the error was palpable to those who understood their mother tongue—and must proceed from the weakness of the head, or the wickedness of the heart; but as the one implied only ignorance, and the other guilt; upon principles of liberality, he was acquitted of the latter; while he was left to his own candid acknowledgment, to extricate himself from the former supposition.

The acknowledgment was not made, nor this opposition forgiven, by the general.

The speeches being over, some agitation appeared among the people; many of whom, and especially those from the remote parts of the county, who were less, or not at all under the influence of Wilkinson, murmured in opposition to his proposition for separation contrary to law. They felt it was not right. They apprehended it might lead to trouble, and involve them in difficulties. Those about Lexington, where his personal influence was great, and where his party for the election was formed, deemed the moment inauspicious to his election;

and the poll was not opened for taking the votes, until late in the day: and when opened, the general received but few suffrages, compared with those bestowed on his opponent—all the votes being *viva voce*, were known—and in a short time, the poll was closed for the day.

The sheriff, who superintended the election, being in the general's interest, and seeing as well as others, that a resort to stratagem was necessary to his success, readily postponed the election, and gained time for concert.

Not more than one hundred votes, were that day taken, out of upwards of five hundred persons who attended for the purpose of voting.

The law authorized the election to be opened for five successive days, and those who were disappointed of their votes on the first day, proclaimed their intention of returning on the last day, to vote. This intelligence, suggested the means to be adopted in order to secure Wilkinson's election. Recourse was had to the militia officers, who to favour his project, and doubtless preferring his election, ordered musters on the last day of the election, in such parts of the county, as were thought to be unfavourable to him; to these musters the people were summoned, which prevented many from attending the election. While those known to be more favourable to him, were urged to come forth and vote; whereby the general, and those on the same ticket with him, were elected.

It is thus, the people are often cajoled, and deceived under specious pretexts, and cheated by their demagogues, who laugh at their credulity, and deride their simplicity. The event of the election left considerable discontent, more durable than a sense of mere disappointment, on the minds of those who were opposed to an immediate or irregular, and illegal, separation.

The arts of popularity had been practised by General Wilkinson, with much assiduity, and success.

Whatever truth there may be in the observation, that the way to ladies' hearts, is through their eyes; Wilkinson's experience had taught him, that the way to men's hearts, was *down*

their throats. He lived freely, and entertained liberally. If he paid for his fare it was well for those who furnished it; if he did not, it was still well for himself and those who feasted on it. He surrounded himself with the idle young men, of both town and country, who loved him dearly; because they loved his beef, his pudding, and his wine. They served to propagate his opinions, to blazon his fame, to promote his popularity, and to serve him in elections: objects of primary consideration with him.

Most of the aspiring and influential men in the country were in favour of the proposed separation, ostensibly, upon legal principles. And most of these, now considered Wilkinson, as the leader; without, it is altogether probable, intending to follow him into that devious course, which he advocated.

It is believed, that the general, was the first, if not the only one, who had publicly proposed a separation, contrary to law. So intent, however, were the leading separatists of the legal description, upon the accomplishment of their favourite object, that but few permitted themselves to see in the late conduct of General Wilkinson, the disorganizing spirit of an unprincipled demagogue. Some few derived apprehensions of danger, to the internal peace of the district, from the influence of a character, in which talents, and address, were made subservient to an ambition, boundless as space, and restless as the ocean.

For, what but ambition like his, whose qualifications placed him high in the first rank of talents in the country, could induce him to stoop to the level of the meanest man in society; to court the suffrages—or to walk the street—arm, and arm, with men of depraved, and sottish habits—but who admired the general—and said, or swore, whatever he deemed necessary, or they imagined conducive, to his fame, or his purpose.

In the other parts of the country, the elections produced little, or no agitation. The requisite number of members were every where chosen; while the people, by this time, familiarized to the idea of separation, awaited the decision of their representatives in convention, with the less anxiety; as a legal and constitutional separation, was every day becoming, more and

more expedient; and in the same proportion, popular. When no other, was tolerated, by the generality of the people in the other parts of the district; nor yet proposed, or suggested to them, for approbation.

In the mean time, the Indians, from whence, is not distinctly known, depredated on the frontiers; notwithstanding the recent treaties formed with all the surrounding tribes, by the United States.

It had even been thought meritorious, to complain of Indian depredations. And representations had been made by some of the county lieutenants, to the executive authority of the commonwealth, and an answer received from the governor; that he had addressed congress on the subject of defending the frontier; and urged the adoption of some effectual mode of protection, for the Kentucky district, in particular.

It is very true, that no hostile expedition could lawfully have been authorized even by Virginia into the Indian country, without the permission of congress. Although it is supposed, for opposing the hostile parties within the state, there could have existed no constitutional impediment, to the orders, necessary for defence, either on the part of the executive, or the county lieutenants. But the manner, now was, for the latter, to apply to the governor—and for him to apply to congress. That congress should take no immediate notice of this address, is the less a matter of surprise, when the known tardiness, and imbecility of that body, is combined with a recollection, of the treaties, lately made with the Indians. The fact of inattention, was however announced to the public; and served the purpose of increasing an irritation, as natural to the people, as it was agreeable to those who were not averse to the progressive alienation of the western country, from the atlantic states.

To warrant any specific measures on the part of congress, as to any particular tribe of Indians, some precise information as to the tribe, was at least necessary. To renew the war indiscriminately against all; without knowing that all were hostile, would have been unjust to ask, and inexcusable to grant. No one in Kentucky, doubted, but that every colonel,

major, captain, and other officer, within the bounds of his command, had a right to call out the militia, to make defence; and to repel, and expel, the enemy from the country.

To raise an army, and to march an expedition, into the Indian country, was indeed, another consideration; and might properly be viewed, as belonging, exclusively to congress.

Yet, it has been seen, that the convention of August, in the preceding year, had not only resolved, that the militia laws ought to be executed—and that the officers should hold consultations how to defend the frontiers, and repel invasions—but that they might “concert plans for carrying expeditions against the hostile nations of Indians.”

And it is now to be shewn, that without waiting for the consent, or permission, of congress; and within a few months after the ratification of the treaties; an army was raised in Kentucky, and expeditions marched against the Indians, both to the west, and the north, who were parties, to those treaties.

For while congress hesitated, or took no measure on the subject of the governor’s reference to them, “the defence of the frontiers”—he gave some general instructions to the commandants of counties, “to adopt the necessary means of defence.”

Under these instructions, there was a meeting; and the consultation, combining the spirit of the governor’s instruction, with the resolutions of the convention, determined on raising an army, and marching an expedition, against the Indians on the Wabash; on the assumption that they had been the most troublesome.

General Clark, was to have the command, in chief; and a call to be made, on the militia for volunteers, to be commanded immediately by their own officers.

In pursuance of this resolution, such had been the excitement of popular feeling, that an army of about one thousand men was soon raised, and assembled at the falls of Ohio; where their provisions and ammunition, for the expedition, were collected; and thence shipped in nine keeled boats, to be transported to St. Vincennes, by water; to which place the general with his troops, directed his march by land.

Having reached the vicinity of that post, the army was halted, and lay there nine days, waiting the arrival of the boats. These had been obstructed, and detained by the shoals and low water in the Wabash; until one half of the provisions was spoiled; and that part which had been moved by land was exhausted; except a few bullocks. Already had a spirit of discontent manifested itself in camp; even before the arrival of the boats, and the state of the supplies was known; it then became more apparent. The troops were however put into motion, upon short allowance, and marched several days in a direction for the Indian town intended to be attacked; to which it was said, General Clark had despatched a flag, with the offer of peace, or war. This rumour, for it destroyed the chance of surprise, and gave the enemy time to collect his force, added to the want of provisions, and combined with other circumstances, converted previous restlessness, into positive disaffection, among the troops; which being fomented by some officers of rank, who were displeased with the general—at about two days' march from the Indian town, early in the morning, three hundred men, turned their backs upon the camp, and took the road home. They were addressed by the general in person, in the most soothing, and earnest terms of entreaty to stay, and to accomplish the object of the expedition, by a conquest both certain and easy; but to no purpose. The general, whose intelligent mind, at once traced the ruinous consequences of this mutiny, and refractoriness, without the power to avert them if his entreaties failed; had recourse not only to the most conciliating terms of solicitation, but even shed tears. Nothing in the shape of entreaty could move the fixed resolve of these men. Home they would go—and fight, they would not. As to coercion, it was out of the question.

The army was now broken—those who remained in camp, were deeply affected, by a sense of their situation; the enemy were apprized of their march—their strength reduced by desertion—the camp almost destitute of provisions, and no certainty of getting any, should they proceed, and take the town;

nor even upon their return to St. Vincennes were they certain of a supply. There was a chance for green corn: to this, however, they were not willing to trust. After a short and rather tumultuous council, orders were given to decamp, and return. It is probable, there was a mutual want of confidence. Otherwise, no doubt should be entertained, but that, had there been confidence and harmony, among the remaining officers, and soldiers, the force was abundantly sufficient, to have opposed with success, any number of the enemy that would have been collected. While the campaign might have been closed with the greater honour, as the force was less.

Under the actual circumstances of the case, it is however believed, that it was prudent to relinquish the expedition; as the least of probable evils. But little time was necessary to prepare for a retrograde movement. And the two parts of the army, were reunited in the evening; and encamped together.

The march was continued the next day, in conjunction; or rather in contiguity, and without much order, to St. Vincennes. At that place, the whole body was broken into small parties; and came in by fragments, and without regard to order. Thus terminated, an expedition of much promise, in confusion, and disgrace.

General Wilkinson, who was at the falls of Ohio, wrote to a friend in Fayette—"that the sun of General Clark's military glory had set, never more to rise."

There was much meaning in this sentence, which those who had fathomed Wilkinson, knew how to interpret, and appreciate.

Rumours, were indeed, unfavourable to the reputation of General Clark. But those rumours, had been set afloat, by his enemies, who wanted an apology for their own conduct; and who in turn, were accused of fomenting the insubordination, and mutiny, of which they availed themselves to terminate the campaign dishonourably.

Candour, however, extorts a confession, that is made with regret, that General Clark, at this time, "was not the man he

had been." A high sense of injustice, and neglect, had been left to corrode the mind of General Clark, by the government, whose territory he had enlarged, and whose reputation he had raised to renown. This had produced a chagrin, which, in the mortification, and ennui, incident to the want of employment, and inaction, had sought extinguishment, or oblivion, in the free use of ardent spirits.

He was accused, with too much truth, for his fame, with frequent intoxication; even in his camp. For however the practice may shelter its enormities under the garb of liberality, or the embellishment of sociability; it becomes, in the man intrusted with command, a vice of the most pernicious, and reprehensible, character.

It was asserted by the friends of General Clark, nor is it recollected that even his enemies denied it, that he was opposed to laying in camp on the Wabash, for the arrival of the boats—that he advised, an immediate and rapid march, with the provisions and ammunition which they had; with orders, that the rest of the stores, when landed, should be moved on, by a detachment, left for that purpose. And when his former expeditions, conducted with such unexampled secrecy, and despatch, are recollected, there appears no reason to doubt the truth of the report. Nor should it be for a moment doubted, that if his advice had been adopted, but that he would have observed the strictest rules of sobriety, and by his skilful conduct, have ensured his wonted success. But his advice, was overruled by a plurality of voices; and he submitted, of necessity—the consequences have been seen.

For to the delay occasioned thereby, may safely be attributed the failure of the expedition. Since, nothing is more true, than the observation, that inactivity among undisciplined troops, generates discontent, and faction, and mutiny; the certain forerunners of disappointment, and mishappening of events.

There was, however, another branch of this military enterprise, which was executed with better fortune.

Colonel Benjamin Logan, had crossed the Ohio, with General Clark, on his march to St. Vincennes. In the camp on Silver creek, it was decided in a consultation on the subject, that the colonel should return into Kentucky; there raise a party with all practicable speed—and march against the Shawanees: whose attention it was conjectured would be engaged, by rumours of the army on the Wabash. Logan, accordingly left the camp, returned through the country to his home, having made known his intentions, and want of volunteers; where he soon ascertained, that he could muster a competent number, of mounted riflemen, to commence the expedition. His march was rapid; he surprised one of the Shawanee towns, killed a few warriors, took some more; and brought away the women and children, of some others. In short, the expedition was successful. The town was burned, and the corn, and beans destroyed. No loss is recollected to have taken place, on the part of Logan. In fact, it was, as it had been predicted, the town was not defended—because its warriors, were generally otherwise engaged.

As mankind, are prone, to seek palliatives for misfortune, especially where they imply a fault; the success of Colonel Logan, was made to console the country, for the miscarriage of General Clark.

While these transactions, engaged the attention of a part of the military citizens of the country, in the field; the fourth Monday of September arrived; on which the convention was to meet, under the act of separation.

Some of the members attended, when it was perceived, that so many of them, were on the two expeditions, that a quorum could not be had, to do business. On the 26th of the month, the members present, under the denomination of COMMITTEE, prepared a memorial to the legislature, containing a statement of the causes, which prevented the convention, from being formed, and proceeding to business; and withall, requesting, that some alteration might be made in the terms of separation.

This memorial, was transmitted to John Marshall, then resident in Richmond, to be laid before the general assembly;

which was accordingly done. And which produced a supervision of the first, and the passage of the second act, of séparation; as will be noticed in another place.

In the interval, and conforming this history to the chequered affairs of human life, its frequent transitions from military to civil, and from civil to military, occurrences, is but a necessary consequence, of that conformity. There is, therefore, no difficulty in falling into the following narrative of Indian hostility, and depredation.

In October of this year, a large number of families, travelling by land to Kentucky, known by the name of McKnitt's company, were surprised in camp, at night, by a party of Indians, between Big, and Little, Laurel river; and totally defeated, with the loss of twenty-one persons killed, and the rest dispersed, or taken prisoners.

About the same time, Captain Hardin, from the southwestern part of the district, with a party of men, made an excursion into the Indian country, surrounding the Saline; he fell in with a camp of Indians, whom he attacked, and defeated; killing four of them, without loss on his part.

Sometime in December, Hargrove and others, were defeated at the mouth of Buck creek, on the Cumberland river. The Indians attacked in the night, killed one man, and wounded Hargrove; who directly became engaged in a rencounter with the Indian, armed with his tomahawk; of this he was disarmed, but escaped; leaving the weapon with Hargrove, who bore it off; glad to extricate himself.

In this year also, Benjamin Price, was killed near the three forks of Kentucky.

Thus ended the year, in a full renewal of the war, whose beginning had witnessed the completion of the treaties of peace.

By this time, one thing must have been obvious to those who had attended to the course of events—and that was: that if the Indians came into the country, whether for peace, or war, hostilities were inevitable.

If the white people, went into their country, the same consequences followed. The parties were yet highly exasperated

against each other; they had not cooled since the peace, if peace it could be called; and meet where they would, bloodshed, was the result.

Whether the Indians to the north, and west, had ascertained, or not, that the two expeditions of this year were with or without the consent of congress, they could but think the treaties, vain things; and either made by those who had no right, to make them, or no power, to enforce them. With Kentuckians, it was known, that the latter was the fact. To the Indians, the consequence was the same. They knew to a certainty, that the British had not surrendered the posts on the lakes—that it was from them, they received their supplies; that they had been deceived, as to the United States getting the posts—and they were easily persuaded to believe, that these posts, would not be transferred; and that in truth, the British, not the United States, had been the conquerors, in the late war.

Such, were the reflections, which the state of facts, would have justified; and at the same time have disposed them for war. The invasion of their country, by two formidable armies from Kentucky, could leave no doubt of a disposition equally hostile, on her part. Congress, utterly destitute of the means for enforcing the treaties, either, on the one side, or the other; stood aloof, ruminating on the inexhaustible abundance of her own want of resources—and the abuse of herself, for not possessing them.

[1787.] During this time, so extremely solicitous were those members of the convention, who had attended their seats, to prevent the extinction of the body to which they belonged; that a part of them, and the clerk, attended, and adjourned, every day, until some time in January, 1787; when a quorum, attended, and proceeded to business. The question was again proposed, *Whether it was expedient for, and the will of the good people of the district, that the same should become a state separate from, and independent of Virginia, upon the terms of the act*—and answered in the affirmative.

At this important, and eventful crisis, the second act, requiring another convention, was received by the president, in a letter from a member of the legislature.

It is not easy to describe the discomfiture and chagrin attending this communication. Those, who, the moment before felt themselves big with the future destinies of the country, discovered in an instant, that the vote they had just given, was without authority; that they were private individuals; and that the next step taken by them as a convention, would be an act of usurpation.

Such, however, was their sense of moral and legal obligation, that they immediately desisted; and soon after, returned peaceably, if not contentedly, home, to contemplate consequences.

Those among the leaders, who were extremely sanguine in their expectations of office, and emolument, under the new order of things, murmured at the recent disappointment; and endeavoured to throw an odium on the legislature for an act, rendered necessary by occurrences in Kentucky, over which it had no control; and for which it had given no order, or authority:—the expeditions of 1786; the consequent failure of the convention of September to act under the first law; and finally, the application of a committee, of that convention, to alter the law, which prescribed the terms of separation. These were causes, or considerations, which induced the conduct of the legislature; which in reason, should have been expected; but which in passion, was reprobated and condemned.

Mr. Marshall, to whom the memorial of the committee had been transmitted, as has been mentioned, and who had attended to it before the legislature, by letter, stated the reasons, which influenced the general assembly, in passing the new law;—which in substance were:

1st. That the original law, requiring a decision on the subject of separation, in time, if adopted, for congress to determine on the admission of Kentucky into the union before the first day of June, 1787, could not, in consequence of delay, be executed.

2d. That the twelve months' existence allowed to the convention, for other purposes, might in the divided state of public opinion, involve difficulties—especially as there did not appear to be in the minority, a disposition to submit to the will of the majority.

3d. That the proceedings of the convention, would be subject to objections in consequence of defects in the law.

4th. That the most safe, accommodating, and unexceptionable, course, would be, to pass a new law, in which the defects of the former act might be corrected; and to call another convention, to the decisions of which, even the disappointed, could make no reasonable objection.

The result of this reasoning is to be found in a summary of the act, as follows:

The preamble assigns as reasons for the act, the failure of the convention to meet, and the impracticability of executing the law for want of time. It further expressed a continued disposition in the legislature, to assent to the proposed separation.

It enacts, that on the August courts of the year 1787, the free male inhabitants of the district in their respective counties, should elect five members for each county, to compose a convention, to be held at Danville on the third Monday in the ensuing September; with the powers, and for the purposes, to be further mentioned in the act.

The members were to continue in appointment for one year. And the officers were charged to notify the people, and to conduct the elections, as had been prescribed in the first act.

Five members assembled to have power to adjourn from day to day, and to issue writs, for elections, if necessary to fill vacancies.

A majority of the whole, might choose a president and other officers, settle the rules of proceedings, and authorize a call of the convention, during a recess. Two-thirds of the whole, were required to decide in favour of a separation, in order to make it valid.

The 4th of July, 1787, was fixed as the limit within which congress was to express her assent to the admission of the proposed state into the confederation.

And to the end that no period of anarchy should take place, the convention was required to take measures for the election, and meeting of a convention, to form the constitution, and to declare what laws should be continued in force, until altered or abolished by the new state. Taking care that all this should be done prior to the day determined on, for the separation. Which was limited to the permanent terms, expressed in the first law; but different as to time.

The material change effected by the incidents now detailed, was to postpone the separation for one year. By the act first passed, the separation could not take place before the 1st day of September, 1787;—by the second act it was not to take place prior to the 1st day of January, 1789. But then, it was necessarily postponed to the assent of congress,—and the formation of the constitution, as before stated.

There is one *proviso* in the act, which should not be omitted. If two-thirds of the members of the convention, did not assemble within the first fifteen days, any number, in which a majority of the whole concurred in the vote, was competent to decide in favour of separation. (See Appendix, B.)

It is true, that this law replaced the separatists at the starting pole, again to run the race of popular opinion, and to encounter the incidents of delay. But time brought to their aid new circumstances, and events, convertible to their purposes; and well calculated under their management, to subdue existing objections to the proposed separation.

By some, these occurrences were seized with avidity, to rouse, inflame, and disaffect, the minds of the people, not only in relation to Virginia; but also to the eastern states—and even, as to congress, and the confederation.

The Indian war, now found a most powerful auxiliary, in the navigation of the Mississippi, for carrying on this new

enterprise, against the integrity of the United States. No two subjects could be more interesting to the people, of Kentucky; while both were beyond the control of Virginia—and also, of congress. For, as to the war, the Indians controlled that; and the navigation, was controlled by the Spaniards—dependent nations, with whom even congress, who held the exclusive right of treaty making, could not treat with, but with their consent: nor enforce the execution of treaties upon them when made; as was completely evinced, as to those previously made, with Great Britain, and the Indian tribes; even could it have been done on their own side: a matter of but little less difficulty.

The war, now revived in its whole extent, as before the treaties, was nevertheless an old theme; while the navigation alluded to, was just about this time, flashed in the faces of the people, and pressed upon their attention, in a manner quite new; as will appear in the sequel; accompanied with alarming representations of danger; addressed to more passions than that of fear.

At the time now under review, there was no postoffice in Kentucky; no safe or certain mode of conveyance for letters, or newspapers, between this country, and the rest of the union: which left the people in ignorance of public affairs, and placed them much at the mercy, and management of designing persons of every character. The congress, then sat in New York; and there being no member from this district in it, there hardly appeared any medium of communication with that body. The consequence was, great want of information on both sides, of the dispositions, and transactions, of each other. The people here, were but too readily made to believe that congress neglected them; while at the same time, it was not strange if congress, thought themselves-willed, and refractory. A situation, at all times to be deprecated. Because it affords to the designing, constant opportunities of imposing misrepresentations upon the residue of the community, whether in or out of office.

CHAP. XII.

Navigation of the Mississippi, proceedings as to it—Indian hostilities—Separation, measures taken to effect it, &c. &c.

[1787.] NOTWITHSTANDING, but little had been publicly said about the navigation of the Mississippi prior to March, 1787; yet it was sometimes mentioned, and no doubt, much thought of as the great channel of communication with the Atlantic; and for the export of the productions of the country, which might in future be destined to seek a foreign market. About that time, however, an occurrence took place, which presented the subject in a new aspect; with the intent of exciting new interests.

An association of men, under what pretence is not exactly known; possibly self-created, for the special purpose of taking care of the navigation of that river; and styling itself "a committee of correspondence in the western part of Pennsylvania," made a communication to the people of Kentucky in the following terms, viz:

"That John Jay, the American secretary for foreign affairs, had made a proposition to Don Gardoqui, the Spanish minister, near the United States, to cede the navigation of the Mississippi to Spain for twenty-five or thirty years; in consideration of some commercial advantages, to be granted to the United States; but such, as the people of the western country could derive no profit from."

This information, taken literally, and importing a *proposition* only, on the part of the secretary; was immediately seized, as furnishing matter of alarm, to the people, for the safety of the navigation in question; and held forth to them as evidence of a danger, which at once they were bound to meet and oppose. It is indeed at all times advisable, to be vigilant—and those who affect to watch over the rights and interests of the community, have a positive merit, in understanding those rights, and

interests, in representing them truly, and in calling the attention of the public to them, when they become jeopardized, or have been neglected by those official functionaries whose duty of office it was to take care of them. To do all this correctly, is at all times meritorious.

This information, communicated as above stated, came opportunely enough, for those leaders of separation, who might yet think, the Indian war alone, inadequate to the purpose of disaffecting the Kentuckians, to their atlantic connexions.

It was immediately seized, and converted into a charge against *congress*, of proposing to cede to Spain this navigation, now magnified into great importance; and as giving just alarm: whence it became necessary that the people should immediately interfere.

Inasmuch, however, as several of the most active partisans, on this occasion are still living, and have furnished a voucher for their public conduct, it will be inserted, as belonging to the history of the times; and as a testimonial of their merit! It follows:

“Circular Letter directed to the different Courts in the Western Country.

KENTUCKY, DANVILLE, March 29th, 1787.

“A respectable number of the inhabitants of the district, having met at this place, being greatly alarmed at the late proceedings of *congress*, in proposing to cede to the Spanish court the navigation of the Mississippi river, for twenty-five or thirty years, have directed us to address the inhabitants on the western waters, and inform them of the measures which it is proper for this district to adopt.

“The inhabitants of the several counties in this district, will be requested to elect five members in each county, to meet in Danville on the first Monday of May, to take up the consideration of this project of congress; to prepare a spirited, but decent remonstrance, against the cession; to appoint a committee of correspondence, and to communicate with one already established on the Monongahela, or any other that may be constituted; to appoint delegates, to meet representatives from

the several districts on the western waters, in convention, should a convention be deemed necessary; and to adopt such other measures as shall be most conducive to our happiness. As we conceive that all the inhabitants residing on the western waters, are equally affected by this partial conduct of congress, we doubt not but they will readily approve of our conduct, and cheerfully adopt a similar system, to prevent a measure which tends to almost a total destruction of the western country.. This is a subject which requires no comment; the injustice of the measure is glaring; and as the inhabitants of this district wish to unite their efforts, to oppose the cession of the navigation of the Mississippi, with those of their brethren residing on the western waters, we hope to see such an exertion made upon this important occasion, as may convince congress, that the inhabitants of the western country are united in the opposition, and consider themselves entitled to all the privileges of freemen, and those blessings procured by the revolution, and will not tamely submit to an act of oppression which would tend to a deprivation of our just rights and privileges.

"We are, Gentlemen,

"With respect,

"Your most obedient servants;

"GEORGE MUTER,

"HARRY INNIS.

"JOHN BROWN.

"BENJAMIN SEBASTIAN."

One, at least, of these missiles being despatched to each county in the district, it had the effect to be expected—it spread the alarm, which it expressed—excited the feelings intended to be aroused—turned public attention upon congress, as the author of the threatened injustice—and could but increase the jealousy; and even animosity, which some had already conceived against that body; on account of its conduct in relation to the Indians. Had it been true, in its representation of the conduct of congress, touching the navigation of the Mississippi, no exception could have been taken, to its composition.

But it substituted, congress, for the "secretary of foreign affairs;" and charged upon this substitute, thus made, a proposition, which had been suggested by the "secretary" only—a proposition which had been expressly inhibited by congress, and never authorized by any subsequent order.

Again, it may be inquired, if the circumstances of the case, as it stood in fact, were a justification for the course proposed in the circular? That the people have at all times, a right to assemble peaceably, and to consult one-another, about the means of their happiness, and to apply to those in authority, by petition, address, or remonstrance, to avert an impending, or correct a present evil, is one of those plain propositions which should never be questioned. Its assertion and maintenance are essential to free republics—and to the preservation of those human rights, and privileges, which have not been submitted to government. Nor will it now be denied, however questionable some may think it, but that the citizens of an organized government have a right to choose representatives, to constitute county, or state, conventions, for purposes not indicated in their constitution. The most that the present case seems to require to be said, is, that conventions of representatives of the people, having no legally defined object; and extending their corresponding and affiliating views to foreign connexions, are dangerous institutions; justly alarming to well disposed citizens; unless the object is to overturn the existing government; and that being avowed, has the general approbation. In the case alluded to, the ostensible object, was the security of the navigation—the proposed means were alone questionable. What ulterior views the authors of the circular letter had formed, if any, it is not necessary to explore. These observations will guard an inquiry into the real facts of the case, now briefly to be exposed, from any misconception.

It appears, that as early as the month of November, 1786, the general assembly, of Virginia, had taken up the subject of this navigation in reference to the case alluded to in the circular, upon the remonstrance of some of her western inhabitants; who had applied to that constitutional organ, rather

than to a convention, for the attainment of their wishes: and that the assembly had passed such resolves, and made such representations, for congress, as sufficiently evince the deep interest which the state took in the subject; and which was expressed in the following terms:

1st. "*Resolved unanimously*, That a copy of the memorial of sundry inhabitants of the western country, be transmitted to the delegates representing this state in congress.

2d. "*Resolved unanimously*, That the common right of navigating the Mississippi, and of communicating with other nations through that channel, be considered as the bountiful gift of nature to the United States, as proprietors of the territories watered by the said river and its eastern branches.

3d. "*Resolved unanimously*, That the confederacy having been formed on the broad basis of equal rights in every part thereof, and confided to the protection and guardianship of the whole; a sacrifice of the rights of any one part, to the supposed, or real interest of another part, would be a flagrant violation of justice, and a direct contravention of the end for which the federal government was instituted, and an alarming innovation on the system of the union.

4th. "*Resolved therefore unanimously*, That the delegates representing this state in congress, be instructed, in the most decided terms, to oppose any attempts that may be made in congress, to barter or surrender to any nation whatever, the right of the United States to the free and common use of the river Mississippi; and to protest against the same as a dishonourable departure from that comprehensive and benevolent policy which constitutes the vital principle of the confederation; as provoking the just resentments and reproaches of our western brethren, whose essential rights and interests, would be thereby sacrificed and sold; as destroying that confidence in the wisdom, justice and liberality, of the federal councils, which is so necessary at this crisis, to a proper enlargement of their authority; and finally, as tending to undermine our repose, our prosperity, and our union itself: and that the said delegates be further instructed to urge the proper negotiations with

Spain, for obtaining her concurrence in such regulations touching the mutual and common use of the said river, as may secure the permanent harmony and affection of the two nations, and such as the wise and generous policy of his Catholic Majesty will perceive to be no less due to the interests of his own subjects than to the just and friendly views of the United States."

Thus had Virginia, including Kentucky, which then sent eight, or ten representatives to her general assembly, spoken; about four months before, the origin of the circular; whose ostensible object it was, to get up a convention, upon the same subject: and for the old, not any new cause. That cause, will now be developed.

The treaties of peace, had vested in the United States the country on the eastern bank of the Mississippi, down to the northern extremity of the thirty-first degree of latitude; and in Spain, the residue: part of which, and the right of navigating the river, Great Britain had previously held.

By treaty with Great Britain, the United States, had acquired all the right to the navigation of this river, which Great Britain could convey—that is: a concurrent right with Great Britain, where she held exclusively; and participating the right, where either held it concurrently with any other nation; and having, in fact, no right, where Great Britain had none; except what was derived from the possession of one bank. And now, without any disquisition on the law of nations, as to the navigation of rivers; it may be laid down, as the law of nature, sanctioned by reason, that whatever nation holds the shore, or shores, of a river, has a right to navigate its stream; and that in proportion to its possession, on the bank.

But that right, cannot extend further up, or down the river, than the shore possession extends; nor farther into the river than half its width, where one of its banks only is held—but quite across, where both are occupied—and exclusive of all others, where the banks are so near, as to overlook each other; or that a stranger could not pass, without detection.

The principle of this code, is the equal rights of nations. Their peace, is a consequence of its observance; their security, demands its assertion.

The right of navigation, is, in its principle and commencement, a territorial right; as a consequence, all nations bordering on the sea, have a right to navigate it at large: while the coasting navigation is limited in its extent, to the coasts, held by the nation, who navigates.

These principles, will not give to a nation holding the sources of a river, the right of navigating it to the sea; any more than holding a mountain, or any territory, from which a road leads to the sea, through foreign countries, would give the right of passage, to the same object. The real, or imaginary, convenience to be made of the use of the sea, gives as much right to reach it in the one case, as in the other; but without any right on land, of what avail is a right of navigating the sea? or even a river? Navigation without a port, would be useless.

It is believed, that congress never considered the right of the United States to the navigation of the Mississippi, as perfect, while the Spaniards held both banks, and the island of New Orleans; as was the case at the time alluded to; nor was it in any manner acknowledged to be so, by the king of Spain.

If Great Britain possessed a right of navigation while she held the east bank to the sea, she lost that right, when she lost the territory. When Spain, and Great Britain, held the opposite shores of the river, they held concurrently rights to its navigation. Great Britain afterwards, as in the war, losing her territory on the river, lost with it her right of navigation. Thus Spain gained all; the United States, none, below the thirty-second degree of latitude.

The matter of right, to this navigation, on the part of Virginia, is limited, to the principles here announced; however unlimited the assertion in common use might be.

In her general assembly, as already recited, it was unanimously resolved, "that the common right of navigating the Mississippi, and of communicating with other nations through

that channel, be considered as the bountiful gift of nature to the United States, as proprietors of the territory watered by the said river, and its eastern branches."

This right of navigation, so held; and the boundary by land, between the Spanish territory, and that of the United States, not theretofore ascertained, had for some time been under discussion, between the two governments, without receiving any satisfactory adjustment.

As early as the 28th of June, 1785, the arrival of Don Gar-doqui, had been announced to congress; and that he was the *encargo de negocios* of his Catholic Majesty, with plenipotentiary powers, to treat on behalf of his Majesty, with any person, or persons vested with equal powers, by the United States, on the subjects in controversy.

The Honourable John Jay, then being the secretary of the United States for foreign affairs, received from congress a similar commission; and a negotiation was opened between these ministers in New York. But it is to be remarked, that the caution of congress, had inserted in the commission of Mr. Jay, these *ultima*: "that he enter into no treaty, compact, or convention, whatever, with the said representative of Spain, which did not stipulate the right of the United States, to the navigation of the Mississippi, and the boundaries as established by their treaty with Great Britain." Such was the care, and attention of congress, to the subject, at the time.

More than half a year had elapsed before congress had any communication as to the progress of the negotiation. Difficulties were at length announced, by the American minister, on the subjects of treaty. He was called before congress—and explained, by reference to the navigation of the river, which was claimed exclusively by Spain, within her territories; and further, by presenting to view, the project of a commercial treaty, containing, as he contended, advantageous stipulations in favour of the United States—in consideration of which, it was proposed that they "should forbear the use of the naviga-

tion of the Mississippi, for the term of twenty-five or thirty years." He urged the adoption of this project as a beneficial one for the United States—said that a stipulation to "forbear the use," on the part of the United States, accepted by Spain, was an admission on her part, of the right—that in fact, the United States, were in no condition to take the river, or force the use of it—and therefore gave nothing, for the benefit they would derive from the proposed treaty; not otherwise to be effected, for the use of the nation.

Under this view of the subject, the seven most eastwardly of the states voted to rescind the *ultima* in the secretary's instructions; and it was of course so entered on the Journal: the other states dissenting. It however, required the concurrence of nine states, to give an instruction—therefore, none was given. The case had been debated—the strength of the party, for the treaty, had been tried, "and found wanting." The project had failed.

If the views of the secretary, had been supported on one side, it was on the other, opposed with equal ardour, and pertinacity. This controversy brought the subject before the public: the general assembly, had taken it into consideration, and expressed its opinions of what was necessary, in the resolutions already seen.

Of these, the representatives from Kentucky, cannot be supposed ignorant: if they had not diffused the knowledge among their constituents, it may be ascribed, to their considering, that every thing had been done, which the occasion demanded; and that there was no utility, in further public expression of opinion.

That the leaders of separation, and especially the subscribers to the circular, should have known nothing, or not understood, the transactions, of which details have been given—can only be accounted for, if at all presumable, upon the known difficulty of intercourse with the Atlantic, for want of safe conveyance. To assume, that they were informed of those transactions

before they sent forth their project for convention, would be to involve imputations, much stronger, and more serious, than ignorance. For what could a convention do, on the subject of the Mississippi navigation, which the general assembly, had not done—which congress had not done—unless it was to inflame, and disaffect, the public mind, as to both—or make overtures to Spain, as to this navigation? Were it not proper that history should exhibit actors, and events, with attendant circumstances, so that they may be justly appreciated; it might appear, where efforts prove abortive, that oblivion, should be their only repository. In such cases, however, a dispensation is claimed, as to conjectures; and to others is left a solution of difficulties, often found involved in a plot, but half executed; as was this convention scheme.

Whatever degree of knowledge, or ignorance, may be ascribed to the authors of the project, for convention, it may be safely assumed as a fact, that the people at large knew little, or nothing, of what had been done either in congress, or the general assembly, or elsewhere, as to the navigation. The better, therefore, were they prepared to receive erroneous impressions—the more easily to be misled. The circular concealed important truths, and advanced what was not true; equally important, had it been the truth; with the intent, that it should have the same effect. A trait in public despatches, forever to be deprecated. As misrepresentation is an odious vehicle for good intentions—could they even be made such. A proposition ever to be doubted.

The people, as informed, properly attentive to their interests, and considering their rights in danger, did as they were advised, to protect them; and, by what numbers is not known, chose representatives in most, or all, of the counties. At the time, and place, recommended, they assembled; assumed the deliberative form; and after conferring together, and ascertaining what the general assembly, had done on the subject, as herein seen; considering themselves completely anticipated, and without any thing left to do; adjourned without day. Not, however, without a strenuous effort, on the part of those who had signed

the circular, and a few others, to get up a remonstrance. It seemed so much, if the figure may be indulged, like impelling a cannon ball, with drop shot, that it was however, declined, by a large majority—and the meeting dissolved.

This temperate and prudent course of conduct, it is believed, gave very general satisfaction to the people, who, upon being informed of the true state of the case, very rationally reposed the defence and care of their national rights, upon the regularly constituted organs of public will; with a composure and serenity, worthy of their good sense.

If indeed, Virginia, in the course of the contest for independence, when anxious for its acknowledgment, by Spain, as one of the great European powers; and yet more solicitous, to place that independence beyond the reach of the public enemy, had assented to an authority in congress, to make the navigation of the Mississippi a subject of barter for that acknowledgment; the power itself had not been acted on; and was revoked on the establishment of peace. Besides, the importance of that navigation, had now assumed a growth, and magnitude, by means of the western population, which did not exist at the time, and could hardly have been foreseen, when the authority alluded to, had been given. Kentucky, was not the only part of Virginia, now interested in the navigation of the river; the people of Holston, of the Kenhawa, and upper waters of the Ohio, equally felt themselves concerned. In addition to this, her neighbouring states of Pennsylvania, and Carolina, were parties of no inconsiderable weight; whose interests in the same navigation, were also implicated. They had their representatives in the councils of the nation; and whose sympathies were in the most perfect unison with the resolutions of Virginia. And these, it has been seen, expressed the wishes of such citizens in Kentucky, as preferred the constitutional, to an irregular, and it may be said, disorganizing medium of expressing them.

And so the mighty project, for conventioning the western country, whether it originated in sheer ignorance, or a meritorious design; exhibited but the fantasy of an abortion; a mis-conceived embryo, stifled in a state of immaturity.

To point out the illicit course embraced in this convention scheme, would at this time be of little utility;—the sequel of this history, will present each of its ostensible authors, in divers attitudes, whence their respective merits may be pretty clearly discerned. Of those now living—Mr. Brown, and Mr. Sebastian—it may be remarked, that they have ceased to occupy situations, where either their ignorance, or designs, can be of much detriment to the country; nor are their names any otherwise material, than as they serve to identify, the transactions, which are narrated. Not more to furnish the memory with facts, than to aid the judgment in making up its estimates from many examples, of the moral affinities, which compose the minds of men, should history be written. For, what avails the reminiscences of facts, if they cannot be traced either to their causes, or to their consequences? Again: “as from the abundance of the heart, the mouth speaketh;” so the mind of man, is the fountain, whence his conduct flows as so many streams; and by which, a judgment may be formed of the contents of this moral reservoir. Honest purposes decorate themselves, with truth; while untruth, is imposition; and that, but another name for fraud; ever found in company with each other—as certain, as the needle points to the pole. But no more, of these didactics.

Soon after the meeting at Danville, intelligence was brought to Colonel John Logan, of Lincoln county, that one of its inhabitants by the name of Luttrell, was killed by Indians, on Fishing creek; upon which the colonel collected a party of his militia, repaired to the place—fell upon a *trail*, pursued it to, and across the Cumberland river—came up with the Indians in their own territory; fired on them, killed several, dispersed the rest, and retook the plunder; with all the furs, and skins, belonging to the camp. With these, he returned home in triumph. The tribe to which these Indians belonged, being included in one of the treaties of Hopewell; claimed the benefit of that treaty, charged the aggression to Kentucky, in a complaint to the executive; and demanded reparation. This produced an instruction to Harry Innis, attorney general, for the

district, to suppress the like practices, by public prosecution. To which that officer replied, by a letter dated the 21st of July, 1787; "In my official capacity, I cannot do it—in a private capacity, it would render me odious." And certainly, no prosecution was attempted. The law of depredation, on the one side, and retaliation, on the other, seems to have been the only laws thought applicable to the parties, in those times.

The same officer, in continuation, adds: "The Indians have been very troublesome on our frontiers, and still continue to molest us. From which circumstance, I am decidedly of opinion, that this western country will in a few years act for itself, and *erect an independent government*; for, under the present system, we cannot exert our strength: neither does congress seem disposed to protect us—for we are informed that those troops which congress directed the several states to raise for the defence of the western country are disbanded. I have just dropped this hint to your excellency for matter of reflection."

Whatever may be thought of the logic in these extracts, the sentiment is pretty clearly expressed in favour of absolute independence—for the writer's decided opinion was, "*that the western country will in a few years act for itself, and erect an independent government.*" Neither Virginia, nor the United States, doing what was necessary for her defence. To exert her own strength unrestrained by either, nothing short of throwing herself out of the union, could suffice.

Innis, was one of those who had signed the circular for a convention, of unlimited powers; and General Wilkinson's, bosom friend; whose character, this history, will develop.

No sooner had the ferment occasioned by the representation that congress was about to barter away the navigation of the Mississippi, subsided, than a new attempt was made to reproduce it, by reiterated assertions of a right to the active possession, and use of it, to the sea.

Wilkinson, whose habits required the expenditure of money; and whose revenue demanded continued accession; being commercially inclined—and seeing less difficulty in an intercourse with the Spaniards at New Orleans, than the rest of

his countrymen: had, coeval with the determination in favour of separation from Virginia, decided upon making a voyage on the Mississippi. In the summer of this year, he reduced his theory, to practice, with a small cargo of tobacco; loudly exclaiming in the mean time, against restraints on the rights, of navigation, and free trade. Leaving his countrymen enraptured with his spirit of enterprise, and liberality: no less than with his unbounded patriotism.

Some time after the excursion of Colonel John Logan, to the south, Colonel Robert Todd, of Fayette, made one to the north—in consequence of information given by Shawanees, as it was said, that a party of Cherokees, settled on Paint creek, was hostile to Kentucky.

Todd's party killed three Indians, and took seven prisoners; who, being negligently kept, soon after made their escape.

In June, Major Oldham, crossed the Ohio with a scouting party, and made a tour to the Wabash; but without seeing any Indians.

Such representations, had in the interim, been made to the governor, that on the 5th of June in this year, there was laid before the council, sundry letters by express, from the county lieutenants of Lincoln, Jefferson, and Fayette; giving information that the western Indians, had at different times, and even recently, committed depredations on the inhabitants of Kentucky.

“Whereupon it was advised that copies of the several letters, and papers, be forwarded to the delegates of the state, in the congress of the United States.”

At the same time it was also advised: “that Colonel Benjamin Logan be directed immediately to convene the county lieutenants, or commanding officers of the different counties composing the District of Kentucky, and with their advice, to form some system for the defence of that district; cautiously avoiding offensive operations—and taking care that the troops, which it may be necessary to embody, for carrying into execution any plan of defence that may be adopted, *do on no occasion*

go without the limits of the state, except in the immediate pursuit of an invading enemy."

It cannot be denied, but that this order of the executive, evinces a proper attention to the defence of the country—authorizes the formation of a *system* for that purpose, by the county commandants, without limitation of internal means—and if there are cautions, or restrictions, as to the employment of those means, out of the state; they seem but a necessary consequence, of federate duties, and obligations: however lightly they might be felt, or pressed, in Kentucky. And this measure, by comparison of dates, will be seen to have preceded the letter of the attorney general, about forty-five days.

In consequence of the representation made to congress, by the same executive, it was *resolved*, on the 21st of July: "that the secretary at war place the troops of the United States in such positions as shall afford the most effectual protection to the frontier inhabitants of Pennsylvania, and Virginia, from the incursions and depredations of the Indians; for preventing intrusions on the federal lands, and promoting a favourable issue to the intended treaty," &c. And, "that the executive of Virginia, be requested to give orders to the militia in the district of Kentucky, to hold themselves in readiness to unite with the federal troops in such operations as the officer commanding them may judge necessary for the protection of the frontiers—and that on the application of the commanding officer of the federal troops, the said executive be requested to give orders that a part of said militia, not exceeding one thousand, be imbodyed, and take such positions, as the said commanding officer shall direct, for acting in conjunction with the federal troops, in protecting, and defending the frontier inhabitants, *and in making such expeditions against the Indians, in case they continue hostile*, as congress shall hereafter order and direct."

It would seem, that these acts of congress, might have satisfied all well disposed citizens less querulous than the attorney, that there was no want of attention to the measures of defence

for Kentucky: and especially, when in the unrestrained practice of the country, expeditions, and movements, against the Indians, external, and internal, were made at the instance of the local authorities. And whether lawful, or not; admitted of no inquiry.

These resolutions of congress, being transmitted to the executive of Virginia, on the 14th of August a copy was enclosed to the several county lieutenants of Kentucky; with instructions to hold their militia, *in readiness*, at all times, to unite with the federal troops, in such operations as the officer commanding them, shall judge to be necessary.

That general order, was qualified in the manner following:

"You are not, however, to consider yourself at liberty to *imbody* any part of your militia, for the purpose of carrying into execution the foregoing instructions, until you receive special orders from the executive for that purpose."

Thus, as it would appear, holding a check over the employment of the militia, by the federal officer; while the active services of it could at all times be commanded by the county lieutenants, according to such *system of defence*, as they might have adopted, under the instructions of the 5th of June.

Independence, was not therefore necessary, in order, that the country might exert her strength, in her own defence. Although, no insinuation will be made, that under all the circumstances, a constitutional separation, was not expedient: or that any other was contemplated; except, by a few.

At the August courts of this year, elections were held under the last act, for five members in each county; who were to compose a convention, to be formed in Danville, on the first Monday in September, for the purpose of deciding the question of expediency, as to the separation, on the terms proposed. The absence of General Wilkinson, was perceptible in the quiet of the election in Lexington. The full number of representatives were every where returned—while, the people appeared to look to the approaching convention, for the solution of their doubts.

In the mean time, an occurrence, now, so frequent as scarcely to attract notice, but then unprecedented in the district, was announced; and produced a general sensation, of applause.

It was the publication of "The Kentucky Gazette"—as a weekly newspaper, "by John Bradford:" an ingenious, and enterprising citizen of Lexington. It first appeared on the 28th of August, on a demi sheet; the 1st of September it assumed the medium size; which it retained for a time, and afterwards lost, in one of greater dimensions.

When it is considered, that there was not a printing press on the western waters, nor within five hundred miles of Lexington; that Mr. Bradford, was no printer, or self taught; and that the state of the country presented serious difficulties to its introduction, it is to be admitted that the district was placed under singular obligations to him, for the enterprise and exertion by which he procured the apparatus, and effected the establishment. And truly, it has been a most prolific parent, if it is to be esteemed the mother of the fifteen, that existed in 1812; and about thirty, at this time; which replenish the labouring mails, with weekly miscellanies; and feed the craving appetites of political news-mongers, with daily food for controversy.

There being a press in the western country—and free, of course; it opened a new scene to such as chose to figure in the drama, then in rehearsal, before the public; nor was it long unfilled. But immediately, the Gazette, became the vehicle of discussion to the parties, for, and against, the separation. The publications on the subject, still worthy of perusal, evince the possession of considerable political knowledge, as well, as literary acquirement, on both sides of the question.

The period at length arrived, when words were to be resolved into deeds, and something efficient to be done. On the 17th of September, the convention assembled at Danville, agreeably to the provisions of the act of separation; almost without an absent member. After the usual organization, and with but little debate; it was decided, without a dissenting voice, to be

“expedient for the good people of the district, that it should be separated from the rest of the state *upon the terms and conditions prescribed by law.*”

The convention then proceeded to address congress in a very respectful and loyal style, for the admission of the new state into the federal union, by the name of Kentucky. And fixed on the last day of December, 1788, for the termination of the authority of Virginia, and the commencement of the new republic.

Neither Virginia, nor the people, were addressed—but for the information of the latter, Mr. Bradford was requested to publish a copy of the journal—for the satisfaction of the former, the president was directed to enclose a copy of the proceedings to the executive.

It was also resolved, “that the president do address the representatives from this district to the general assembly, requesting that they will use their endeavours to have an inhabitant of the district appointed a delegate to congress for the ensuing year.”

And further, they resolved, “that a convention should be elected with full power and authority to frame and establish a fundamental constitution of government for the proposed state, and to declare what laws shall be in force therein, until abrogated or altered by the legislative authority acting under the constitution so to be framed and established.”

And finally, “that in the month of April next, on the respective days of the county courts within the said district, and at the places of holding courts therein respectively, representatives to continue in appointment until the 31st of December, 1788, to compose the said convention shall be elected within the said district by the FREE MALE inhabitants of each county, in the like manner as the delegates to the general assembly have been elected—in the proportions following, to-wit: In the county of Jefferson, five representatives.”—And so on, naming the several counties, and *giving five, to each.*

Thus, the convention, having manifested the utmost propriety of temper and conduct, and completed the business for

which it had been elected, and assembled, peaceably adjourned, and returned to their constituents, in the sanguine expectation, and reasonable hope, that labours so long pursued, and so faithfully performed, would be crowned in due season with their well merited success.

It is to be remarked of this convention, that it adopted the principle of an *equal representation by counties*; and also the manner of voting with audible voice, as practised under the state constitution. That it did not prescribe a qualification to the voters, of which the constitution also, gave so good an example; is to be attributed to the fixed sense of the country, as evinced in all the elections, for conventions, which had the proposed separation for their object, and end. Hitherto this want of discrimination, can hardly be set down, as an error; for yet, the constitution of the new state was not formed—yet, the community was to be considered in mass—and yet, were to be assembled, by its representatives, in convention, the people themselves, for the purpose, of ascertaining, arranging, and establishing, the fundamental principles, by which their future government should be organized; and administered, by its functionaries:—in fewer words, to frame A CONSTITUTION. It might, therefore, for an obvious reason, be referred to the constitutional convention, to settle and adjust, the relative claims of the citizens, to influence the movements of the government; *according to the veritable, and permanent, interest, of each*; estimated upon principles of general description, and operation. Because, admitting the proposition in the fullest extent, “that all are born equal;” yet, it is not upon their *birth* only, that government operates—it is not at their birth, that they choose legislators, governors, and judges, or are chosen to fill the office of either. No. Nor has any man, of common sense, it is believed, asserted, that all men, “continue equal during life:” nay, that they are equal, on the attainment of manhood, in mind, body, or estate. But the contrary, is the truth—they are unequal in each particular, and upon the whole. And why should not the truth be asserted, and maintained—especially in a case, where practical consequences are so numerous, and important?

The equality of men, at their birth; that is, of *infants*—if true, would have no useful application to them, when grown; when they are avowedly unequal—and when they become, both the organs, and subjects, of government.

But, whether men be equal, or not; it is never to be forgotten, by either the moralist, or politician, that they have senses, and perceptions, which are common to all; if in various perfection; and which constitute the common basis of rights in all; rights, of whatever magnitude, or description, equally sacred, if not equally valuable—and alike to be respected, and protected, according to their nature; whether adhering, to the poor, or to the rich—the ignorant, or the learned—the simple, or the wise. Among the most prominent, and comprehensive of these, are the rights respectively, of life, liberty, and property. Antecedent to the institution of government, these rights, but ill defined, seem to be subject to continual abuse, and a precarious enjoyment; evils, which if for any thing, government is ordained as the remedy. Inasmuch, therefore, as all who were to become parties to the government, either as governors, or governed, had rights according to their circumstances; it seems but reasonable that all should be represented in the convention, which was to limit pretensions—define rights—secure possession, and enjoyment; in which last word, all are included; and hence, that the convention of 1787, were right in authorizing that of 1788, to be chosen by the “free male inhabitants” of full age, without exception.

Nor should the observation be omitted, that their proceedings exhibited none of those sentiments, or proposals, which constrain the mind to run on to an absolute and total separation from Virginia, and the confederation, to find a resting place.

The reason indeed, will be obvious, when the fact is known, that the leader of *violent separation*, was not in the convention; being on his voyage to New Orleans. Mr. Brown, was probably in Virginia; having been that year, elected to the legislature. If Innis, and Sebastian, were present, they were not yet prepared to lead in such an enterprise—for they were then, but

as common troopers. While the eyes of Muter, being opened, he had drawn back, to constitutional ground.

The idea of separation in its origin, was entirely loyal—intended to be pursued in the course pointed out by propriety, and sanctioned by the constitution, and laws; with the view, and no other, of being embraced in the circle of confederated states.

When it was found that the legislature sanctioned this idea, it was as reasonable, as it was natural, to cast about the inquiry, Who would be proper representatives for the new state, in the congress of the United States? Nor, was this omitted among the friends of separation.

At the time, it is to be remembered, that each state sent as many members to congress, as it pleased; having but one effective vote; paid them as it pleased; and continued, or recalled, them, as it pleased. These being truly, the days of *statâ sovereignty*: happily, long since abolished.

After, however, the separation had been delayed, as already detailed, the propriety of having one of the Virginia delegation, from this district, was strongly urged by the same description of persons—even the convention requested it; as no doubt it was understood among certain characters, a motion would be made to that effect: and to which no reasonable objection, could be foreseen. The concert, was with as little doubt, if not with the same general knowledge or assent, extended further; and Mr. Brown, became a member of the Virginia legislature, from Kentucky: to which allusion, has been made; expecting the appointment, which he received.

It is to be understood, that during the time the question of separation had been agitated from 1784, until, the period in contemplation, no state of the Indian war, no fear that the navigation of the Mississippi would be sold, or bartered, by congress—nor any debates about the time of assuming government, had hindered emigration; or stopped the improvement of the country. While in fact, the people, in addition, to a profuse abundance of the substantial good things of life; enjoyed, with occasional and partial interruptions, much security,

and repose. So that it may be safely estimated, the population had doubled within the last three years—and that, in this accession, were many genteel families, and well informed men.

In December, the appointment of Mr. Brown to congress, was announced to his clients, by Harry Innis; who attended to his law business, in his absence.

As Mr. Brown, has already been introduced into this history, under circumstances of some conspicuity; and traced to a seat in congress; whence his conduct became still more interesting; the liberty will be taken at this place, of presenting the reader with an introductory sketch of that gentleman's biography. It may suffice to say:

He was the son of a respectable clergyman, who preached to several presbyterian congregations, in the counties of Augusta, and Rockbridge, Virginia. And while many other young men of his age were engaged in the arduous struggle for liberty, and independence; Mr. Brown, was too remote from danger, and too intent upon finishing his education, to hear the call on his patriotism—if in truth, he ever possessed an atom of patriotism, to be called on. He finished his education, about the close of the war—and was pronounced a classical scholar. He had attained a portly size—was of mature age—and moreover, a lawyer, previous to his arrival in Kentucky, in 1783. The district court, presented a convenient theatre for him, at Danville. To make his fortune was next his aim; and he set himself down, to reduce his theory to practice, in the line of his profession.

No man who had then arrived in Kentucky, made his appearance, under more favourable auspices, than Mr. Brown. His father was popular in his vocation—many of his church members, and others of the same fraternity, had removed to Kentucky; and readily transferred to the son, the friendship and regard, they felt for the father. Besides, Mr. Brown, was supposed to possess talents of the first class, and obtained credit to their full amount. He looked able to take on himself a share of the defence of the country, a circumstance not unnoticed—accommodated himself to the temper of the times—

had a fair reputation—and was thought to have identified his own prosperity, with that of Kentucky. A large proportion of business, and it was rapidly increasing, was placed in the hands of Mr. Brown—in the same proportion, he acquired popularity.

It has been seen, that he was a member of the convention in 1786—that in 1787, he was one of those who addressed the people on the subject of the Mississippi—and was in the assemblage, convened, on that occasion—that in the same year, he was elected to the state legislature—and was thence delegated to congress. It is in the latter capacity, as one of the national council, that he will be exhibited, as an object of public attention.

In the mean time, the Indians, deficient in neither information, nor reflection, as to what concerned themselves immediately; could but observe, that the British still held the posts on the lakes—which congress had informed them were some time before, to have been surrendered to the United States, as the consequence of their victory in the late war. They continued to get their usual supplies from these posts, or from British traders; nor could they be obtained elsewhere—they even doubted whether the congress had been conqueror—they thought themselves imposed upon—and they were uneasy under their treaties.

For however, hostilities, had been checked, or suspended, they had occasionally occurred, on both sides; and the parties exasperated against each other, were again at war. A real misfortune in the conducting of it, proceeded from the impossibility of discriminating, the well, from the ill disposed Indians; and the consequent involvement of all in the acts of retaliation, or of war, which ensued. While the Indians holding revenge, a virtue; and ever prompt to inflict it; fell upon, and made victims of the first white people, whom they could find, or chance threw in their way. In consequence of this state of things, each party, became at times the aggressor; and the war extended, to all the neighbouring tribes.

This year, with forty-six men, Simon Kenton pursued a large party of Indians to their camp, where New Market now stands. They had just decamped; which was a fortunate circumstance, for he ascertained by their *sign*, that they were at least, twice his number.

The Indians took a wagon on the road near the Blue licks, and made a man by the name of Scott, prisoner; Kenton, with a party, followed the Indians thirty miles over the Ohio, and retook Scott.

In the preceding year, with thirty-six men, he crossed the Ohio—surprised a camp—defeated a large party of Indians, on Bullskin; and retook their plunder. In this year, he commanded a volunteer company, on Colonel Logan's expedition.

In December, the Indians took a small station at Drennon's lick, rather detached from the close settlements; two men were killed—the enemy immediately abandoned the place—without pursuit;—and so is closed the account of the occurrences of the year.

CHAP. XIII.

Incidents of Indian hostility—Convention of July—its proceedings—those of Congress—Intrigue of Wilkinson, Brown, &c. with Spain, disclosed—Proceedings of Marshall, and Muter, relative to the election of another Convention, &c.

[1733.] THE Indians, as if more intent than usual, upon horse stealing, or murder, entered the settlements in January, 1733; and were caught in a snow—two of them being discovered in the neighbourhood of the Crab orchard, were pursued by Captain Whitley, and a party, by their tracks, and both made prisoners.

What was not unusual, they attempted to travel in the night, expecting probably to be pursued; but it was dark; and not being able to keep the war path, always a dim trace, they rambled considerably, frequently crossing it, and evidently intending escape; but being thus retarded, were overtaken, and not being fired at, surrendered. They were kindly treated, brought in, and afterwards exchanged. An example of humanity, the more readily recorded, as it was rare, at least, among small scouting parties.

About the 28th of the month, a party stole twenty horses, on Elkhorn, near Colonel Johnson's mill—they were pursued by Captain Herndon, and some of his men; but escaped. On this occasion, a most singular manœuvre was executed, by one of the Indians; probably the leader. The party, after travelling about twenty miles, halted in a brushy copse of wood, and were overtaken by the pursuers, who came close upon them, before they were discovered, or saw their adversary: which it would appear, by their actions, was at the same instant. Immediately preparation is made by the white men to fire, and at the same moment, the Indians give a yell, spring up, and seem to run in various directions; except one: who continued to yell, to scream, and to jump; now flying to one tree, then to another; now

dodging, then springing aloft—or curvetting, as one perfectly frantic; and all, in the face of his enemy.

This strange exhibition, attracted, and engrossed for the time, the attention of the party, and its captain; so that they did not even fire. Being exactly the thing, without doubt, intended to be effected, by this wily, and dexterous savage.

In the mean time, the other Indians, gathered up their guns and blankets—with which they disappeared; as did also this partisan hero, in an instant, after his followers were safe. A consequence of their immediate dispersion, and making no trace for pursuit. But leaving a superior enemy to make conjectures, and express their wonder, at the enchantment which had deluded them.

In February, General Wilkinson returned from Orleans, in a chariot, with four horses, and several slaves. And soon it was rumoured that he had made a contract with the Spanish governor, which enabled him to ship tobacco, and deposite it in the king's store, at ten dollars per hundred—*which none but Spanish subjects could do*. In fact, that he was a Spanish subject; having taken the necessary oath of allegiance, &c. He forthwith proposed buying tobacco, and let it be known that he had an exclusive privilege at New Orleans; spoke in high terms of the right of navigating the Mississippi, and of a commercial connexion between the two countries—with occasional hints, and inuendoes, that nothing was necessary to bring it about, but the separation, and *independence of Kentucky*. He had previously encouraged the raising of tobacco, and was now the buyer, of that article: for which he sometimes paid a few Spanish dollars; and readily promised the residue. This was perfectly satisfactory to the greater number of those who made it; and who could see no other certain market for the commodity: while in others, it excited a disposition to become adventurers in the same kind of enterprise: a few there were, whose suspicions were awakened, “that more was meant than a mere traffic in tobacco;” but, who, being left without any certain data, on which to raise an accusation; and still less able to stem the current of popular opinion, now gathering and

running, in favour of Wilkinson—kept their conjectures to themselves, or whispered them to a few friends only. For measures were soon taken, and sentiments, and opinions, propagated, to make the people believe that they were greatly indebted to General Wilkinson, *for opening that navigation, which Mr. Jay had wanted to surrender; and for realizing that commerce, which congress would not procure for Kentucky.* That the general, had secured the emoluments of this trade to himself, was a circumstance not worth mentioning, among these patriotic leaders.

In March, the Indians, repeated their visit to the frontiers—nor was it material as to the general impression, or result, what Indians, or what frontier. At this time, however, it was in the southern quarter. On the night of the 5th, a party fired on a camp of Kentuckians, upon the Cumberland road, and killed two of them: the rest fled. There was again, snow on the ground. A party of the neighbouring militia being collected, repaired to the camp; and thence pursuing the Indians, came up with them, in camp also—and fired on them, but killed none. The Indians, nevertheless, fled in great consternation, without their guns, or packs, in such rapidity, that they were not overtaken. But it was hoped that they perished in the cold; as several of the white men got frostbitten.

Quite in an opposite section of the country, about the 21st of the month, a banditti of these rude disturbers of domestic safety, called at the house of a Mrs. Shanks, on the waters of Licking, and demanded entertainment for the night; the door was shut, their company not being liked—and they refused entrance—the door was forced, four of the family killed, and the rest dispersed.

The 25th of the month, the same Indians probably, as the two places were not very distant, took a negro, on Elkhorn. The 28th, the bridle of a young man on horseback, was seized, by an Indian in ambush—who was compelled to break his hold, and the rider made his escape.

About this time, these savages, in considerable numbers, resorted to the Ohio; and there commenced a new mode of

warfare, much more terrible. They manned a flat, which they had taken, and learned how to manage; with this they intercepted several family boats on the river—and, consigning those on board to slaughter, they carried off the goods. And thus, besetting the great avenue of ingress, became the terror of those without, as well as of those within, the country. These circumstances excite considerable ferment in the minds of the people; which is turned to the account of the separatists—who cry out for power to carry the war into the Indian country. As if, in the event of separation from Virginia, and becoming a member of the union, the country would not still have been under the control of congress, in relation to expeditions beyond its own limits; as were the other states. And as if, any thing, short of a total independence of the federal system, could have conferred the right contended for, by the agitators of discontent. There was nothing in the existing state of things, which forbade arming boats, and driving the enemy off the river—there was no law, which forbade a pursuit by land—yet, little, or nothing, was done, but talk; and that neither, killed, nor intimidated the Indians.

In the mean time, also, another subject of great interest, had been thrown upon the public mind, and mingled itself with the other topics of discussion. It was the federal constitution, formed in 1787, and now offered to the adoption of the American people. It is confidently believed, that the advocates for immediate, in other words, *violent separation*, of which there were more than a few—were universally opposed to the adoption of this constitution. Many there were who became opposed to it, who were in favour of a regular separation, in consequence of objections which they heard; and others, from the same cause, who were opposed to a separation, on any terms. Of the last, it may be remarked, they had not much to say—while the tone of public opinion was certainly given, by the first.

The most common, and ostensible objection was, that it would endanger state rights, and personal liberty—that it was too strong.

While, nevertheless, the existing confederation, weak, and inefficient, was not only a cause of complaint, but a subject of ridicule, to some of those very men. It was, they said, a rope of sand—a sovereign, without subjects—a body, whose head, could not move its limbs—a thing to be pitied, not feared, or respected. This was but too true—and yet, that those who set out its defects, should be opposed to the constitution, which promised a remedy for them, involves no contradiction, will be apparent upon the introduction of a third idea, which is to be developed, and elucidated in the course of this history; and that is—*a connexion between the Spanish provinces, and Kentucky; under the protection of his Catholic Majesty, at that time contemplated; and known to be incompatible, with federal obligations.* The scheme of this treachery, was yet, however, managed with much caution; as the public mind was thought, not to be prepared for it; that it must await events, already in embryo; and, as it was hoped, fast approaching maturity.

The rejection of the proposed revisal of the government of the United States, was, without doubt, anticipated, as an event of the most flattering promise, and importance, by the Spaniardized republicans.

There were indeed, in Kentucky, many respectable and well informed citizens, who could not give their entire approbation to the constitution then offered to them; but who nevertheless, were not willing to lose it; and whose wish it evidently was, that it should be adopted with some amendments. But whether amendments were to be *prior*, or *subsequent*, to the ratification, produced a question not free from difficulty.

A crisis, more important to Kentucky, had never occurred. The legislature had authorized each county in the commonwealth, to elect two members at the general election in April, to meet on the ensuing June, at the seat of government; there to compose a convention, for the purpose of accepting, or rejecting, the new federal constitution. At the same election, were also to be chosen five members, it will be recollected, in each county, in order to form a convention at Danville, whose business it was, to form a constitution for the proposed state, of Kentucky.

These elections now approached; and it seemed to be, with the great mass of the people, who it is to be confessed, seldom see speculative objects in politics, with very clear discrimination, settled into an opinion, that the ratification of the federal constitution, was to be rejected—for want of *previous* amendments—with the exception of Jefferson county: where public opinion at that time, was governed by strong federal views, and wishes.

The requisite number of members, were every where elected, and without a failure, it is believed, took their seats in the convention; attended a session of three weeks, and voted on the question of ratification—eleven against, and three for it—Humphrey Marshall, of Fayette, with the two members from Jefferson—under a conviction, that *previous* amendments, amidst the divided, agitated, and conflicting opinions, and views of the popular leaders throughout the continent, were impracticable—that the attempt would hazard the existence of the union—whereas by the adoption of the constitution, all would be secured. Time, and experience have proved the correctness of that course. The vote for ratification took place on the 20th of June—eighty-eight, to seventy-eight—Virginia being the tenth adopting state. At the same time amendments were prepared, by unanimous concurrence, to be offered, to congress, and incorporated with the constitution, in the manner prescribed by it; and which so far as they have been deemed proper, have been adopted. And thus were defeated, *many factions*, no less hostile to the union, than that embodied as “The Hartford Convention.” In Kentucky, it was deeply felt, and strongly censured, by those who were themselves personally implicated—and who had yet influence enough to sway popular opinion. A strenuous attempt was made to direct this against the Fayette member, who had voted for the constitution; and not without effect. He had, it is true, been abundantly forewarned, of the loss of popularity, while on the convention—and admonished, that it was Mr. Brown’s decided opinion, rendered in a letter to a member, that the constitution

ought to be REJECTED. This, however, was not his first sin, against the light, and knowledge, of such men. He had participated in the active scenes of the revolution—heard the want of power in congress, often deplored, and witnessed its defects, as to Indian affairs, and the union generally; to which he was strongly attached: he had also been an observer of General Wilkinson's conduct, which was not to be accounted for upon legitimate motives; and he deemed, the new constitution an important improvement of the federal system—after hearing it ably discussed; his own convictions he could not violate; these taught him that he was subserving the *real interests* of his constituents—and according to these, he acted; putting to hazard, and at naught, his own popularity. Thinking withall, for his experience was then in its bud, that the people possessed, intelligence, and justice enough, to perceive and applaud, the propriety of the course pursued.

On the 28th of July, the Kentucky convention met at Danville. While in session, intelligence was brought, that congress had declined acting any further on the subject of Kentucky, without having passed an act for her admission into the confederation—preferring to leave the decision on that important point, to the congress, about to be formed under the recently adopted constitution.

This news, to the convention, and to the leaders generally, was as disagreeable, as it was unexpected. The favourite object of separation, in which was included a thousand hopes, and a thousand expectations, was a second time snatched from their eager grasp, when it was almost realized within their embrace. This was an event, which considerably agitated, but could not overturn the attachment, to union.

This period, so eventful! might never again return. Had the separation been complete, and a constitution of government formed, and organized; it might have been made a question, Whether, in case the new government of the United States took effect, of which there was yet doubt, Kentucky would be a member, or not. Nor were there wanting those who urged,

that although formally included in the adoption of Virginia, yet in fact, her representatives, by a great majority, were opposed to the constitution; as were also the people of the country, generally.

The temper manifested in this convention, was remarkably different, from that which characterized the disappointed convention of 1787. In the place of a momentary vexation, which yielded to a sense of duty, a love of peace, and the force of the reasons which had occasioned the postponement of separation, in that instance; there were now observable, the most deep-felt vexation, a share of ill temper bordering on disaffection to the legal course of things; and some strong symptoms of assuming *independent government*. And had not these dispositions been met with a determined countenance, and overawed, by those of a contrary tendency, in others; it is not difficult to say what would have been the result. A violent separation, without doubt.

The navigation of the Mississippi, and the trade to Orleans, now just tasted for the first time, were strenuously pressed into the argument in favour of *completing the constitution, and organizing government, without delay*. Amidst the difficulty, and embarrassment of the moment, it was proposed that each militia captain should take the sense of his company individually upon the course to be pursued. This proposition, being opposed by those in favour of a legal separation, was rejected after debate; and for reasons which merit a place in history.

“1st. Because such a measure would supersede the necessity of a convention, or deliberative body.

“2d. Because, these officers, must be able and willing, to give every necessary information to the people, in order to obtain from them a correct opinion. Qualifications, it may be added, not necessarily belonging to militia captains.

“3d. Because, these captains should be perfectly disinterested, and impartial, else the votes would not be correctly taken; even if correctly formed.

“4th. Because, the mode proposed, although it had a flatter-

ing appearance, was calculated to disappoint every honest man, who depended on it for a correct result.

"5th. Because, to avoid the manifest mischiefs incident to such a course, resort was had to representatives, and general assemblies; where all were to hear, and be heard, preparatory to decision."

A large majority concurred in these reasons. The session was however protracted to several days. At length the discussions terminated in the following recommendation, and resolutions:

"Whereas it appears to the members of this convention, that the United States in congress assembled, have for the present, declined to ratify the compact entered into between the legislature of Virginia and the people of this district, respecting the erection of the district into an independent state: in consequence of which the powers vested in this convention are dissolved, and whatever order or resolution they pass cannot be considered as having any legal force or obligation: but being anxious for the safety and prosperity of ourselves, and constituents, do earnestly recommend to the good people inhabiting the several counties within the district each to elect five representatives at the times of holding their courts in the month of October next, to meet at Danville on the first Monday in November following, to continue in office until the first day of January, 1790; and that they delegate to their said representatives full powers to take such measures for obtaining admission of the district, as a separate and independent member of the United States of America; and the navigation of the Mississippi as may appear most conducive to those important purposes: and also to form a constitution of government for the district, and organize the same when they shall judge it necessary—or to do and accomplish whatsoever, on a consideration of the state of the district, may in their opinion promote its interests.

"Resolved, That the elections directed by the preceding recommendation be held at the court house of each county,

and continued from day to day for five days including the first day.

“Resolved, That the sheriffs within the respective counties of this district be requested to hold the said elections, and make return thereof to the clerk of the supreme court immediately after the same are finished; and also deliver to each representative so elected, a certificate of his election; and in case there shall be no sheriff in either of the said counties, or he should refuse to act, that any two acting magistrates then present may superintend and conduct said elections, and make returns, and grant certificates in the same manner the sheriffs are requested to do.

“Resolved, That every free male inhabitant of each county within the said district, has a right to vote in the said elections within their said counties.

“Resolved, That a majority of the members so elected be a quorum to proceed to business.

“Resolved, That if the said convention shall not make a house on the first Monday in November, any three or more members then assembled, may adjourn from day to day for five days next ensuing, and if a convention should not then be formed at the end of the fifth day, that they may then adjourn to any day they think proper, not exceeding one month.

“Resolved, That the clerk of each county, or the said magistrates, as the case may be, read, or cause to be read, the afore-said resolutions on each day immediately preceding the opening of the said elections.

“Ordered, That the president do request the printer of the Kentucky Gazette to publish the proceedings and resolves of congress, by him laid before this convention; also such of the proceedings of this convention as the president shall think proper; and in particular, that the printer continue to publish, weekly until the first of October next, the recommendation for electing another convention, and the several resolutions relative thereto.”

This being done, the convention adjourned without day.

It is to be remarked, that this convention in its attempt to obtain separation, and to form, and organize government, relapsed into the Virginia principle of representation by counties—assigning to each county five representatives; although they did not propose to apply to Virginia for an act of assent to these measures. The abandonment of this obvious, and only legal course, for the attainment of admission into the union, affords the strongest possible negative evidence, of an existing disposition, to place Kentucky in such a situation, as unavoidably to exclude her from a reception into the federal union. Because, without the consent of Virginia previously and expressly had for the purpose, no new state could be formed within her limits; nor could congress admit a state so irregularly formed, into the union. All this was known to those, who gave body and shape to these novel measures. And while it was the aim of some of the members, to keep the proposed government, out of the union, they were compelled, from a sense of public opinion, to temper their project with the idea of its reception. This reconciled a majority to the proceeding; especially, as they knew, that of the various objects, and alternatives, blended in the list of powers proposed to be given to the next convention, that body would adopt such as seemed expedient.

It is not, however, the negative evidence above alluded to, upon which only, reliance is placed to prove, the existence of a party in the July convention of this year, adverse to the union: it has been confirmed by affirmatives of the most undoubted character. Of which, more in the sequel, as to the persons concerned.

It is perhaps of little utility to discuss the question how far, the citizens of an organized government, as those of Virginia, at the time, could invest a convention of their choosing, with powers, incompatible with their constitutional, and legal duties. Suffice it for the present, to suggest as a fundamental principle in the process of instituting government, under the circumstances in which Kentucky stood, that neither could the cor-

vention rightfully recommend, nor the people by acting on such recommendation, invest the proposed convention, with power to frame a constitution, and organize government, without a previous act of the legislature for those purposes.

It was, therefore, only to the extent of applying to the legislature for such an act, that the intended convention, could be really, and lawfully authorized to proceed; even by the people themselves, as citizens of a regular, and constitutional government—as was Virginia, at the time. But there were men, in the convention, engaged in an intrigue, with agents of the Spanish monarchy to throw Kentucky out of the union; in order to connect her with the provinces of that government, on the Mississippi—and hence, the irregularity, and bad faith, of the extraordinary measures recommended.

The powers proposed to be derived from the people to the next convention, involved considerable debate. In the course of which, ideas, and opinions, were elicited, which excited the more alarm in the minds of those who were yet ignorant of the intrigue, as they were but half expressed on the subject of the Mississippi. It was in the course of this debate, that the suspicion was awakened in the minds of some members, of a sinister design in others; as the integrity of the union, was strongly implicated. This embryo treason, was however, nursed with such caution by its progenitors, that no symptom was yet so palpable, as to indicate the specific disease. Nothing was said in detail, which could be laid hold on, so as to make the object palpable to common minds; but enough, to let it be seen, there was something concealed—and to produce attention to further developments, in a few, who were not, as well as those who were, members.

When the proceedings came to be published, and thus subjected to cool and deliberate examination, they were not found to allay the suspicions, which the debate had excited; on the contrary, they were thought by some of the most experienced and-sagacious, fully to justify them. The source, and the justification of these suspicions, will be found included, in the recommendation to the people to elect another convention, not

only for the purpose of getting admittance into the union—but for others, quite at variance with such admittance. As for example: “to form a constitution of government for the district, and organize the same when they shall judge it necessary; or to do and accomplish *whatsoever* on a consideration of the state of the district may in their opinion promote its interests.”

Powers more unlimited than these the people themselves in a state of nature, or destitute of all government, do not possess. Powers, in fact, utterly incompatible with the organized constitutions of state, and general governments—and broad as *insurrection itself* in patent form.

The promulgation of this measure, not only confirmed suspicions, but gave alarm. It went very far to explain the nature of General Wilkinson's transactions with the Spanish governor at New Orleans. And it was to some a full confirmation, that his object was to effect a political connexion between Spain and Kentucky, of much more importance and extent, than that of shipping tobacco for the New Orleans market—and that without the agency of the United States—or even, the consent of Virginia.

So strong was this impression, some short time after the adjournment of this July convention, that the idea of disunion, was formally combatted in the public prints of the country: while nothing more open, or formal, than the acts of the convention is recollected, in its favour.

It was thought by its projectors, that circumstances were not yet prepared for its support; and the scheme was managed covertly, as one that would not yet bear avowal; or thrive in the open light. Indeed, treason is ever of that character, it affects darkness, and concealment, until the ambush is arranged, the dagger sharpened, or the pit dug; so that success will be sure, when the blow shall be struck. The country was to be placed in such a situation, in relation to Virginia, and the union, that a refusal to admit it into the confederation as a state, would have been imposed by good faith, as a duty, upon congress. A rejection, was therefore to be confidently anticipated, as the consequence of an application, without the consent of

Virginia. And this, it was intended not to ask. In the mean time the constitution was to be formed, and the government organized. That is: the separation effected, Kentucky independent, and her government in operation, without regard to constitution or law, of Virginia, or of the United States—in other words, in a state of insurrection.

Thus was the pit to have been prepared. The next thing was to get the people to the precipice—and this would have been more than half done, in getting them to sanction the other measures. And still there was the Indian war; the navigation of the Mississippi; the unparental treatment of Virginia; and last of all, a refusal on the part of congress, to receive the new state into the union; as topics on which to urge them to take the downward leap. This was undoubtedly the point aimed at; while every stage towards it would have been made to furnish some motive for alienating the people from their mother, and sister states, by misrepresentations, and alarms; until at length they could be told, *that they were rejected from the union*, and were now to take care of themselves. Then would General Wilkinson, and the Kentucky member of congress have come forward, and assured them of the benevolent intentions, of his Gracious Majesty of Spain; who was not only ready to concede to them the navigation of the Mississippi, but would ever afford to them his royal protection. And thus would the scheme have been unfolded and consummated, at the same time—had it not been duly counteracted, by men of an opposite character: but for which, they never ceased to be hated, and reviled.

A letter bearing date the 15th of October, 1788, from the chief justice of the district, to the editor of the Kentucky Gazette, will evince his impressions of the actual and probable emergency. And to those who knew the mildness and caution of his temper, that danger will be thought not only apparent, but menacing, which could have drawn so much from him.

Says he: "Forming a constitution of government, and organizing the same, before the consent of the legislature of Virginia for that purpose first obtained, will be directly contrary to the

letter, and spirit of the act of assembly, entitled 'an act for punishing certain offences; and vesting the governor with certain powers;' which declares that every person or persons who shall erect or establish government separate from, or independent of the state of Virginia within the limits thereof, unless by act of the legislature for that purpose first obtained; or shall exercise any office under such usurped government, shall be guilty of high treason.

"The third section of the fourth article of the federal constitution expressly declares: 'that no new state shall be formed, or erected within the jurisdiction of any other state; nor any state be formed out of the junction of two, or more states without the consent of the legislatures of the states concerned, as well as of the congress.' Therefore the consent of Virginia to the separation must first be obtained agreeably to the above-cited section, to afford to Kentucky any prospect of being admitted a member of the federal union.

"In the tenth section of the first article of the federal constitution it is declared: 'that no state shall enter into any *treaty*, alliance, or confederation.' Of course it must follow that no part of a state can enter into any *treaty*, alliance, or confederation.

"The resolution of the late convention if adopted by the people, might fairly be construed, to give authority to the next, to TREAT WITH SPAIN, to obtain the navigation of the Mississippi, if they should think such a measure conducive to their interest; when it might plainly appear by the before-recited section, that any other application than to the assembly of Virginia, and to the congress of the United States, must be contrary to the federal constitution.

"It is therefore submitted to the consideration of the inhabitants of Fayette, whether it may not be necessary in their instructions to their delegates, to direct them not to agree to the forming a constitution and form of government and organizing the same, till the consent of the legislature of Virginia, for that purpose, is first obtained—not to agree to make any application whatever to obtain the navigation of

the Mississippi, other than to the legislature of Virginia, and the congress of the United States—to draw up and forward to the assembly of Virginia, a memorial requesting them to alter their acts for the separation of this district from Virginia, that the same be brought before the congress of the United States, in the manner directed by the federal constitution—and to request them to authorize the convention by law, to form a constitution of government, and to organize the same: or direct a new convention to be chosen, to continue in office a reasonable time, and to be vested with those powers.

“To forward to the assembly of Virginia, and the congress of the United States (if they judge proper and necessary) a decent and manly memorial requesting that such measures may be pursued by congress, or that Virginia, will use her influence with congress to take such measures as shall be most likely to procure for the people of the western country, the navigation of the Mississippi.”

This was subscribed by himself—GEORGE MUTER.

It was thus, that Wilkinson was confronted, in his own residence, and strong hold, Fayette—by setting before the people, in a plain and simple manner, the constitution, and law of the land—and admonishing them, to act in conformity to them. That this publication had an extensive, and salutary effect, is not questioned. It gave to the peaceable and well disposed citizen, a safe guide for his own conduct; and furnished him with unanswerable reasons, with which to defend himself, against those who might attempt to corrupt his integrity.

To this measure, Judge Muter, had previously obtained the entire approbation of his friend, Colonel Thomas Marshall, with whom he had long been in habits of intimacy, and whose neighbour he had recently become; by a removal from the vicinity of Danville, and a sinister influence. In fact, it was the measure of Colonel Marshall.

To this friend, he had shewn the letter of Mr. Brown, presently to be introduced—the clandestine objects of which

were discerned—and to counteract which, they determined to become candidates in the approaching election for convention; neither of them having been in the last; and both took much pains to inform the people of the unconstitutional and dangerous course, to which they had been advised by the late convention. The people were roused. The agitation was considerable—there appeared to be two parties—the one for legal and temperate measures—the other, for those which were rash and precipitate; as they would violate the laws. At the head of one, were Marshall and Muter; at the head of the other was Wilkinson—as they appeared in Fayette.

The moderate and loyal party, was apparently the most numerous;—however, the other might be most active. Their contests, of words, were frequent and warm; until at length a meeting of the militia officers of Fayette county, to which these observations apply, was effected—moderate resolutions adopted—and tranquillity in a considerable degree restored to the public mind. The other parts of the country, it is believed, had experienced but a slight share of the commotions of Fayette; where they were again revived by the election.

General Wilkinson, who found it necessary to dissemble his real views, without for a moment losing sight of them, had associated himself with four others, as candidates, who formed one ticket; while Colonel Marshall, Judge Muter, Colonel Crockett, John Allen, and another gentleman whose name is not certainly recollected, formed the opposing ticket. The election came on, and was exceedingly animated. The general, and his friends fell behind on the election poll, and were in danger of being all dropt—when on the fourth day, he found it necessary to disclaim all disorganizing intentions, and to make other professions; especially, of acting according to the wishes, and instructions of the people: in consequence of which, and being really popular, he was elected, the fifth man; in addition to the four above named, as being on the opposition ticket.

This history will derive much important and useful matter from another source; the mission of Mr. Brown to congress; whence may be drawn various traits of political character, as well as apt illustrations of the intrigue, then in operation, with Spain.

Mr. Brown, as has been already seen, had been deputed, as an inhabitant of Kentucky, one of the Virginia delegates, to congress, in the autumn of the preceding year: and as early as February of the present year, he had introduced into that body, the address of the district convention, requesting the assent of congress, to its admission as a new state, into the union. But owing to a tardiness on his part, or to an unwillingness, on the part of congress, to act on the subject—even on the morning of the 3d of July—the 4th of the month, being the limit prescribed for obtaining the assent of admission on the part of congress—some weeks after the Virginia convention had been in session—and some days after, it had, in fact, ratified the federal constitution; contrary to the wish, if not to the expectation of Mr. Brown—the question of admission, had not been definitively decided—on that day, the motion of Mr. Brown, was taken up for the last time, and ultimately postponed for the reasons subjoined:

“Whereas application has been lately made to congress by the legislature of Virginia, and the district of Kentucky, for the admission of the said district into the federal union, as a separate member thereof on the terms contained in the acts of the said legislature, and in the resolutions of the said district relative to the premises. And whereas, congress having fully considered the subject, did on the third day of June last resolve that it is expedient that the said district be erected into a sovereign and independent state, and a separate member of the federal union, and appointed a committee to report an act accordingly, which committee on the second instant was discharged—it appearing that nine states had adopted the constitution of the United States, lately submitted to conventions of the people. And whereas a new confederacy is formed among the ratifying states, and there is reason to believe that

the state of Virginia, including the said district, did on the twenty-sixth of June last, become a member of the said confederacy. And whereas an act of congress in the present state of the government of the country, severing a part of said state from the other part thereof, and admitting it into the confederacy, formed by the articles of confederation and perpetual union, as an independent member thereof, may be attended with many inconveniences, while it can have no effect to make the said district a separate member of the federal union formed by the adoption of the said constitution, and therefore it must be manifestly improper for congress assembled under the said articles of confederation to adopt any other measures relative to the premises, than those which express their sense that the said district as a separate state be admitted in the union, as soon as circumstances shall permit proper measures to be adopted for that purpose:

Resolved, That a copy of the proceedings of congress relative to the independence of the district of Kentucky, be transmitted to the legislature of Virginia, and also to Samuel McDowell, Esquire, late president of said convention, and that the said legislature and the inhabitants of the district aforesaid be informed, that as the constitution of the United States is now ratified, congress think it unadvisable to adopt any further measures for admitting the district of Kentucky into the federal union as an independent member thereof under the articles of confederation and perpetual union; but that congress thinking it expedient that the said district be made a separate state and member of the union, as soon after proceedings shall commence under the said constitution, as circumstances shall permit, recommend it to the said legislature, and to the inhabitants of the said district, so to alter their acts and resolutions relative to the premises, as to render them conformable to the provisions made in the said constitution, to the end that no impediment may be in the way of the speedy accomplishment of this important business."

Considering the time, and circumstances under which these proceedings took place in congress, there is no hesitation in

pronouncing them every way correct; and worthy the high character which that honourable body had acquired for wisdom and virtue. So clearly does the facts and reasons establish the conclusion, that any observation to that effect, is deemed wholly superfluous; and therefore withheld.

That Mr. Brown, voted in the minority, and acquired to himself *a peculiar merit*, at the time, will present no obstacle to an intelligent inquirer into his motives, to the inference, that he had understanding sufficient to perceive, the full propriety, and justness of the remark, by congress—that *their admission could have no effect to make the district a member of the union, under the federal constitution—then ratified by ten states.* While the certain consequence of an attempt to adopt the proposed state, at the time, could it have had any consequence, would have been, to place Kentucky among the non adopting states. A situation precisely adapted to the views, and designs, of Mr. Brown, and others, who have been charged with an *intrigue*, to place Kentucky, in connexion with Spain.

The situation which Mr. Brown held, as a member of congress, gave him an extraordinary importance in the district; his information, was to be believed, as unquestionable truth—even his opinions, were received by many, as oracles—while there was in fact, scarcely another avenue open, for any accredited intelligence, from that quarter, until an after period. In developing this “Spanish intrigue,” it falls within the scope of this history to inquire how this high responsibility was discharged by Mr. Brown. None, it is presumed, will question but that he, should have transmitted, to Kentucky, by the first opportunity, a correct transcript of the proceedings of congress, as recorded on her journals, touching Kentucky. This document, would have shewn why Kentucky, was not received into the union. If it contained a poison, it also presented an antidote; if it inflicted a wound, it offered a balm to remove its anguish. What did Mr. Brown?

To the president of the Kentucky convention of July, heretofore repeatedly mentioned, he wrote soon after the act of congress, to which allusion has been made, giving an account

of his labours, and disappointments—to which he added, *his own reasons*, not those of congress, *for the failure!* In this letter was enclosed a detached scrip, in these words:

“In a conversation I had with Mr. Gardoqui, the Spanish minister, relative to the navigation of the Mississippi, he stated that, *if the people of Kentucky would erect themselves into an independent state, and appoint a proper person to negotiate with him*, he had authority for that purpose, and would enter into an arrangement with them for the exportation of their produce to New Orleans, on terms of mutual advantage.”

Straws on the stream shew its course, as feathers in the air point out the direction of the wind.

It would be unavailing weakness, to indulge a regret that the envelope, of this precious bit of *incipient treason*, was lost—both had been previously seen—both had their effect—but different were the operations, on different minds. Nor can any doubt remain as to the state of Mr. Brown’s political morality.

This, however, is not the only letter written by Mr. Brown about the same time, to those in Kentucky, whom he thought he dared venture to trust. Rumours of several such letters were circulated, while care was taken, in general, to keep them from the sight of those who were known to be opposed to illegal separation, and foreign connexions. But as if treachery, like murder, “would out,” Mr. Brown had miscalculated one of his men. He recollected, that Judge Muter had joined with him in March, 1787, in sending forth the circular address to the courts, on the subject of the Mississippi, &c.; and he still thought him safe—not duly appreciating the effect of his removal—and he favoured him with one of his epistles, containing an introduction of his new acquaintance, Don Gardoqui. And here he overshot the mark. For although Muter, could not be called a great man; yet, he was an honest one; and a truehearted citizen. He even disliked the intrigues of political partisans, among the citizens, for their votes; and was both shocked, and alarmed, on the perusal of Mr. Brown’s letter, to find him, engaged in one, with a *foreign minister*, which directly implicated, the peace of Kentucky, and the preservation of the

union. Under the circumstances, it was impossible for him not to combine the views disclosed by Mr. Brown, with those in effect, manifested, by certain characters, General Wilkinson in particular, in the late convention. This coincidence of objects, naturally suggested a concert of means to effect them; and pointed out the danger, as being the more imminent, in proportion to the number, and influence of the individuals concerned. To counteract them, was the first sentiment—by what means? his first inquiry. This led him to Colonel Marshall, and was his inducement for shewing the letter with which he had been honoured by Mr. Brown. The immediate result has been seen, in the paper of October, published in the Gazette—and their determination to be in the next convention, if the people would elect them; for it was there the mischief was to be done by the one side, or prevented by the other. The success with which their efforts were crowned, was equally due to the purity of their motives, and the prudence of their measures. For it must be admitted that the community was deeply affected with anti-federalism, and the mania of national dissolution; when its representatives in convention, could pass, and send out to it, the propositions, which have been detailed, as the basis of authority, for another convention, to throw Kentucky out of the union, if it pleased; and to enter into arrangements with Spain, who had refused the United States a treaty, for the navigation of the Mississippi; without exciting a much more general disapprobation, than was apparent. And when to this reflection, is added the fact, that the greater number of the leaders in the former convention were again elected—and that Mr. Brown, having returned to the district, was himself elected a member to the same, that is: the November convention; there seems but little reason to doubt that a large proportion of those who gave tone to public opinion, were of the party of Wilkinson, and Brown, from the July, to the November convention, of this year.

Or perhaps, it should rather be said, that their scheme of policy was yet so obscure, and managed with so much art, as to

escape the observation, and detection, of the people in general; who often shew a pertinacious adherence to those, from whom they have been accustomed to receive their information, and opinions, after they have ceased to be worthy of their confidence. Besides, much had been done insidiously, much openly, to disaffect the people of the district, to the union. To which, many unpleasant circumstances in their situation, and which they naturally wanted to be remedied, induced them the more readily to listen. And, because the remedy was not as prompt, as the desire for relief, many permitted themselves to be persuaded, that it was designedly withheld. Whence proceeded that apathy, or rather, morbid sensibility, which prevailed in the public feelings, in relation to congress, and the union.

It was to this disposition, which Mr. Brown, had contributed to produce, that he intended to address himself through the agency of confidential persons, by means of his letters, first—and personal influence, afterwards.

Of his intentions, and designs, he shall however, be his own voucher; to the extent of the evidence at command. The letter from him to Judge Muter, to which allusion has been made, is as follows:

“NEW YORK, July 10th, 1788.

“DEAR SIR: An answer to your favour of the 16th of March was together with several other letters, put into the hands of one of General Harmar’s officers, who set out in May last for the Ohio, and who promised to forward them to the district; but I fear that they have miscarried, as I was a few days ago informed that his orders had been countermanded, and that he had been sent to the garrison at West Point. Indeed I have found it almost impracticable to transmit a letter to Kentucky, as there is scarce any communication between this place, and that country. A post is now established from this place to fort Pitt, to set out once in two weeks, after the 20th inst.; this will render the communication easy and certain. Before this reaches you, I expect you will have heard the determination of congress relative to the separation of Kentucky, as a

copy of the proceedings has been forwarded to the district by the secretary of congress, a few days ago. It was not in my power to obtain a decision earlier than the 3d instant. Great part of the winter and spring, there was not a representation of the states sufficient to proceed to this business, and after it was referred to a grand committee, they could not be prevailed upon to report, *a majority of them being opposed to the measure.* The eastern states would not, nor do I think they ever will assent to the admission of the district into the union, as an independent state, unless Vermont, or the province of Maine, is brought forward at the same time. The change which has taken place in the general government is made the ostensible objection to the measure; *but the jealousy of the growing importance of the western country, and an unwillingness to add a vote to the southern interest, are the real causes of opposition,* and I am inclined to believe that they will exist to a certain degree, even under the new government to which the application is referred by congress. The question which the district will now have to determine upon, will be: Whether, or not, it will be more expedient to continue the connexion with the state of Virginia, or to declare their independence and proceed to frame a constitution of government? 'Tis generally expected that the latter will be the determination, as you have proceeded too far to think of relinquishing the measure, and the interest of the district will render it altogether inexpedient to continue in your present situation until an application for admission into the union, can be made in a constitutional mode, to the new government.

"This step will, in my opinion, tend to preserve unanimity, and will enable you to adopt with effect such measures as may be necessary to promote the interest of the district. *In private conferences which I have had with Mr. Gardoqui, the Spanish minister, at this place, I have been assured by him in the most explicit terms, that if Kentucky will declare her independence, and empower some proper person to negotiate with him, that he has authority, and will engage to open the navigation of the Mississippi, for the exportation of their produce, on terms of mutual advantage. But that this*

privilege never can be extended to them while part of the United States, by reason of commercial treaties existing between that court, and other powers of Europe. As there is no reason to doubt the sincerity of this declaration, I have thought proper to communicate it to a few confidential friends in the district, with his permission, not doubting but that they will make a prudent use of the information—which is in part confirmed by despatches yesterday received by congress, from Mr. Carmichal, our minister at that court, the contents of which I am not at liberty to disclose.

“Congress is now engaged in framing an ordinance for putting the new government into motion; it is not yet complete, but as it now stands the elections are to be made in December, and the new congress to meet in February: but it may undergo alterations. Ten states have ratified—this state is now in session—what the result of their deliberations will be, is as yet doubtful; two-thirds of the members are opposed, but ’tis probable they may be influenced by motives of expediency. North Carolina will adopt—time alone can determine how far the new government will answer the expectations of its friends; my hopes are sanguine, the change was necessary.

“I fear, should not the present treaty at Muskingum prove successful, that we shall have an Indian war on all our borders. I do not expect that the present congress will in that case be able to take any effectual measures for our defence.

“There is not a dollar in the federal treasury which can be appropriated to that purpose. I shall leave this place shortly, and expect to be at the September term. I have enjoyed my usual good state of health, and have spent my time here agreeably.

“I am with great esteem your humble servant,

“J. BROWN.

“*The Honourable* GEORGE MUTER.”

After Colonel Marshall, had perused, and reflected upon the contents of this letter, he thought, it ought to be published, with comments explanatory of its character, and objects; for the purpose of opening the eyes of the people upon the conduct

of their public servants, as well in the late convention, as in congress—and particularly to put them on their guard, against the *unconstitutional assumption*, of independent government; contemplated by both, the convention, and Mr. Brown. And which was deemed indispensable to the consummation of the Spanish plot. But such was then the point of honour with Judge Muter, that as it was, a private letter and from a correspondent, *in confidence*, although it disclosed a new hatched, and growing treason, he withheld the publication, at the time; but afterwards, in 1790, yielded it to the solicitation of James M. Marshall, who, for mentioning it, and its character, had been aspersed, by a brother of Mr. Brown; and found it necessary to produce it, for his own justification. And thus it came to the knowledge of the public.

But before it was published, the development, had been rendered inefficient, by the prevalence of party feelings, and the ascendancy obtained by Mr. Brown, and the *Spanish agents*, in Kentucky. Nor was it until the Innis, and Sebastian, explosion in 1806; and which will occupy a well merited attention at the proper place—that it was received by the people of the country, with the proper impression, and effect. Such had been the popular delusion.

In the mean time, Mr. Brown, triumphing under any denomination of party, other than *federalist*—which in its origin, and still, according to its true import, means, *a friend to the federal constitution*—continued for eighteen years, to be elected to the senate of the United States, by the legislature of Kentucky.

It is still the province of history, as it always has been, to exhibit, however late, the real merits of both, public men, and measures. It is no less a property of its character, to illustrate by observation and remark, whatsoever it narrates, as matter of fact. Could it be indelibly impressed upon the mind of every public servant, that the true character of his transactions, would be presented to him in his lifetime, and handed down to posterity, in the history of his country, it would surely keep him from committing acts of treachery; although it might not make him an able statesman.

The care which Mr. Brown took to conceal, his intrigue with Gardoqui, from the public eye, is of itself evidence, of its sinister character. It was not, that he was not conscious of its criminality, but that he had not virtue enough to overcome the allurements which it offered him, that he cherished the treachery, involved in the proposition, to violate the laws and constitutions of his country; in order to place Kentucky in a situation, to make him a minister to Spain, or the Spanish monarchy. For what less could he expect, after putting Kentucky out of the union; and thus laying the foundation of a commercial connexion with the court of his Most Faithful Majesty? But it is unimportant to inquire, what employments, what pensions, what emoluments, Mr. Brown expected to receive, either from Spain, or Kentucky. The only interesting point in his character, will be seen in the nature, and consequences, of the measures which he countenanced, and as far as he dared to speak or act, suggested, sanctioned, and promoted. That he was not the open and bold advocate, of the clandestine measures which he fostered, is to be ascribed to the cautious timidity of the man; not to any abhorrence of the guilt attached to them.

It is true, that history furnishes the details, of treacheries, and of treasons, not only projected, but executed—and yet it shall be rare to find a case so unprovoked—so destitute of apology—so criminal in its principle—and so pernicious in its potential consequences—so incubated, parturated, and cold blooded—as that disclosed in the letter of Mr. Brown, to Judge Muter. There have been men, who, impelled by a sense of injury, or fired by an ambitious delirium, have rushed to arms at the risk of life, and fortune, staked on their success. But these furnished no example, for the imitation of Mr. Brown. He seems rather to have taken for his prototype, the *famous* Guy Fawkes; and to have laid a train, whose projected explosion, was to have terminated the liberty of his country—by attaching it, to the kingdom of Spain.

A very brief discussion, will place the character of Mr. Brown's project of disunion, beyond a doubt.

It was in fact, but a more precise development of that, indicated in the proceedings of the convention—by exhibiting to the unhoodwinked eye, the Spanish minister ready to take the country under his protection—would it, but proceed to organize an independent government; and keep itself out of the union. *For while Kentucky remained a part of the union, even Mr. Gardoqui, could do nothing for her!!!*

Thus Mr. Brown, after recommending an immediate breach with Virginia, and of course, with the United States, framing, and organizing, a government, adds: “I have been assured by him, (Mr. Gardoqui) in the most explicit terms, that if Kentucky will declare her independence, and empower some proper person to negotiate with him, that he has authority, and will engage to open the navigation of the Mississippi for the exportation of their produce on terms of mutual advantage. *But that this privilege never can be extended to them, while a part of the United States, by reason of commercial treaties existing between the court of Spain and other powers of Europe.*”

Any further comment on the letters of Mr. Brown, although open to many more, is thought unnecessary. The main point intended to be proved by them, was: *that he, while a member of congress entered into a clandestine intrigue with the minister of Spain, to separate Kentucky from Virginia, and the union, and attach her to the Spanish monarchy.* Considering therefore that the proof is abundant, all further inference and imputation, is left with those who choose to make them. To aid which, see Appendix. (C. and D.)

Those who consider it possible, for the members of a state, and of the United States, governments, to owe them allegiance, and faith, will doubtless be of opinion, that the official situation of a member of congress renders him more than ordinarily responsible, for their violation.

To those who duly appreciate, the dangerous tendency of *intrigues with foreign agents*, on the subject of government—a conduct forever to be forbidden to the citizens of republics—can but see in one, whose object it was, to sever a state from the union; the conception, and mental adoption at least, of the highest crime, that a citizen can commit.

Yes, if there is any one precept in politics, more important than any other; and therefore deserving more than any besides, to be impressed on the minds of the people of the United States—it is, “Preserve the union of the states.” The next to this, and but little inferior in its character, is that, which, teaches all, to “preserve from violation, both state, and federal constitutions.” Precepts, which this history will have but too frequent occasion to shew, have not heretofore been sufficiently regarded.

It remains with those only who confound all moral distinctions, to place such as respect the constitutions, on the same footing, with those who violate them—and consign to the same grade of estimation, those who labour to subvert, with such as exert themselves for the preservation of, the union. And yet, alas! the history of Kentucky, will but too often reflect this picture of moral disorder and deformity, on the mental vision of the reader.

At the July convention, to which there has been frequent allusion, those of the leaders, who favoured a violent separation, had an opportunity of conferring together, of interchanging ideas, and of concerting, as far as they thought circumstances would bear them out, the course to be pursued, for attaining their end and aim. The communications of Mr. Brown, to some of them, were rendered common, to all such, as had given evidence of alienation, from the union; and from all constitutional obligations. They held, one of those meetings, well known by the name of *caucus*—that is, *for the transaction of clandestine business*—in which Harry Innis, then attorney general for the district of Kentucky, upon hearing the proposition, for a declaration of independence, and immediate organization of government, contrary to law; exclaimed, “It will do! it will do!” and paced the room for joy; as if in a proposal to commit treason, he had found a new moral excellence. This man, it has been seen, was in the confidence of Mr. Brown. He was equally the humble servant of General Wilkinson. In the spring of the year, he had selected a trusty hand, to carry the general’s secret despatches, to the governor of New Orleans—and continued to serve him, in that, and

such other, menial capacities, as one *gentleman*, could impose upon another, for years: and doubtless, so long as they were in the service of Spain. The following epistle, as late as *the 19th of October, 1794*, is of this description.

“Sir: I wish to get an express to go to the Natchez, and as you have been several times to that place, and as I can confide in your integrity, it is my wish to employ you upon this occasion. you will therefore greatly oblige me, in case it shall suit you to undertake this trip, by coming to see me in two or three days. Keep this subject to yourself, as I wish not to make it public.

“I am, Sir, your most obedient servant,

“HARRY INNIS.

“*Captain* RICHARD TAYLOR.”

An interview took place, when it was disclosed to Captain Taylor, that he was wanted to convey despatches from Wilkinson, to the Spanish governor. Five hundred dollars was demanded, and promised, for the service; but the captain not then desiring the employment, pointed out a man from Natchez; to whom it is believed, the packet was committed.

It has been seen, that this dignitary of the law, had in the preceding year, of 1787, declined to prosecute for a breach of treaty—and suggested to the executive of the commonwealth, his opinion, that Kentucky would erect an independent government. And it will be further seen from his own deposition, given in 1806, under singular circumstances, what extensive outspreading branches, had sprung from these seeds of disloyalty, and corruption, among the popular demagogues of the country.

Nevertheless, to this day, it is matter of doubt, whether the head, or the heart, of this man, is most to be pitied, censured, or despised. Some suppose him not only weak in reasoning, and in judgment, but corrupt, and debased in principle; while others think, that the imbecility of his intellect, the prevalence of his vanity, and the importance of his office as criminal prosecutor, exposed him to flattery, and presented him as an object to be caught by the conspirators; on whom Wilkinson,

first laid his hands, and secured—for his own indemnity. And that thus prepared, he became the ready associate, and willing coadjutor of Brown, Sebastian, and the rest. For it would have been as impossible for the ATTORNEY GENERAL to have prosecuted a *Spaniardized insurgent*, as it had been for the same officer, to prosecute those who violated a treaty with the Indians.

During the time, these intrigues were concocting, and progressing, the utmost care was taken to keep from those, whose integrity, and known attachment to a legal course, left no room for the approach of corruption, every scrip of Mr. Brown's communications; by every one of the CAUCUS. Even, when the advocates, for the powers proposed to be given to the November convention, to "*organize government*," were told that the measure was illegal; they uniformly denied, that it was intended, to execute them.

The vanity, sanguine temper, or incaution, of General Wilkinson, did nevertheless, render him more than suspected of a settled purpose to effect disunion, even as early as the origin of these extraordinary powers. It was recollected, that as far back, as 1786, he had publicly advocated a separation, "contrary to law"—that in the next year, he embarked for Orleans; having first assumed some insignia peculiar to professors of the Roman catholic religion; and that instead of his calling on his near neighbour, Colonel Marshall, with whom, until then, he had kept up, the social intercourse, and who, at his request, was to have given him a letter of introduction to Colonel Bruin, formerly from the same county, of Virginia; but at the time, resident on the Mississippi—he passed in sight of his door, without the slightest notice—that he returned the ensuing February—was without offence, called a Spanish subject—and in March, with some caution indeed, had sent despatches to the Spanish governor, at Orleans, from whence he had received, as he let it be known, responses favourable to his purposes. Commercial, they were said to be. And this mercantile envelope, it was, which served to conceal from the detection of ordinary observation, the premeditated TREASON.

In addition to these reminiscences, the following testimony has been given by a resident of Orleans at the time, and whose peculiar situation, placed the facts detailed within his own knowledge.

“General Wilkinson, had migrated as he says, to Kentucky some years before, being then, as we learn from the same source, in moderate, if not indigent circumstances; in the year 1787, he planned and executed the project of opening a trade between the western country, and New Orleans—seconded by some merchants of that city. He impressed the government with a high idea of his influence in Kentucky, and used means (which in his own language it would not be *necessary*, nor *obligatory*, nor HONOURABLE, to detail) in order to procure for himself the exclusive trade between Kentucky, and New Orleans.”

Again: “This transaction was in 1787; for some time he had been trading with Isaac B. Dunn, of Kentucky; on the 3d of August, 1788, Wilkinson, and Dunn, entered into articles of partnership with Daniel Clarke of New Orleans, for their mutual benefit in trade.”

These documents, present to the mind two distinct engagements into which General Wilkinson had entered, at Orleans: one with the government, by which he had obtained the exclusive privilege of trading to that port; and to obtain which he had used means, not *necessary*, nor *obligatory*, nor HONOURABLE, to be disclosed;—the other, merely commercial, and which as usual, was committed to a formal contract. This double plot, it was, which perplexed the best informed men in Kentucky, at that day—as the clandestine, and dishonourable part, was carefully concealed from all but coadjutors; and that which was ostensible, enabled Wilkinson to carry on his political intrigue for many years; and finally to escape the punishment, due to his perfidy—to the no small emolument of himself and others; and to the very great annoyance of better, and honest men. But more of this, in its due order of time.

In the mean while, it may be remarked, that in the perplexity of congress, to enforce its treaties with the Indians, either on the one side, or the other; on the 1st of September, it was

“Resolved, That the secretary at war be, and he is hereby directed to have a sufficient number of troops in the service of the United States in readiness to march from the Ohio to the protection of the Cherokees, whenever congress shall direct the same; and that he take measures for obtaining information of the best routes for troops to march from the Ohio, to Chota, and for dispersing all the white inhabitants settled upon, or in the vicinity of the hunting grounds secured to the Cherokees by the treaty concluded between those Indians and the United States, November 28th, 1785, agreeably to the proclamation of congress of this date.

“Resolved, That copies of the said proclamation and of these resolutions, be transmitted to the executives of Virginia and North Carolina, and that the said states be and they are hereby requested to use their influence, that the said proclamation may have its intended effect, to restore peace and harmony between the citizens of the United States, and the Cherokees, and to prevent any further invasions of their respective rights and possessions; and in case congress shall find it necessary to order troops to the Cherokee towns, to enforce a due observance of the said treaty, that the said states be, and they are hereby requested to co-operate with the said troops for enforcing such observance of said treaty.”

These resolutions being published in Kentucky, furnished new means to the disaffected, with which to heat the feelings, and inflame the minds of the people, already rendered combustible, against congress; and to spread existing suspicions as to the policy of the atlantic, and especially the eastern, states, in relation to the western country. Congress, it was suggested, was ready to join the Indians, in the war, against the white people; and the proclamation referred to, was said to be the declaration of hostilities.

These measures of congress, are believed to have removed no white man, although such had encroached, on the lands of the Indians; nor to have any other effect, than to irritate.

It was not until several years afterwards, that the government of the United States, no longer in the humiliated condition, of issuing *requisitions*, was compelled, in good faith, to this devoted race of men, to carry the spirit of the aforesaid proclamation into effect, by a detachment of troops. A measure always to be deprecated—yet often called for, by the wickedness of some, the weakness of others, or the negligence, of all—whom it may concern.

In Kentucky, the expectation of a speedy separation by legal means, enabled the intelligent and well disposed, to allay the ferment, and to preserve the peace, and good order, of the district. Such are the usual happy consequences of cherishing respect, for the constitution, and laws, for which Kentucky, as a part of Virginia, had been exemplary, until infected by the Spanish intrigue—and which a large majority, could they have seen its iniquitous deformity, would have spurned with contempt: and whose general good habits, saved them from the snare that had been laid for them—and passed them safely into the federal union, instead of being delivered over to his Catholic Majesty!

Nevertheless, they have been exposed to various trials, and have escaped more, and greater machinations, against their peace, and happiness, than they either conceived, or apprehended.

One plain truth, inseparable from the subject of separating from Virginia, and organizing government, *contrary to law*, cannot be too strongly impressed—it would have EXCLUDED KENTUCKY FROM THE UNION. For neither the old, nor the new, congress, *under such circumstances*, could have admitted her! But Spain, would have received her. While Wilkinson, Brown, Innis, Sebastian, and others, were for placing her in that situation. Of that, the intrigue, in part, and yet more fully to be exposed, is the conclusive proof.

CHAP. XIV.

Proceedings in the Convention of November—Further developments of the intrigue with Spain—Contest of parties, for, and against, declaration of independence—Separation postponed, and new act—Indian hostility, and other incidents, noticed.

[1788.] HAVING detailed the proceedings and result of the convention of July, 1788, and exposed the intrigue of Mr. Brown with Gardoqui, and of Wilkinson, at Orleans—and exhibited some characteristic traits of others; it occurs in course, to narrate the transactions of November, in the same year.

The 3d of the month being appointed, for the meeting of the convention—on the 4th, there was a quorum; and on the 5th, it proceeded to consider the important objects of its meeting.

The resolution of congress on the subject of separation, being really the document which placed their duties before them, was called for; and being read, was referred to a committee of the whole—into which the convention was immediately resolved, and Mr. Wilkinson called to the chair.

The discussion which ensued, presently led to an inquiry into the powers of the convention; when it was ascertained that the resolutions of the former convention, whence this was supposed to derive its powers, had not been referred to the committee. Already had the leaders of the two parties discovered themselves. Those who were determined on the regular course of obtaining separation, and an independent state, with the consent of Virginia, and of congress, thought the subject fully before the committee, on the papers which had been referred to them; and made some opposition to the committee's rising. On the other side, it was contended that a committee of the whole on the state of the district, should not deliberate, without having the subject of the Mississippi

before them, and that it was not mentioned in the document which had been referred, but was, in that which was proposed. The committee agreed to rise. The convention being in form; a motion was made and seconded, for referring the resolutions of the late convention, to the committee, of the whole.

This was opposed, as an improper mingling of subjects which should be kept as distinct in the consideration of them, as they were different, in their nature. It was said, that the first and important point, was, as to the expediency of applying, for an act of separation, to the legislature—that all seemed to be agreed, that a separation was, at least, as expedient now, as when it had, heretofore repeatedly been voted—that congress had declared, as it was stated in the document, already referred, to be expedient—and had recommended, an application to the legislature of the state for an act of assent, as a measure both proper, and necessary, to obtain admission into the union: of which no reasonable doubt could be entertained, so soon as the district should place itself in an attitude, to request it. That the previous consent of the parent state, was an indispensable requisite. And that she had shewn no unwillingness; but on the contrary, a great facility in her consent, and in taking steps to ensure ultimate success. That the reference if made, would present a variety of topics; one of which indeed, it was to be confessed, was the subject of the navigation of the Mississippi; but there were others also suggested—that as the advocates of the motion, had not thought proper to discriminate any other, although there was one proposition, *as to powers*, which seemed to embrace any thing, and every thing; so would all particulars be avoided. Let it suffice, it was said, to remark, that the papers proposed to be referred, offered no specific measure—it might embarrass, but could never elucidate the discussions necessary to the appropriate result. If, after the question of separation was decided, it should be thought proper to investigate the state of the navigation, alluded to, there certainly could be no objection—the subject was deeply interesting to the people of the west; and to none more so, than those of Kentucky. And when it was

proper to take up the subject, there could be no difficulty as to the mode, whether in, or out of committee.

General Wilkinson, was in favour of the reference. He was laborious in the exposition of the document, but dwelt particularly on the importance of the navigation of the Mississippi, to the people of Kentucky. A subject which he again observed was not before the committee of the whole, although by its interest and magnitude, entitled to the first place in their deliberations. He was ambiguous as to the proper course to be pursued, in order to obtain its use; nor was this the time to propose, as he said, any particular measure, for that purpose.

Spain, had objections, he remarked, to granting the navigation, in question, to the United States; it was not to be presumed that congress would obtain it for Kentucky, or even the western country, only—her treaties must be general. There was one way, and but one, that he knew of, for obviating these difficulties; and that was so fortified by constitutions, and guarded by laws, that it was dangerous of access, and hopeless of attainment, under present circumstances. It was the certain, but proscribed course, which had been indicated in the former convention—which he would not now repeat; but which every gentleman present would connect with a declaration of INDEPENDENCE, the formation of a constitution, and the organization of a new state. Which, he added, might safely be left to find its way into the union, on terms advantageous to its interests, and prosperity.

He expatiated on the prosperous circumstances of the country—its increasing population—its rich productions—and its imperious claims to the benefits of commerce—through the Mississippi, its only outlet.

That the same difficulties did not exist on the part of Spain, to concede to the people on the western waters, the right of navigating the river—which she had to a treaty with the United States, there were many reasons for supposing. That there was information of the first importance on that subject within the power of the convention; which he doubted not it would be equally agreeable for the members to have, and

for the gentleman who possessed it, to communicate. This in substance, said—the orator seated himself. And all eyes were turned on Mr. Brown, then, as has been said, a member of the convention; as well, as of, congress. A member, then desired the gentleman, to communicate what he knew.

He, with all the mysterious gravity of one possessed of more than Delphic knowledge, and ready to deliver the oracles of fate; “rose, profound”—and said:

“That he did not think himself at liberty to disclose what had passed in *private conferences* between the Spanish minister, Mr. Gardoqui, and himself; but this much in general, he would venture to inform the convention—that, *provided we are unanimous, every thing we could wish for, is within our reach.*”

And down he sat—pregnant with conspiracy, but ill concealed, under his cloak of Spanish taciturnity. Whether, in his speech, his eye, caught some other, marked with a curious and penetrating scrutiny, for such there were, and under which he felt rebuked, into silence; or he had previously limited himself to this ambiguous response, it would be useless to conjecture. So truly oracular, and laconic was it, that although a confirmation of what Wilkinson had said, as to information; since it avowed the fact, of *private conferences* with the minister of Spain; yet it seemed unsatisfactory, even to him—and was quite so, to those who had expected some information, which was to be useful, by its details. However, nothing more being expected from Mr. Brown, at that time—the general, rose once more—and as if impatient for the further information of the convention, and the further display of his own knowledge and talents—and yet, more anxious to make a strong impression on the minds of his audience, on the subject of navigation; said it was a topic he had much at heart; that he had some practical knowledge of the utility of a commerce with Orleans; and ever desirous, of imparting his information, as of sharing his profits, for the general good—he would with submission, read an essay, on the subject of the navigation and commerce of the Mississippi. This spoken, he paused—and

the reading was called for. No doubt by previous concert. The manuscript, was immediately produced—it occupied some fifteen, or twenty sheets of paper—and the reading commenced. As it progressed, each sheet, being loose, was handed to Mr. Sebastian, then known as one of the general's particular friends—since, as a *pensioner* of Spain—and one of the judges of the Kentucky court of appeals.

This essay was addressed to the INTENDANT OF LOUISIANA!

As the contents of this production belong to the history of this convention, and can be given from the notes of Colonel Marshall, one of the Fayette members, as already noticed—they will be given in a literal transcript:

“The author urges the natural right of the western people, to follow the current of rivers flowing through their country, into the sea; the great common, and highway of nations.

“He states, the extent of the country—the richness of the soil—the quantity, and variety of its productions, suitable for foreign markets; to which there are no avenues of conveyance, should the Mississippi continue shut to their export.

“He states, the advantages which Spain, would derive from allowing the free use of the river to those, *on its various waters*, by the increase of revenue, and resources.

“He states, the population to be rapidly increasing, and that each individual looked forward to the free navigation of the Mississippi, with the utmost solicitude.

“He states, the general abhorrence with which the people of the western waters received the intelligence, that congress was about to cede to Spain, the exclusive right of navigating the river for twenty-five, or thirty years.

“He represents it as a fact, that the *western people* were on the point of separating themselves from the union, forever, on that account; considering that navigation indispensable to their future growth, and prosperity.

“Having amplified these subjects in the manner of the author:

“He next addresses himself to the fears of his Catholic Majesty's viceroy, by a pompous display of the force of the country—

and presses the idea, that should Spain be so blind to her true interest as to refuse the use of the river to the *western people*, and thereby compel a resort to military means, for its attainment, that Great Britain, stands ready, with her arms expanded, willing to receive, and co-operate with them, in their efforts for the accomplishment of this great, and favourite object.

"The more effectually to enforce this representation, he quotes a conversation which he had, a few years before, with a member of the British house of commons, to that effect.

"He states the facility with which the Spanish province of Louisiana, may be invaded by the united forces of Britain, and America, by means of the river Illinois, and the practicability of proceeding from thence, to their province of New Mexico.

"That the whole Spanish possessions in North America would be endangered, should the British, who already held the mouth of the St. Lawrence, possess themselves of the mouth of the Mississippi also; and thereby command the interior, by holding these grand portals into the northern continent.

"These points were also amplified, as was the general's manner. Concluding, with an apology for the freedom, with which he had treated the subjects of this essay—which had been drawn from one, whose *head* might err, but whose *heart* could not deceive."

The reading being finished, and the manuscript deposited with Mr. Sebastian, the resolutions in question were referred to the committee of the whole; in order that it might have the subject of the Mississippi, within the scope of its consideration.

It is believed, on hints and inuendoes of General Wilkinson, that he composed an essay on the commerce of the Mississippi, (a subject which had been very ably treated by the elder Tardiveau,) soon after he decided on seeking his fortune in the New Orleans market—that it was taken with him as no inconsiderable part of his cargo—and there, became a subject of conference, if not of barter.

There should be no doubt, but that, the objects of the essay, were examined, and canvassed between him, and the intendant;

whence they came to understand each other; and some estimate put upon its value; and that subsequently it was revised, with a view of its being sent to the court of Spain, as a first fruit of his Catholic Majesty's new subject.

The essay which was read, had merit, for the views it combined, of the relative interests, of the countries on the waters of the Mississippi; and for the eloquence with which it was written. Its being addressed to the *intendant*, and sent to the Spanish court with Wilkinson's approbation, instead of its being addressed, and sent to congress, shew conclusively, the bias, and the aim of the author. This it may be presumed, without any departure from probability, was the foundation on which he claimed, and obtained, his pension, from Spain; hereafter to be further noticed.

That part of the convention, which was in favour of a violent separation, caught at the reference of the resolutions of the last, to the committee of the convention, as a most favourable indication of the prepossession of the body; and as an earnest of final success.

For it is in vain to dissemble, that in this convention, of November, 1788, there were two parties—the one loyal, patriotic, and determined to preserve the integrity of the United States, by means of a legal, and constitutional separation, and admission into the union, in the manner recommended by congress. At the head of this party, were Colonel Thomas Marshall, Judge Muter, Colonel Joseph Crockett, John Allen, Esq. and Colonel John Edwards—the latter of whom was from Bourbon—supported by a large majority, of the gentlemen from the other counties; and sometimes distinguished, by the appellation of *the country party*, in contradistinction to the *court party*; an epithet, bestowed on their opponents, on account of the leaders, with the exception of Wilkinson, being members, either, of the bench, or bar, of the supreme court, for the district.

The most prominent of this party, were Wilkinson, Brown, Sebastian, and Innis—at the head of these, was Wilkinson.

"Their scheme was, a declaration of independence; an immediate organization of government; a treaty with Spain, for the navigation of the Mississippi; and a connexion with the United States, 'or not, according to circumstances, and contingencies."

Of which, this history offers nothing, for which it will not exhibit a complete, and satisfactory demonstration. To this purpose, evidence has been produced, and observations made; and to which something more is intended to be added. As well to do justice to the characters of the two parties, as to leave no doubt of the guilt of the accused; notwithstanding their retention of power, and the manner they used it, to annoy and depress those who at any time opposed them. And because, it is at all times, the bounden duty of history, to expose combinations against the laws, and constitutions, of the country: and especially to bring to open shame and disgrace, the clandestine intriguer with *foreign agents*; as one of the means of preventing the like intrigues in future—always to be dreaded in republics; because none but popular men are ever directly engaged in them. And they are never engaged, but for the service of foreign powers, and their own personal emolument. Ever attempting to mislead the people, whom they deceive; and ever tempting them, as in the present case, to commit crimes, which equally involve their lives, and the peace of the country.

If treachery in private life, is detestable, when the consequences, often confined to a single person, are seldom extended to many—or if in a monarchy, the minister justly renders himself execrable, by betraying the secrets, no less than the mere personal interests, of his master; how thoroughly abhorrent should be that public functionary, in a republican government, who trusted by all, betrays all?—who, having the constitution placed under his care, would violate it—who, exalted to a place of high trust in the union, would rend it asunder—and who calculating upon personal impunity, would have committed the peace of society, and exposed to personal danger, the life of every man, woman, and child, in the country. That such

would have been the consequence, if the scheme of Wilkinson, and Brown, had been effected, will hardly be doubted by any man of intelligence, who simply resolves the question: Whether or not, Virginia, and the United States, would have permitted the defection of Kentucky—and that she, on the back of Virginia, and enveloped in the territory of the union, would have been permitted to erect an independent state—out of the union—and in connexion with a foreign power, whose *intrigues* with unprincipled citizens, had produced such a state of things? War was inevitable; had they effected their proposed independence.

To elucidate the subject of this intrigue, which not only occasioned the greatest embarrassment at the time, but hung like an *incubus* upon both the moral and physical faculties of the country, down at least, to 1797, resort will be had to the half developments, and mysterious concealments of Mr. Brown; as well as to the more open, and manly efforts, of Wilkinson, in the service of his new master of Spain. The unpardonable crime in both, was, that they attempted to serve two masters, Spain, and Kentucky—not by an honest, and daylight, course of policy—but by secret conferences, and by projecting a scheme, to execute which, was HIGH TREASON.

To be assured of this, it is only necessary to recollect the publication of Judge Muter, already inserted in this history. That the whole subject may be placed in review, the third section of the law referred to by him, is also to be recollected; for that declares, that writing, or advised speaking in favour of erecting government without the authority of a previous act of the legislature for the purpose, should be deemed a high misdemeanor, punishable by fine, at the discretion of the court. While the fourth section, authorizes the governor of the commonwealth, to call out the militia, as in case of *insurrection*, or *invasion*, to suppress, such usurped government.

That the people generally, did not execrate these machinations at the time, is to be imputed to their not knowing of them; and to the difficulty of bringing the proof of them in such form as to convince them, of the nature and conse-

quence of the facts, that were known. That the authors, and coadjutors of the nefarious project of putting Kentucky out of the union, retained their popularity, can only be ascribed to the same cause, an ignorance of their real characters, of their double dealings, of the effects of their plot, of the official situation of most of them, and the care with which they all concealed, or denied, the fact, or the consequences, of their intrigue. That the danger was over, before it was publicly understood, is no reason why the remembrance of it should not be perpetuated—although it may be assigned as the cause for tolerating those who were concerned. Yet it is not to be supposed, that the people are indifferent to the conduct of those, who would have drawn them into the crime of high treason—exposed them to prosecution for misdemeanor—or involved them in the desolations of war.

What was the sense of Virginia, as to the erection of *independent government* within her limits, and without her consent, has been shewn by her law. There is the same evidence for knowing that it was made the duty of the governor to call out the military force of the state to suppress such government. And who can doubt but that the governor would have done his duty? Who can for a moment indulge the weak imagination, that Virginia, and the United States, would have permitted *peaceably* a dismemberment of their territory, and the establishment of a separate and hostile state, upon their frontiers?—The example—the principle—the danger to their own peace; a regard for their own integrity—their own self defence, and future safety—would all have concurred, to forbid an acquiescence, in the daring usurpation. A military resistance—and a war, would have been the certain consequence of adopting the course recommended by Wilkinson, and Brown; and countenanced by others. In vain would these *usurpers*, have offered to place their new state, in the union; in vain would they have applied to congress for admission—they could not be received; the constitution positively forbade it—congress could not have admitted them—she was bound by every constitutional obligation, and every principle of sound policy, to have rejected the

illicit state, from the union. And this, those who projected it well-knew; for they were lawyers, and politicians.

Yes, the *independent state*, proposed by these *conspirators*, was intended for Spanish connexion—not for a member, of the American union. And it must have been *dissolved*, and *re-organized*, according to LAW, and CONSTITUTION, before it could have been received into the union of the other free states of America. But could they have gotten the district, into this *usurped state*, there was no intention of applying for admission into the union. To Spain, the application, was to be made; Spain, was to take the *state of Kentucky*, under her protection—and to *concede*, as a consequence, the navigation of the Mississippi, and the commerce of Orleans, to her new *dependent*; a colony, in effect—whose defence Spain was to guarantee.

From what has been shewn, it can but appear, that Mr. Brown, the citizen of Kentucky, the delegate in congress from Virginia, the confidential agent of the people, of the district—had been sowing the seeds of jealousy, and of discord—hatching conspiracy, and brooding over treason, in conjunction with the Spanish minister.

He returned to Kentucky, and as has been seen, was placed in the convention; for he ceased not to aspire to, and retain, the confidence, of those, against whom he conspired—as did the rest—and this was necessary to their success. In the convention, he was called on, to give, such information, touching the affairs of the district, as it concerned the convention to know. His memorable response, is already on record. In substance, that the assurances which he had received from Mr. Gardoqui, the minister of Spain, in *private conferences*, authorized him to state, “that provided, we were *unanimous*, every thing we could wish for, is within our reach.”

Unanimous! About what? Why, in favour of a *declaration of independence*. In his letter to Judge Mutër, Mr. Brown had said, that a declaration of independence, was expected—that it would tend to preserve *unanimity*—and enable Kentucky to adopt with *effect* such measures as might be necessary to promote the interest of the district. In that also, as well as in a

letter to Colonel McDowell, he disclosed the benevolent intentions of his Catholic Majesty, suspended upon the precedent condition of Kentucky's declaring herself INDEPENDENT.

It was then—*unanimity* in favour of *independence* that Mr. Brown, placed, as the one thing needful, for obtaining from Spain, “every thing we wished.”

The navigation, and commerce of the Mississippi, were the ostensible objects; and there is, in the letter of Mr. Brown, to Judge Muter, the express authority, for asserting “that Spain, never would concede the navigation of that river to Kentucky, as a part of the United States.” What more is wanted to see through the whole scheme of disunion, and the connexion with Spain? Surely nothing.

No wonder, that Mr. Brown, and the other conspirators, were cautious, and reserved, in the convention; for he there saw, at least a few men, who were so far possessed of his secret, as to be able to penetrate his designs; and this he could but know, when he found himself deserted by Muter, who had attached himself, to Colonel Marshall; these were both active to defeat him.

The party, were closely observed; and it became necessary to counteract them. This was in part done, on the introduction of two petitions, from the subscribers, living in Mercer, and Madison counties, praying that an address might be sent to congress, to obtain the navigation of the Mississippi. Harry Innis, a member of the one county, and a sort of patron of the other, presented these papers. Imagining, no doubt, that every thing on the subject of the navigation of the river, were to be associated; and might be rendered subservient to the main design. And knowing, that if the address should be voted, that the object of it, was not within the power of congress—while the failure to comply, might serve the purpose of misrepresentation, and ill will in future.

The other side of the house, satisfied with the constitutional course pointed out in the petitions, and contented with discharging their own duty—concurred in a motion made to refer

them to a special committee. Soon after which, a resolution was reported, favourable to the subject, and ordered to lay on the table.

This moment was seized, for the purpose of calling up a resolution, "which had been offered by Mr. Edwards, and seconded by Mr. Marshall, for appointing a committee to draw up a decent and respectful address to the general assembly of Virginia, for obtaining the independence of the district of Kentucky, agreeably to the late resolution and recommendation of congress."

The call was agreed to; and a committee appointed, consisting of the two gentlemen last named, Mr. Muter, Mr. Jouett, Mr. Allen, and Mr. Wilkinson.

This may be considered as a leading and decisive feature in the character of the further proceedings of this convention. It distinctly marked its predominant disposition with loyalty, and good faith—and taught the Spanish party, what they were to expect, as the result of further deliberation.

Wilkinson, was the only man of the party, on the committee. The other members were for obtaining the desired separation, in the way prescribed by the constitution, and the laws. Nor had the general, the temerity, openly to propose another, in opposition to this course; although it will appear that he endeavoured to defeat it, by indirect means. He had satisfactorily, to his own judgment, ascertained that the state of public opinion would not bear him out, in openly pursuing the views taken in the previous convention, although corroborated by Mr. Brown, as to independent government; and he was too profound a politician, to offer a scheme of disloyalty, and treason, which he was certain could not succeed; but would be overruled by his colleagues; and which could result only in disappointment, and disgrace, to himself, and his adherents.

The same conviction, as to public opinion, was unavoidably connected with his own election, and applied to all the material objects of his policy.

The timely activity, and success, of Colonel Crockett, who taking alarm on the subject of *violent separation*, left his seat in

the convention, on Saturday, and returned to it on Monday; with from three to five hundred subscribers to a remonstrance against a violent separation, contributed not a little to this conviction.

The navigation of the Mississippi, was, it is true, an important object in the general estimation; but it was not thought, even if it had been the consequential reward of the declaration of immediate independence, that it was worth the sacrifices which were required—of fidelity, union, and peace. If Wilkinson, Brown, and their associates, were willing to risk the consequences, they most undoubtedly expected other compensation. Spanish gold, was thought plenty—and pensions, convenient annuities.

On the 6th of the month, the resolution on the petition from Mercer, and Madison, was taken up—confirmed, and a committee of Mr. Wilkinson, Mr. Marshall, Mr. Muter, Mr. Brown, Mr. Sebastian, and Mr. Morrison, appointed, to draw up the address to congress.

This subject disposed of, Mr. Edwards reported an address to the legislature of Virginia, on the subject of separation; when, an amendment being offered, it was postponed, for future consideration. By some, this postponement, was suspected to be a manœuvre.

The 8th of the month, General Wilkinson, offered the preamble, and resolution, following:

“Whereas it is the solemn duty, so it is the ardent desire of this convention, to pursue such measures as may promote the interest and meet the approbation of their constituents; but the discordant opinions which at present divide the good people they represent, render it doubtful whether they can adopt any plan which will embrace the opinions of all, or even secure the support of a majority—in this state of embarrassment, perplexed with doubt, and surrounded by difficulties; in order to avoid error, and to attain truth—to remove the jealousies which have infected society, and to restore that spirit of har-

mony and concord, on which the prosperity of all depends; they deem it most eligible to address their constituents on the momentous occasion: Therefore,

“Resolved, That a committee be appointed to draft an address to the good people of the district, setting forth the principles from which this convention act; representing to them their true situation, urging the necessity of union, concord, and mutual concession, and solemnly calling upon them to furnish this convention, at their next session, with *instructions* in what manner to proceed, on the important subject to them submitted.”

And a committee was appointed, of Mr. Wilkinson, Mr. Innis, Mr. Jouett, Mr. Muter, Mr. Sebastian, Mr. Allen, and Mr. Caldwell.

This procedure, may be considered, as the last effort, of the conspiring faction, which was made in this convention. While, as a measure, so singularly timed—so extraordinary in its developments—and so insidiously calculated to defeat the present application for a legal and regular separation, it demands some discussion. It may be taken as the genuine expression of the anxiety and perplexity, of Wilkinson, and his adherents; and the mere exhibition of it, is a convincing proof, of the tenacity, with which they adhered to their project, of organizing an independent government—in a word, of DISUNION.

“The important subject” to be urged on the people, for their *instructions*, was “independent government.” That was the subject, and the only subject, which had in the least divided, or perplexed the people, or the convention. And it appears that previous to this resolution, the convention had decided upon applying to the legislature for an act, to authorize a separation, and the erection of a new state, according to the constitution. Which stood as evidence of the concurrence of a majority in favour of that specific measure. That should, naturally, have settled the question, as to the mode of attaining independent government; and precluded every other in the least degree incompatible. But it was obvious that unless the

legal course could be obstructed, the hopes and wishes of the *faction*, were about to be blasted—perhaps, forever.

The crisis, therefore pressed—and Wilkinson, delivered its hasty conception, in the preamble, and resolution, now under consideration. And if this was not for the purpose of suspending the other, and opposite proceeding—for it was plot, and counterplot—and with the hope of getting the subject of “independent government” before the people, it is difficult, if not impossible, to ascribe it to any rational motive. But if this be admitted, then it is easy to conceive, that the party, expected, by playing upon the credulity of the multitude—by working on their fondness for the navigation of the Mississippi, without which, they were to be persuaded they could not live; that congress would not procure it for them—but would cede it away to Spain—with a whisper now, and then, that if Kentucky would but declare herself *independent*, “that every thing she wanted was in her power”—with the use of such other auxiliaries, as the Indian war, and some ingenuity, could readily furnish; and thus procure from the people, in the phrenetic perplexity, so induced—instructions, to declare Kentucky, at once, INDEPENDENT—and organize government. The first object of the party’s aim. And without which, the rest were unattainable.

The futility of the suggestions, made in the preamble to the resolution, may shew that they do not express the real motives of the proceeding. As to “the jealousies which had infected society”—if they existed, which is admitted; they were occasioned solely, by the project for “violent separation,” and the mysterious conduct of the party, whose intrigue with Spain, gave rise to suspicions of treachery; dangerous to the peace and liberties of the country: and which were not to be allayed, by agitating the subject.

“The concord and unanimity recommended,” was not necessary to attain a regular and constitutional independence—because for that purpose, the people were already, sufficiently agreed, and united: and so were the convention; as manifested by their resolution on that subject. While nothing could be

more puerile, and unworthy the serious attempt of a politician, than to expect unanimity among the people of the country on a subject involving such a variety of considerations.

It is true, there was some anxiety, a spark of jealousy, and some heat of party, in the convention. It was no ordinary occasion of debate; where both sides, agreed, upon the constitutionality, and moral rectitude of the end—contend alone, as to the fitness of the means of accomplishment. The difference was radical—morally, and legally. It involved a question between good faith, and fraud; between allegiance, and treason. And it necessarily called into action all the feelings of correct and honourable minds, which are resolved into disapprobation, disgust, and contempt, for those whom they can charge with perfidy. Alienations there took place, for which time offered no change—nor reflection, any relaxation. There the most deadly hatred, sprang up in the bosoms of some of the conspirators, against Colonel Marshall; whose shrewd scrutiny, and keen sarcasm, of eye, and of lip, taught guilt its own insignificance—when he taught the guilty, that he saw their deformity.

The 10th of the month, Mr. Wilkinson reported the address to congress on the subject, of the navigation of the Mississippi; which was agreed to, without opposition; and is here inserted: from an unwillingness, to abridge documents of the kind, however verbose.

“To the United States, in Congress assembled.

“The people of Kentucky, represented in convention, as freemen, as citizens, and as a part of the American republic, beg leave, by this humble petition to state their rights, and call for protection in the enjoyment of them.

“Fathers! fellow citizens! and guardians of our rights! As we address you by the endearing appellation of fathers, we rely on your paternal affection, to hear us; we rely on your justice, as men and citizens, to attend to the wrongs done men and citizens; and as a people recognised by the solemn acts of the union, we look for protection, to the federal head.

"When the peace had secured to America that sovereignty and independence for which she had so nobly contended, we could not retire, with our atlantic friends, to enjoy in ease the blessings of freedom.

"Many of us had expended in the struggle for our country's rights, that property which would have enabled us to possess a competency with our liberty.

"On the western waters, the commonwealth of Virginia, possessed a fertile but uninhabited wild.

"In this wilderness we sought, after having procured liberty for our posterity, to provide for their support. Inured to hardships by a long warfare, we ventured into almost impenetrable forests, without bread, or domestic animals—we depended on the casual supplies afforded by the chase; hunger was our familiar attendant, and even our unsavoury meals were made upon the wet surface of the earth, with the cloud deformed canopy for our covering. Though forced to pierce the thicket, it was not in safety we trod; the wily savage thirsted for our blood; lurked in our paths, and seized the unsuspecting hunter. Whilst we lamented the loss of a friend; a brother, a father, a wife, a child, became a victim to the barbarian tomahawk: instead of consolation, a new and greater misfortune deadened the sense, of former afflictions. From the union we receive no support—but we impeach not their justice. Ineffectual treaties often renewed, and as often broken, by the savage nations, served only to supply them with the means of our destruction. But no human cause could control that providence which destined this western country to be the seat of a civilized and happy people. The period of its accomplishment was distant, but it advanced with rapid and incredible strides. We derive strength from our falls—and numbers from our losses; the unparalleled fertility of our soil made grateful returns, far disproportioned to the slight labour which our safety would permit us to bestow. Our fields, and herds, afforded us not only sufficient support for ourselves, but also for the emigrants who annually double our numbers; and even a surplus still remains for exportation.

"This surplus would be far greater, did not a narrow policy shut up our navigation, and discourage our industry.

"In this situation we call for your attention. We beg you to trace the Mississippi from the ocean; survey the innumerable rivers which water your western territory, and pay their tribute to its greatness; examine the luxuriant soil which those rivers traverse. Then we ask, can the God of wisdom and nature have created that vast country in vain? Was it for nothing that he blessed it with a fertility almost incredible? Did he not provide those great streams which empty into the Mississippi, and by it communicate with the Atlantic, that other nations and climes might enjoy with us the blessings of our fruitful soil? View the country, and you will answer for yourselves. But can the presumptuous madness of man imagine a policy inconsistent with the immense designs of the deity? Americans cannot.

"As it is the natural right of the people of this country to navigate the Mississippi, so they have also the right derived from treaties and national compacts.

"By the treaty of peace concluded in the year 1763, between the crowns of Great Britain, France, and Spain, the free navigation of the river Mississippi was ascertained to Great Britain: the right thus ascertained, was exercised by the subjects of that crown, till the peace of 1783, and conjointly with them by the citizens of the United States.

"By the treaty in which Great Britain acknowledged the independence of the United States, she also ceded to them the free navigation of the river Mississippi. It was a right naturally and essentially annexed to the possession of this western country. As such, it was claimed by America, and it was upon that principle she claimed it: yet the court of Spain, who possess the country at the mouth of the Mississippi, have obstructed your citizens in the enjoyment of that right.

"If policy is the motive which actuates political conduct, you will support us in this right, and thereby enable us to assist in the support of government. If you will be really our fathers, stretch forth your hands to save us. If you would be worthy

guardians, defend our rights. We are a member that would exert any muscle for your service. Do not cut us off from your body. By every tie of consanguinity, and affection—by the remembrance of the blood we have mingled in the common cause—by a regard to justice and policy, we conjure you to procure our right.

“May your councils be guided by wisdom and justice, and may your determinations be marked by decision and effect. Let not your beneficence be circumscribed by the mountains which divide us; but let us feel that you really are the guardians, and asserters of our rights: then you will secure the prayers of a people whose gratitude would be as warm, as the vindication of their rights will be eternal: then our connexion shall be perpetuated to the latest times, a monument of your justice, and a terror to your enemies.”

This is the general's composition—and here it may be said, he not only brings out his store of knowledge, of the laws of nature, and of nations, as well as of the history of treaties; but also sports his fancy over a subject become quite familiar. Forgetting, it would seem, that Spain had conquered the Floridas from Great Britain, and occupied both shores of the Mississippi, he asserts the right of navigating the river to the sea, to be in the United States, with as much confidence, as he demands of congress, to be put in the possession. Well knowing, that in the existing state of things, however anxious, or solicitous, congress might be, to obtain the active use of the river, that it would be withheld by Spain; to whose former motives for refusal, the general, and Mr. Brown had added a new stock, by their intrigue: whence Spain derived new hopes of annexing Kentucky to her American dependencies.

But when this address should be published to the people, as it was intended; and in full confidence, that it was utterly out of the power of congress to obtain the consent of Spain, to this wanted navigation; it would stir up, and inflame their feelings, as much in favour of the author, as against congress: two objects, of primary, and almost of equal importance, to the success of the party; who heard it with joy, and eulogium.

The same day, Mr. Wilkinson also reported an address to THE PEOPLE, as proposed by his former resolution—which was referred to a committee of the whole convention. As no farther notice appears on the journals, as far as seen—of this address; nor the address itself, it is inferred, that it never came to maturity; but was stifled, in the birth, by the address to the legislature, for an act of separation—which was now finally acted on, by the convention; and is next inserted.

“To the honourable the General Assembly, for the Commonwealth of Virginia.

“Gentlemen:

“The representatives of the good people inhabiting the several counties composing the district of Kentucky, in convention met, beg leave again to address you on the great and important subject of their separation from the parent state, and being made a member of the federal union.

“To repeat the causes which impel the inhabitants of this district to continue their application for a separation, will in our opinion, be unnecessary. They have been generously acknowledged, and patronised, in former assemblies; and met the approbation of congress: whose consent was necessary towards the final completion of this desirable object, and who resolved that the measure was expedient and necessary; but which from their peculiar situation, they were inadequate to decide.

“As happiness was the object which first dictated the application for a separation, so it has continued to be the ruling principle in directing the good people of Kentucky to that great end upon constitutional terms; and they conceive, the longer that measure is delayed, the more will they lay exposed to the merciless savage, or (which is greatly to be feared) anarchy, with all the concomitant evils attendant thereon.

“Being fully impressed with these ideas, and justified by frequent examples, we conceive it our duty, as freemen, from the regard we owe to our constituents, and being encouraged by the resolutions of congress, again to apply to your honorable body praying that an act may pass at the present session for

enabling the good people of the Kentucky district to obtain an independent government and be admitted into the confederation, as a member of the federal union, upon such terms and conditions, as to you may appear just and equitable; and that you transmit such act to the president of this convention, with all convenient despatch; in order for our consideration, and the final completion of the business. This we are emboldened to ask, as many of the causes which produced former restrictions, do not now exist. Finally, relying on the justice and liberality of your honourable house, so often experienced, and which we are ever bound to acknowledge, we again solicit the friendly interposition, of the parent state with the congress of the United States, for a speedy admission of the district, into the federal union, and also to urge that honourable body in the most express terms, to take effectual measures for procuring to the inhabitants of this district the free navigation of the river Mississippi; without which the situation of a large part of the community, will be wretched and miserable—which may be the source of future evils.

“Ordered, That the president sign, and the clerk attest, the said address; and that the same be enclosed by the president to the speaker of the house of delegates.”

The friends of General Wilkinson, obtained for him, the thanks of the convention, for his essay on the navigation of the Mississippi. His adherents were pleased to stick this new plume in his cap; while it was conceded on the other side, as a harmless ensign, by which to know, the character of his fidelity.

The convention, now take measures to renew their meeting if necessary; and adjourn until the first Monday of the ensuing August.

Thus passed the crisis; and thus ended the open and direct contest between the friends of constitutional separation and continued union, and those who were for immediately throwing Kentucky out of the circle of the states.

Fortunately for the peace, and prosperity of the country—intrigue, and treachery, were defeated, by an adherence, on the other side, to good faith, and the love of union. From

this point of difference, there branched, two trains of consequences, as different, no doubt, as can well be conceived. The one has been experienced, and will be memorized in this history—the result of which, is now seen, and felt, in the present situation of the country. It would be in vain to attempt to portray the other—its evils, are, many of them, obvious—and such as could but arrange themselves among the consequences of disunion—the people have escaped them—they have never been adequately considered, or retributed.—Henceforth, let them be remembered, as merely historical.

The decision of the convention, appeared to restore tranquillity to the public mind—not a little agitated, by the attempt at “violent separation.” For the majority of the people, were by birth, Virginians; and strongly disposed by habit, as well as by a moral conviction, of its propriety, to pursue the regular and legal course, of obtaining separate government. This course being adopted, after a contest, gave to the well disposed a rallying point, towards which they perceived themselves moving, and from which they were not to be detached; but drew the rest after them. Even the leaders of conspiracy, dissembled as the opossum—and were as demure as the cat—if not as silent, as mice.

Evincing a full persuasion, on the part of Wilkinson, and Brown, that the time was not favourable to the accomplishment of their project; that dissimulation, which with such characters, forms a part of their moral system, was necessary, and their present resource. That the state of things was eventful—that the new federal constitution, had innumerable enemies—that it had not yet gone into operation, and might never—while it was plain, the old confederation was exhausted. It was therefore prudent to yield to circumstances, wait events, and be ready to avail themselves of favourable occurrences. To have openly, and honestly renounced their connexion with Spain, would have been to forfeit their claims on that government, for pensions. To acknowledge that connexion, was to defeat their own purposes, among the people.

One thing consoled them—there was but little, or no danger, of a criminal prosecution; the attorney general, was of their party:—nor had they any thing to fear from a majority of the court.

Even the people were so divided, that no twelve men could be indifferently called, without including, one, or more, of their friends—who would, in law phrase, “hang the jury.”

Besides, they had been not less fortunate, than cautious, in furnishing no direct, and connected evidence, to convict themselves, which had yet appeared in public. Their correspondents had been faithful, and kept their letters within their own circle; with the exception of Judge Muter; who was most vehemently suspected—but who, it was evident, if he had shewn the letter of Mr. Brown, had placed the disclosure under such restrictions, as to prevent its use; and hence, would not himself be an informer, or witness. Moreover, the delicacy, and reserve of Mr. Brown, in the convention, had almost deprived him of speech—while the general, could shelter himself under the admitted privilege of *free debate*—and the inviolability of the representative character.

It is not, however, to be thought, that all these arguments were necessary to quiet their consciences. No: the bare fact, of safety, was amply sufficient, for that purpose.

They were countenanced, and supported, by many, even when the scheme was in activity, who, doubtless, did not see the ultimate object—for they seemed well disposed to the union—but whose confidence the conspirators had gained; and upon whose credulity and want of information they had imposed; by an ostensible zeal for the public interest—by professions that they were willing to “risk their all”—and especially, by their anxiety for the navigation of the Mississippi, represented as an object of the first necessity.

The evidence of circumstances, current with the times, prove that the *conspirators*, waited with great anxiety, to see whether, or not, the new federal constitution, would be put into operation.

In the first event, they foresaw, that they must necessarily forego, their favourite object of connecting Kentucky, with

Spain. In the other alternative, the field would still be open to them, with increased prospects of success. For the old confederation—a fact, well known, and weighed by them—was on the verge of the grave, and ready to dissolve itself, from atrophy, and imbecility. Mr. Brown, noticed the facts, in his letter, to Judge Muter, that it was difficult to obtain a congress—and that they had an exhausted treasury. While on the other hand, the constitution lately formed for the United States, was viewed by, both, its friends, and its foes, and they were nearly balanced, on the American scale, as a new germ of vigour, and efficiency; which was to shoot forth its branches to the protection and security, of every part of the united territory—branches, under the shadow of which the poisonous and deleterious weeds of intrigue, insurrection, and treason, would receive their blight. But if this new system should not be organized, there was nothing for conspirators to fear, except, from Virginia alone; and she, it was supposed, would, in all probability, be engaged in adjusting her new continental relations;—and otherwise averse from a war with Kentucky, in order to reduce her to a former dependence; which had for years been considered as temporary. Such are forever the speculations of revolutionists. And the same general want of attachment to the union of the states, which prompted the policy of Brown, and Wilkinson, would have, most inevitably, produced its dissolution. That a contrary policy governed the majority, will forever remain a circumstance of gratulation, among those who duly appreciate the importance of the union.

To the disappointed part of the convention, and to whom the present moment afforded no other resource, necessity, if not prudence, dictated acquiescence. To dissemble—to wait for changes favourable to their purposes—and if possible to retain their popularity, as they did their offices—were the objects of their care. They retained their offices, which gave them power, and patronage—and these gave them influence among the people. The judiciary in all free governments, is an institution of the most immediate importance to the people, individually. And it is on them as individuals, that moral motives

no less than physical causes, act. In Kentucky, the supreme court especially, has at all times possessed an extraordinary share of influence over public opinion; by reason of conflicting titles to land, involving men's houses, and farms—their comfort, and support—which were to be adjudged, and almost *disposed of*, by the court: whose decisions, were therefore formidable—often despotic—and frequently arbitrary.

These observations will merit further elucidation in the progress of this history.

At present it seems meet to shift the scene, for the purpose of exhibiting the military, or rather murderous, incidents of the time.

The day on which the last mentioned convention assembled, a party of Indians, waylaying the main road from Lexington to Limestone, fired on some wagoners near the Blue licks, killed one of them, scared away the rest, and took the horses.

This circumstance shews the insecurity of travelling even on the most public road—for which it is inserted; and for the purpose of making a list of similar occurrences, rather, than for any ulterior effect which it has been known to produce.

The county of Mason, now erected, was to contain all that part of Bourbon which lay to the northeast of a line “beginning at the junction of Licking with the Ohio, thence up main Licking to the head thereof; thence a direct line to strike the nearest part of Russell county line, thence along said line (being part of the line between Virginia and this state) to Big Sandy, and down the same to the Ohio, then down the Ohio to the beginning:” and to take effect, the 1st of May, 1789.

In the last of December, reports reached Kentucky, that about six hundred Indians attended the conference lately held at the mouth of Muskingum. The 9th of January, 1789, a [1789.] treaty was there made with the sachems and warriors, of the Wyandot, Delaware, Ottawa, Chippeway, Pottawatama, and Sac, nations. Thus recommenced, a new circle of treating and fighting, with the savages on the frontiers.

Such had been the effect of the negotiations with the Indians, that as early as the 5th of January, 1789, John C. Symmes,

announced their pacific disposition; and invited the people to survey their lands in the Miami Purchase.

In this month the third act of separation passed by the general assembly, arrived in Kentucky: where it was the subject of eager inquiry by all; of severe criticism by some; and of entire approbation, by none.

This act, it appeared, passed into a law, as early as the 29th of December, 1783; which shews, that the legislature really had no desire to keep the people in suspense; but were willing, that they should separate, and become an independent member of the union, with all convenient despatch.

It contains, however, some novel conditions—reasonable as they might have been thought by Virginia, which were highly exceptionable to Kentucky; and justly so. The one, went to subject the proposed state, *to the payment of a portion of the domestic debt, of Virginia, then existing.* The reason for this, was, the very great expense incurred, in expeditions, and other military operations, on account of the district, subsequent to the first act of separation—and which had been assumed, though not altogether authorized, by Virginia; and which of course, she had passed her vouchers for, and stood bound to pay to her creditors.

The other exceptionable condition, was not of a pecuniary nature; but in its principle, and pretensions, much less admissible. It not only proposed to secure to the Virginia officers and soldiers, on the continental and state establishment, their promised bounties in the lands set apart for them, within the proposed state, to be located and surveyed within a reasonable time, positively limited, or subject to the future control of the legislature of Kentucky; but it went to continue, the state of Kentucky, *dependent on Virginia, as to the time*, for completing, the titles in those lands, to the officers, and soldiers. And thus, to produce a state, in part independent—and in part dependent, on a co-state; as to the exercise of legislative power.

Which, however, it may be supposed, was the result of overmuch caution, rather than a design to abridge the co-sovereign, and equal rights, of the proposed state; and espe-

cially, as upon a representation, the exceptionable parts were expunged.

This act, like all former acts, put the separatists, back to the starting pole, and compelled them to run the old ground over again. The election of another convention was authorized on former principles—the number of members the same as before; varying the period of obtaining the assent of congress, and the time when the actual separation was to take place—it prescribed the third Monday of July, 1789, for the meeting of the representatives—and Danville, the former scite, for their assemblage.

Their powers were ample to decide on the expediency of separation, and to take measures for convening another convention to frame a constitution, and also for organizing government; all prerequisites being performed.

In all other respects, than upon the points heretofore noticed, that act being essentially the same as those previously inserted, it is thought unnecessary to transcribe it; and the more particularly so, because there was yet a fourth act; upon which the separation ultimately took place.

About this time, Colonel Thomas Marshall, was appointed by the executive, "receiver," of the public revenue arising in the district: and the ordinary collectors were by law, ordered to settle with, and pay over the money, to him. This office, the effect of a well earned confidence, and a partial recompense for past services, in the war of the revolution, was made the subject of invidious, and malignant reflection by the leaders of the *Spanish party*—whose object it was to render both the office, and officer, unpopular, as one of the means of their own success. For they had already experienced in Colonel Marshall, an opponent who readily penetrated, all their midnight plots, and daylight projects—in whom they saw one of their most steady and inflexible obstacles to success. Nothing was therefore more gratifying to them, in the way of revenge, than to make illnatedured insinuations, against draining the country of money—the cruelty of extorting it from the people, under present circumstances—and that if he had not taken the

office, no other would, and no collections would have been made—and such other things as tended to make an office, essential to the support of government, yet subject to popular odium, artfully directed, still more unpopular, than justice, or prudence, can justify. Their success was partial—in which falsehood had its share.

In January, 1789, the elections were held for choosing electors for president, and vice president of the United States, under the new constitution. The first Wednesday in February the electors were to meet, at the seat of government, and vote for those officers. No votes were given in Kentucky. The new government was to commence its operations on the first Wednesday in March succeeding.

General Washington, had already been designated in public opinion; and it was thought that the electors would have little difficulty in consecrating this “well beloved citizen,” to the office of president. No doubt this opinion, had the happy effect of suppressing competition, and of producing its own accomplishment: which was effected by an unanimous vote.

Under this impression, Colonel Marshall, as early as the 8th of February, 1789, wrote to the president elect, an account of the state of the district, and of such symptoms of foreign intrigue, and internal disaffection, as had manifested themselves to him; and which he considered it his duty to represent to the president, in order that he might in due time apply the proper corrective. The names of Wilkinson, and Brown, are alone mentioned among the implicated. This communication, was without doubt, the more readily made, as the intimacy of an early friendship, and an arduous service in the campaigns of 1776 and '77, had rendered the worth of each the better known, to the other. Born in the same county; of nearly the same age; a frequent intercourse up to manhood; a mutual service in the legislature; a perfect accordance in political sentiments; and a like zealous determination in opposition to British pretension; had ever placed them on the same side of the house, in those agitating and stormy debates in the colonial general assembly; when the soul electrifying fire of

Patrick Henry, first, and again, enlightened the public mind, to a perception of the *rights of freemen*, and the *blessings of liberty*. There was a beauty, and a decorum, in the moral habitudes of Washington's life, and manners, which conciliated, equal esteem, and admiration; none felt this indescribable influence, more sensibly than Colonel Marshall. He certainly emulated, and would have imitated, him, had it fallen to the lot of mortal man. The session of 1774, terminated their labours in the legislature, for the time. Washington, was sent to the first congress—and Marshall, returned to his constituents; to inform them on the subjects of their rights, and their duties—and to infuse into their hearts—who were simple husbandmen—a portion of the ardour which animated his own, in the kindling cause of American liberty: and to prepare them for the conflict, which he foresaw, approaching; and for which he was prepared. In 1775, Washington was appointed commander-in-chief of the American army—and his humble friend, a major, to the Virginia regiment of minute men—while both entered into active military life, in the same year. The major's, first action with the enemy, was at the Great Bridge. The next year, he was placed at the head of the third Virginia regiment, on continental establishment. Which was nearly annihilated, by hard fighting, at Brandywine, and Germantown. After which, Colonel Marshall, was honoured with the command of the Virginia regiment of state artillery. He took his command in 1778, and retained it for three years; the term for which the men were enlisted.

Peace restored a more intimate intercourse between these early friends; and time cemented a confidence, which was reciprocal. The communications from Kentucky, were a consequence of their relative situations.

If these, have any fault, it is the delicate reserve which is manifested, with respect to all individual character; thereby leaving the president subject to deception, and imposition, in his nominations to office, in Kentucky. But would not the president have done the same thing?

They each, knew the integrity of his own heart—each were enraptured with the improved prospects of the union—each thought that ignorance, prejudice, and even malignity itself, would be subdued, or transformed into “hope, faith, and charity”—and other federal virtues—for see, how Washington trusted, the foes of the government! until by experience, he was better taught.

From the same communications it is, however, stated, that Kentucky being thought in market, and to be bought by some neighbouring power, the British government had determined to become the competitor of Spain, in the purchase. With this view she had as early as the preceding November, deputed Doctor Connally, a man of talents, and address, from Quebec, to Kentucky, to sound the disposition of the leading men in the country, and to make preparatory arrangements, if circumstances were favourable, for affording British aid in any attempt that might be made on the provinces of his Catholic Majesty.

The free navigation of the Mississippi, known to be the “hobby horse” of the day, was held up to view as one of the first, and most certain consequences of the proposed coalition. Four thousand British troops were said to be ready in Canada, to march at a moment’s warning. Doubts were suggested of British friendship, while they held the posts, and encouraged, as it was supposed, the hostility of the Indians. The doctor, promised to make a proper representation to Lord Dorchester, on his return; and invited a correspondence, which was promised, in case, he would set the example.

Circumstances were not thought favourable by the doctor, to a full disclosure, and he took his leave, after an imperfect communication of his views, and projects. The sagacity of the doctor taught him through the inquiries, and answers, which passed, that a correspondence on the topics of his conference, would not, by its effect, repay him for the risk and trouble of its execution; and it never was begun.

Who can doubt, but that this mission from Canada was a consequence of the sentiments of disaffection to the union, and

avowals favourable to violent separation, propagated in the previous July convention, and otherwise? The particular conference alluded to, was brought about by a call from the doctor; who was accompanied by Colonel John Campbell of Louisville, and introduced, as a gentleman from Canada, who had come to look after land—which had been confiscated in the war of the revolution. Judge Muter, was present.

From the farm of Colonel Marshall, the doctor went to Lexington, where he had a private interview with General Wilkinson; and it getting abroad that he was from Canada, he was suspected of being a British spy: which excited some commotion, and exposed him to no little danger. To extricate him—he was privately conveyed, or escorted, to Limestone: and thus ended the only British intrigue ever known in Kentucky. That with Spain, was revived—suspended by one with France—and again revived. But of these matters, a chronological order postpones them to future times.

The election of General Washington, to the presidency of the United States, was now confidently rumoured; and the opinion seemed to be universal, that the new government would be put into operation.

The more local affairs of Kentucky, also engaged much of public attention; the elections for members to the convention, approached—both Colonel Marshall, and Judge Muter, again determined to be candidates.

In April, the elections took place—and they succeeded. General Wilkinson, was not a candidate; and every thing was calm—every body, temperate. The general, always an important personage, could raise a storm, of popular passion, whenever he pleased—and he often appeared to affect it—at present it suited him to withdraw. For either engrossed by his pecuniary speculations at home, and abroad, which left him no time for politics; or convinced by the experience of the last year, and current observation, that the times, and occurrences, were inauspicious to his purposes, he professed to be disgusted with political life, and confined himself to the management of his own affairs—which were extensive, complicated, and embarrassed.

His next public essays, were in the military line. But whether induced from necessity, or policy, there is no certain evidence of the motive. Even his after conduct, being ever that of an adventurer, has been too ambiguous to afford any certain criterion. But however he may be for a time behind the curtain, he is to reappear on the stage, and play his part, in sundry future scenes.

In May, a party of the southern Indians stole horses near the Crab orchard. Nathan McClure, lieutenant to Capt. Whitley, raised his men, and pursued the trail out to the ridge between Rockcastle, and Buck creek, where they incidentally fell in with another party—and a fierce skirmish immediately ensued; in which McClure was mortally wounded, and several of his men slightly. Both parties left the field precipitately: the loss of the Indians remaining unknown. McClure was carried to a cave, and at his own instance left. In the night he died; and the next day, when a party came for him, his remains were found, much reduced, and mangled, by wild beasts. This was one of the most brave and active officers of his rank in Kentucky.

About the same time, John Pointer, was killed by the Indians; who were pursued by the Horines, but escaped.

Reports of Indian hostility, were now frequent. Early in June, they fired on two men, and three boys, on Floyd's fork. The men were killed, the boys taken prisoners;—there was no pursuit. About the 20th of the month, three Indians came to Jacob Stucker's, on North Elkhorn; and each stole a horse. The next day, a lad was killed near Colonel Johnson's mill. On this occasion, Captain Herndon assembled a company—gave pursuit—and coming on the horse trail, took that, being the easiest followed—overhauled the Indians—fired on them—killed two, and wounded the third, who escaped. The party thence returned, with the horses.

In the course of the month, a man near Drennon's lick was killed; but no pursuit after the Indians was made.

Thus it appears the Indians were on all sides, in small parties, every where presenting danger and death—calling rather for individual repulsion, than offering an object for the operation

of public force. Filling the mind with horror, the more intolerable, as the stroke of death, almost always came from the unseen hand; before the danger was known, or could be escaped.

In the early part of July, Isaac Freeman, brought a speech from the Miamies, dated the 7th of the month, expressing a wish for peace. And as an evidence of their sincerity, they sent by him several prisoners, taken from Kentucky. These were left with Judge Symmes, on the Ohio; who made report to the officer of the United States, at fort Washington.

The middle of the month, a letter dated the 21st of June past, addressed by the governor, to the county lieutenants on the western waters, arrived in Kentucky, purporting that a letter from the president of the United States, had been received, rendering it unnecessary for Virginia to defend the frontier; as a continental force was stationed on the Ohio; for that purpose; and directing that information should be given of Indian depredation, to the officer commanding the federal troops at the nearest post.

Such was the situation of the country when the convention, lately elected, assembled at Danville on the 20th of the month. An account of which will be found in the next chapter.

CHAP. XV.

Terms of separation rejected—A fourth act passed, and accepted—Other proceedings of the Convention—Indian hostilities by land, and water—Generals Scott, and Harmar, make an expedition to Scioto—Harmar's expedition to the Miami of the Lake—Internal defence—General Scott's expedition—General Wilkinson's expedition—Civil proceedings—General St. Clair's expedition—Convention to form a constitution, elected.

[1789.] ALREADY it has been stated, that the convention of July, 1789, assembled at Danville on the 20th of the month. After some discussion of the terms of separation, which had been varied, as also noticed, the following resolution was adopted.

“Whereas it is the opinion of this convention, that the terms now offered by Virginia for the separation of the district of Kentucky from said state, are materially altered from those formerly offered and agreed to on both sides; and that the said alteration of the terms is injurious to, and inadmissible by the people of this district:

“Resolved therefore, That a memorial be presented to the ensuing general assembly of the state of Virginia, requiring such alterations in the terms at present proposed to this district for a separation, as will make them equal to those formerly offered by Virginia, and agreed to on the part of the said district of Kentucky.”

The memorial was accordingly drawn up, agreed to, and transmitted to the general assembly; who readily made the alterations required; but the new act also required new proceedings throughout; so that the separation was referred to another convention, to be elected the ensuing year: as will be further noticed in the proper place.

The convention also resolved: “that the delegates to this convention meet at their court houses, on the October court

days, and lay off their respective counties into precincts, and that each delegate make out a list of the souls residing within his respective precinct; discriminating between males and females, and between those over, and those under twenty-one years of age; and that the president of the convention be, and is authorized, so soon as an act of the legislature containing the alterations desired, shall come to hand, to call the convention."

To these proceedings were added resolutions against the importation, and use of foreign goods; especially those of fine quality. While great stress was laid on the distressed and embarrassed situation of the district.

After the experience of revolutionary times on the subject of non importation from Great Britain, it is a matter of some astonishment, that the same generation of men, should have expected relief from their difficulties and embarrassments, by denying to themselves and families, the comforts of life within their reach; and which essentially depended on their own exertions of prudent industry. But this was unquestionably a lump from the leaven of Spanish intrigue. It was not difficult to foresee, that such a measure if executed could but increase the distress, as it augmented the privations of the people; and thereby prepare them for the more easy inflammation on the subject of the Mississippi navigation; the occlusion of which, was made the ostensible reason for this self denying ordinance. For under the pretence that the district could not export, as if the Mississippi had been the only channel, it was not to import. Forgetting, it would seem, the communications with the states, although it was through them, that supplies were furnished, and remittances made. It was not the fallacious idea of starving an enemy, as on the occasion to which allusion has been made, that prompted this measure, but the more certain consequence of limiting the comforts of the district, which gave rise to its adoption. For certain it is, that where imports find admission, exports may be effected; and that when left free, they will regulate each other. While the consequence of prohibiting imports, is forever to diminish exports, by destroying the inducement to raise subjects for exportation; by counter-

ing the effects of industry and enterprise--and by increasing the present distress—to superinduce still greater, in future.

It was not even pretended that this forbearance, or refusal to use such comforts and accommodations as were brought to the district, could offer a possible inducement to Spain, to open the Mississippi, for the export of produce. For what was the distress of the people to her? Certainly, not as a drop of water, to the river Mississippi; only as it might irritate the country against congress, and dispose it to favour the intrigue, which she then had with Wilkinson, and others, and to throw itself into her arms for relief. In this view it served Spain and her partisans, but not to relieve Kentucky.

In vain, however, was this deception, called patriotic—in vain, was it recommended to the people. Those who were industrious, and raised produce for sale, continued to find a market for it, at home, or abroad, according to its nature, and quality, and continued also to use its proceeds—as to those who produced nothing for market, their condition was not affected: and as no penalty could be inflicted for using imported articles, the resolution had but little effect—nor was that little of long duration. And for once, folly met its just fate.

When will legislators learn, that the only sumptuary law necessary in any society, is *one, to compel men of all descriptions, to pay for what they buy?*

To this convention, the following circular was presented, as to a kind of local legislature.

“Copy of a letter from the governor of Virginia, to the county lieutenants of the district of Kentucky.

“Sir: The enclosed copy of a letter from the president of the United States rendering it unnecessary that this state should any longer at her own particular charge support the troops called into service for the defence of the western frontier; you will immediately discharge all the scouts and rangers employed in your county. In cases of any future incursions of the Indians, you will give as early information of them as possible to the officer commanding the continental post on the Ohio nearest the point of attack. I have commu-

icated to the president the instructions now sent you, and have no doubt, but effective measures will be taken to protect all the inhabitants of the frontiers. You will if possible furnish me before the meeting of the next assembly, with a statement of the whole expense incurred this year, for the pay and support of the scouts and rangers engaged in the defence of your county."

This letter was dated the 1st of June, 1789, and signed "BEVERLY RANDOLPH."

Upon which, the convention resolved: "that Messrs. Muter, Campbell, Logan, Thomas Kennedy, William Kennedy, Marshall, Leitch, Irvine, Macher, Edwards, Slaughter, Lee, Shelby, Smith, Grundy, Trotter, and the president of the convention, (Samuel McDowell,) or any four of them, be appointed a committee, to draw up and transmit to the executive a remonstrance on the subject of discharging the scouts, and rangers in the different counties of this district; and also to state to his excellency the president of congress, the defenceless state of our frontiers, the most probable mode of defence, the depredations committed by the Indians since the 1st of May last, the small number and dispersed situation of the continental troops—which renders it impossible they can either assist us, or intercept the enemy; and report to the next session of this convention, copies of their proceedings; of their letters; and of the answers, they may receive in consequence thereof."

On the 8th of September, Mr. Muter, and others, wrote to the secretary of war, complaining of Indian hostilities—the 15th of December an answer was returned, with assurances from the president, that measures would be taken for the defence of the frontiers.

Nine days afterwards, the president laid before congress a letter from Governor St. Clair, which represented the existence of Indian hostility on the frontiers—that the Kentuckians traversed the territory of which he was governor, (Ohio;) to get at the enemy, whom he was not able to chastise—and

recommended offensive measures. The president, on his part, suggested to congress, a provisional act for calling out the militia.

The 29th of the month, the president proclaimed the treaty made by Governor St. Clair, with the Indian tribes northwest of the Ohio. Such were the varying scenes of the Indian war.

In October, an association was formed at Danville, for the institution and encouragement of internal manufactures—which being premature, perished in its infancy; after a few struggles, and abortions.

The legislature of Virginia, addressed the president of the United States on the 28th of October, recognising his attention to the defence of the western frontier; they represent the continuance of Indian hostility; and recommend an expedition against them.

The 27th of November, Colonel Patterson, and three men encamped on the head of Eagle creek, were fired on by Indians; two of the men were killed; the colonel, and one man escaped. There were six of the enemy, to enjoy the triumph unmolested.

A boat descending the Ohio, about the 10th of December, was fired on by Indians near the Three islands, and two men, and one woman, mortally wounded. Five days afterwards, Major McMillan, with a few others, went to the Flat lick, on Flat Lick creek, to hunt game; and he, being alone, in the edge of a cane brake; his attention was arrested by a noise, which he supposed proceeded from a bear; and preparing immediately to shoot him, if he should appear—when, instead of a bear, an Indian presented himself, received the fire, and fell. The major then charged his gun; and seeing no other, went up to scalp the dead—but as he stooped to perform the operation, six Indians laying in ambush, discovered themselves by a fire on him; he fled unhurt, pursued by one of the savages, who approached so near, that for his own safety, he turned, shot him; and thus escaped: Such was his report. In the last of the month, the Indians killed a man, and took a boy, on Slate

creek—the same party soon after fell on a camp of white men near the upper Blue lick; which they plundered, after killing one man and dispersing the rest. Arriving at the Ohio in Kennedy's bottom, the same Indians discovered a boat just putting to land—they bound the boy, fired on the people in the boat, killed five men, and took a woman; in the mean time the boy made his escape, and upon his return, gave an account of these atrocities.

Thus ended the warfare of 1789; and whence may be inferred, the utter futility of treaties with Indians, while the British held the posts on the lakes—and indeed, in any case, unless they are placed in check by an ostensible force; of which they are put in fear.

The remnant of the civil transactions of the year, appertain to the creation of a new county, the transfer of fees and jurisdiction to the Transylvania seminary, and the passage of the fourth act of separation; which will now receive the attention they merit.

The 18th of December, 1789, the legislature, having considered the remonstrance from Kentucky, on the altered terms of separation, and discarded the exceptionable clauses; passed the bill, as at first—with the conditions heretofore recited, and which being in due time, and form, acceded to by Kentucky, has become a solemn “compact,” between the parties. The terms of which are to be seen in a former page.

This act, however, required another convention, to be elected in the same manner as others, for the like purpose, had been, at the ensuing May courts, by the free male inhabitants, in their respective counties; each of which was to choose five members, who were to meet at Danville on the 26th day of July, 1790, and there, to decide whether it was *expedient for*, and *the will* of the good people of the district, that the same should become a separate state, and independent member of the union, on the conditions stipulated: “provided, that prior to the first of November in the year aforesaid, the government of the United States, release Virginia from her federal obligations, arising from the district—agree, that the proposed state,

shall immediately after the day to be fixed for separation, by the convention, and which was required to be posterior to the first of November, 1791, or at some convenient future day, be admitted into the federal union."

And that no period of anarchy might happen to the good people of the proposed state—provision was to be made in the convention which determined in favour of separation, for the election, and meeting, of another convention, within proper time, prior to the day fixed for separation, and posterior to the 1st of November, 1791; with power to frame a constitution of government, for the new state; and to declare what laws should be in force therein, until altered, or abrogated by the legislature thereof.

At the same session of the legislature, the county of Woodford was created, to take effect, the 1st day of May, 1790; and to be bounded as follows: "Beginning one mile and a half above Todd's ferry on Kentucky river, thence a straight line to the Eight Mile tree on the Leestown road, thence a direct course crossing the north fork of Elkhorn four miles on a straight line below William Russell's, thence the same course continued to the line of Bourbon county, thence with Bourbon line to the mouth of Licking, thence down the Ohio to the mouth of Kentucky river, thence up the same to the beginning."

By another act of this session, the sixth part of the surveyor's fees, throughout the district, which had been a perquisite, to the college of William and Mary, was henceforth to be paid, to the trustees of the Transylvania seminary; in whom was vested the right in future to examine candidates for the office of county surveyor, or touching their qualifications for office; and without whose written approbation, no one could be appointed.

This seminary, it may be remarked, had been established by an act of the legislature, at an early period of the settlement of Lexington, on a grant of eight thousand acres of land; the first which should be confiscated, in the county of Kentucky; as its foundation.

The gentleman, who was principally active in procuring this establishment, was the Colonel John Todd, who fell at

the battle of the Blue licks. The quantity of land destined to the use of this institution was soon after, condemned, and appropriated, in due course of law, out of the lands which had been surveyed under British authority, for certain persons, who adhered to the mother country, in the contest for independence.

Thus is closed the account of 1789—but to open and fill that of 1790, with recitals of a similar kind.

[1790.] The 16th of January the Indians took two men and a lad near the mouth of Lee's creek on the Ohio. A few days afterwards they killed two men on the Hanging-fork of Dick's river. The 29th of the month, a man was made prisoner opposite the mouth of Kentucky; and the settlement at that place evacuated.

March the 1st, the Indians killed a part, and dispersed the rest of the people in Kennedy's bottom.

The 10th of the month, the governor of the commonwealth, stating that he had received information from the governor of the northwestern territory, that incursions were made by parties from Kentucky through that territory, upon the tribes of Indians in amity with the United States—proceeds to reprehend such conduct; and orders that no party shall in future, under any pretence whatsoever, enter the territory of the United States, or of any Indian tribe.

A canoe, ascending the Ohio about the last of March, was taken by the Indians near the mouth of Scioto, and three men killed. Within a few days after, a boat coming down, was decoyed to shore by a white man who feigned distress; when fifty savages rose from concealment, ran into the boat, killed John May, and a young woman, being the first persons they came to, and took the rest of the people on board prisoners. It is probable, that they owed, according to their ideas of duty, or of honour, these sacrifices to the manes, of so many of their slaughtered friends.

While the caprices of fortune, the progression of fate, or the mistaken credulity of Mr. May, and his imitator, is to be seen in the essay to ensure their safety, by advancing to

meet these savages, with out-stretched hands, as the expression of confidence, and the pledge of friendship. Mr. May, had been an early adventurer, and constant visitor to Kentucky. He was no warrior; his object was the acquisition of land—which he had pursued, with equal avidity, and success, to a very great extent. Insomuch, that had he lived to secure the titles, many of which have been doubtless lost by his death, he would probably have been the greatest land holder in the country.

Soon after this event, for the Indians still continued to infest the river, other boats were taken, and the people killed, or carried away captive.

The 2d of April, they attacked three boats on the Ohio, near the confluence of the Scioto; two being abandoned fell into the hands of the enemy, who plundered them: the other being manned with all the people, made its escape by hard rowing.

Such a series of aggression, at length roused the people of the interior; and General Scott, with two hundred and thirty volunteers, crossed the Ohio at Limestone, and was joined by General Harmar, with one hundred regulars of the United States—these march for the Scioto; the Indians had, however, abandoned their camp, and there was no general action. On the route a small Indian trail was crossed; thirteen men, with a subaltern, were detached upon it—they came upon four Indians in camp, the whole of whom were killed by the first fire.

The 13th of April, the secretary of the war department wrote to Harry Innis, who had been appointed judge of the federal court, in Kentucky, expressing the anxiety of the president of the United States, to extend the benefits of certain defensive regulations, to all the frontiers; and placing it in the power of the judge, to authorize the county lieutenants to call out the scouts, to protect the defenceless inhabitants.

In this month, on its way to Kentucky, a company encamped on Rockcastle, by the wilderness road, were fired on by Indians, and a white man, and negro, mortally wounded—three children tomahawked; and the rest dispersed; with the loss of horses, and baggage.

The 23d of May, a collection of men, women, and children, returning home from a sermon, on Bear Grass creek, were fired on—one man killed, and a woman made prisoner. The Indians being pursued, soon after, tomahawked the woman, and escaped unpunished. In June, of two spies, sent to reconnoitre, towards the Ohio, one was killed, near the Big Bone lick—and an Indian shot on Coxe's creek. The 19th of the month, one man was killed and scalped, another wounded, by Indians, at Baker's station. They fired on nine men at Morgan's station the 26th of the month, and wounded three of them—one mortally. The same day a boat with families, among whom were six men, was attacked near the Three islands in the Ohio, by sixteen Indians in four bark canoes—the boat was approached, without firing, the white men fired with but little, or no effect—immediately the Indians board the boat, and make the men and families prisoners. The property which could not be carried away, was sunk in the river—the prisoners taken to shore—and the march commenced, for the town. The second day one of the men escaped, and gave the news. The Indians said they were Towas; and intended to make slaves of their prisoners. The idea of slavery, at all times irksome, might, without reflection, be rendered horrible, to one who was to serve a savage Indian. Yet, if reflection did not, experience would, mitigate this sensation. Since, but little difference could take place between a slave, and a prisoner, among such people; and probably, the first, occupied in reality the most eligible situation. Labour could hardly be excessive where there was but little to do—and where there is neither riches, nor even reasonable comforts, among the masters, there could be but few privations peculiar to slaves. But slavery, is subjection to the will of another; it is confinement; it is control; it is dependence; and though it were spent in affluence, robed in silk, and decorated with gems, it would still afflict the freeborn American citizen.

If indeed, such rencounters, merited a commentary, it might be asked, who were the six men, armed as they were, and on

board a strong boat, that permitted sixteen Indians, in bark canoes, on the current of the Ohio, to take them, and their families? Alas! the helpless women, and children, they alone are objects of sympathy.

The 30th of the month, Governor St. Clair arrived at the falls of the Ohio, on his way to meet General Harmar, with whom to concert the means of carrying an expedition into the Indian country.

The 2d of July it was resolved by an assemblage of citizens at Danville, "that the frequent depredations of the Indians on persons and property, made it necessary to march against their towns." And in order, that a conference might be held among the field officers, it was proposed that they should meet at the place, then occupied, on the 26th of the month. It being the day on which the convention was to assemble.

Two of the spies for Mason county, returning to Cassady's station on the 18th, were mistaken for Indians, such was the effect of their disguise, fired on--and one of them mortally wounded.

On the 26th of the month the convention met, as had been provided by the act of assembly. George Muter, was elected president; and the body being otherwise duly organized--it resolved without difficulty, "that it was expedient for, and the will of the good people of the district of Kentucky, that the same be erected into an independent state on the terms and conditions specified in an act of the Virginia assembly passed the 13th day of December, 1789, entitled 'an act concerning the erection of the district of Kentucky into an independent state.'"

The next step, was a formal acceptance of the terms and conditions specified in the before-recited act. They then declare that on the 1st day of June, 1792, the said district shall become a state separate from, and independent of the government of Virginia--and that the articles of separation become a solemn compact binding on the people of Kentucky.

Mr. Alexander Scott Bullett, of a committee appointed for the purpose, prepared, and reported, an address to the general assembly of Virginia, which was agreed to, announcing the acceptance of the terms of separation—and requesting the aid of the Virginia representation in congress, to obtain from that body, an act of admission, for the new state into the federal union.

A memorial to the president of the United States, and to congress, was presented to the convention by Mr. James M. Marshall, and adopted. Expressing attachment to the present happy establishment of the federal constitution and government—stating the causes and motives for separating from Virginia—the competency of Kentucky to sustain government—the time limited for its organization, as a state—and praying congress, and the president, to sanction the whole proceedings; by passing an act of admission for the “state of Kentucky,” into the union, agreeably to the time prescribed by Virginia, in her act for that purpose.

And finally the convention resolved:

“That in the month of December, 1791, on the respective court days of the counties within the said district, and at the respective places of holding courts therein, representatives to continue in appointment for seven months shall be elected by the free male inhabitants of each county, above the age of twenty-one years, in like manner as the delegates to the present convention have been elected, in the proportions following:—In the county of Jefferson shall be elected five representatives.” And so on, naming each county, and allowing to each the same number of representatives—making in all forty-five representatives, for the composition of the intended convention: “provided, that no person shall vote in any county, except that in which he resides, and that no person shall be capable of being elected, unless he has been resident within the said district at least one year. Each officer holding said elections shall continue the same from day to day, passing over Sundays, for five days including the first, and shall cause this resolution to be read each day immediately preceding the

opening of the election at the door of the court house, or other convenient place. Each of the officers shall deliver to each person duly elected a representative, a certificate of his election, and shall transmit a general return to the clerk of the supreme court, to be by him laid before the convention." And a penalty was imposed in case of failure.

"The said convention shall be held at Danville on the first Monday in April, and shall and may proceed after choosing a president and other proper officers, and settling the proper rules of proceeding, to frame and establish a constitution or form of government, and also to declare what laws shall remain in force until altered or abrogated by the legislative authority acting under the constitution so to be framed, and established."

Thus was brought to a close, with much unanimity, the preparatory measures for the long sought separation of Kentucky, from the residue of Virginia; and her erection into an independent state; subject only to the assent of congress; about which, no serious apprehension was entertained, by well disposed men of information; although there might have been some who still laboured under the influence of Mr. Brown's insinuations, to the contrary. This was, however, in no long time to be put to the test.

In the intervening space, the president of the United States, with that attention to the peace and security of the union, which had ever characterized his vigilance and humanity; convinced that treaties were unavailing to the safety of the frontiers; considering that defensive measures could not be so arranged, as to protect all their exposed points, against the predatory incursions of so subtle, and active a foe; and following the indications of public opinion, in favour of offensive measures, ordered an expedition to be marched against their towns, in the northwest.

General Harmar, was therefore authorized, to call on Kentucky, to aid him with a portion of her militia, and to carry the war home to the Indians. This call was accordingly made; which in due time brought to his standard, eleven hundred and thirty-three militia volunteers, under the competent number of

officers; at the head of whom was Colonel John Hardin: an intelligent and gallant soldier. Three hundred and twenty continental, now federal, troops, composed the regular force of the general—with these united, he marched for the Miami village about the 30th of September. The march was performed in good order, and the corn destroyed.

But this was not the end of the business. The army encamped on the ground; and an Indian trail being discovered—Colonel Hardin, with one hundred and fifty of his militia, properly officered, and thirty regular troops commanded by Captain Armstrong, with Ensign Hartshorn, for his subaltern; were detached in pursuit. At the distance of six miles, the Indians had laid themselves in ambush on each side of their own trail, by dividing their numbers, and returning at a distance from it, and then approaching it; so as to give no indication to pursuers, until they had first fallen into the snare; and were quietly waiting the event of their artifice, concealed by the grass, and bushes, in a prairie. When Colonel Hardin, and his detachment, with what precaution is not stated, had passed well into this defile, the enemy fired on them, as by signal from both sides—which immediately dispersed the militia, to the great mortification of their colonel, who not being able to stop them, was compelled to follow—while the regulars in front stood their ground, and made battle.

But the enemy, superior to the whole of the detachment in numbers, rushed upon them, and such as did not fly, were instantly overpowered, and put to death. The Indians remained on the field; and the ensuing night, held the dance of victory, over the dead and dying bodies, of their enemies, exulting with frantic gestures, and savage yells, during the ceremony. To which Captain Armstrong, was a constrained and wretched witness; being sunk in a swamp, up to his neck, in mud and water, within a hundred yards of the horrid scene.

By thus sinking, he disappeared from his pursuers, and saved his life: his ensign also saved his, by accidentally falling over a log, and being hid, by the weeds and grass. In the night, they both got off, and arrived in camp. The Indians, in the

mean time, were receiving reinforcements from several contiguous towns; and the next day, reconnoitering parties, were discovered by the scouts from the camp of General Harmar—between whom, some skirmishing ensued, with little effect. The Indians, failing to attack the camp, no step was taken to bring them to action.

In a day or two, the army decamped, and commenced its return home; on the second day of its march, and about ten miles from the ruined villages, the general ordered a halt—and detached Colonel Hardin, with four or five hundred militia, and about sixty regulars, commanded by Major Willis, and a small squadron of horse, with orders to return to the site of the main town. Expecting, probably, that the enemy were collected there, and would give battle; without, it would seem, making any calculation of their force, or fraud—the two great instruments of war—but expecting the detachment quite sufficient, to conquer either, or both. It marched, and in a few hours was on its destined ground. In a short time, a small body of Indians, made its appearance; the militia being the most alert, and nearest the enemy, for they had taken care to appear on that quarter, were put into motion, and fired on the Indians; who immediately broke into several smaller bodies, and retreated, by squads, in different directions. They were pursued by the militia, who also broke into parties, in order to overtake and destroy the flying enemy; who merely seemed to avoid them. The grand object of the preconcerted stratagem, was now effected—a large part of the militia were decoyed into a vain pursuit—the regulars were left alone—this was the moment for accomplishing the rest—and it was seized with avidity.

The Indians, had concealed their main force, in a convenient position, and waited only for the crisis which had been thus produced, to avail themselves of their superior address. They rise from their hiding place—rush upon the devoted band—and fight only with their tomahawks. Nothing can exceed the courage, the ardour, the fury, of the savages—unless it is the cool, determined, and energetic firmness of

Major Willis. and his sixty. The Indian yell, was received, with unperturbed, and inflexible silence—the tomahawk, was repelled by the bayonet. In vain was Indian, after Indian, killed—their numbers still increased—and while one was transfixed on the bayonet, one, two, or more, would run up, and sink his tomahawk in the soldier's scull. Never was intrepidity more conspicuous—never was destruction more complete—scarcely an individual escaped—but fell with their major, on the spot, they occupied. And could Indian blood atone for this, their death was honourably expiated, by their own hands.

The militia, in the mean time, were in part recalled from the pursuit which has been mentioned, and a portion of them, commanded by their colonel, and other officers, brought into action; they fought bravely for some time, sustained considerable loss—inflicted, as it is believed, at least, an equal loss—and at length retreated before a superior foe, flushed with the victory, over the regulars. Against whom, they had directed, the whole force of their genius, and prowess, until they were destroyed. And so determined were they on effecting this result; which took but little time; that the return, and attack of the militia, did not divert their attention. But when this end was gained, they united all their force against the militia; which they compelled to fly, and leave the field, with the dead and wounded, to them. They, however, did not dare to pursue. A fact, which evinces the respect, with which this militia, had inspired them. For pursuit, next to surprise, is their delight. But on this occasion, no pursuit was attempted.

Much discontent took place in camp; it was extended to Kentucky, and there increased. Both General Harnar, and Colonel Hardin, were censured. The expedition had indeed been disastrous. Colonel Hardin, had been twice defeated—the militia had lost ninety-eight killed, and had ten others wounded. But the regulars, or federal troops, in proportion to their numbers, had lost ten to one. Of three hundred and twenty, they lost seventy-three killed. Some jealousies took

place, and reproaches ensued. Complaints, indeed, forever follow misfortune, as that is but too often the companion of misconduct.

On this occasion, Colonel Hardin, was made the subject of some invidious reproaches; he demanded a court of inquiry; it was appointed—and after a full investigation, rendered him, an unanimous and honourable, acquittal. Such were the objections and complaints raised by the militia against General Harmar, that he was not again, ordered to command them. But it is believed, that these complaints did not exist in his own corps. Where he had the reputation of being an excellent garrison officer; and a good disciplinarian, in the true spirit of his profession. He was also tried, and honourably acquitted.

The security of the country was thought to be but little promoted by the expedition; its internal situation, called, for some regulations, and establishments, calculated, to cover and protect its extensive frontier, if not at all points, at such, as were most exposed; and at the same time the least susceptible of neighbourhood assistance. This subject received the necessary attention; points of defence were designated; detachments of militia assigned to them; and a routine of service, and relief, prescribed. This was a very salutary measure; and could not fail giving both security and satisfaction. The posts, and garrisons provided, for remote settlements, were:

At the Three Islands	20 men.
At Locust creek	18
At the Iron Works	17
At the forks of Licking	12
At the Big Bone lick	18
At Tanner's station	5
At Drennon's lick	10
At the mouth of Kentucky	9
At Patton's creek	10
At the mouth of Salt river	19
At Hardin's settlement	12

At Russell's creek	15 men.
At Severn's Valley	10
At the Widow Wilson's	5
At Estill's station	10
At Stephenson's	18
At the Knob lick	9

Besides similar appointments, and distributions in other quarters.

On the 18th of December, the president of the United States, in his communications to congress, strongly recommends the adoption of the new state of Kentucky, into the union, in terms equally affectionate and honourable.

The senate on the 13th reciprocate this message, and as to Kentucky, "assure him of their disposition to concur, in giving the requisite sanction to the admission of Kentucky, as a distinct member of the union." In doing which they say: "We shall anticipate the happy effects to be expected from the sentiments of attachment towards the union, and its present government, which have been expressed by the patriotic inhabitants of that district."

A few days afterwards, the house of representatives say, on the same subject: "We shall bestow on this important subject, the favourable consideration which it merits; and with the national policy which ought to govern our decision, shall not fail to mingle the affectionate sentiments which are awakened by those expressed in behalf of our fellow citizens of Kentucky."

The 4th of February, 1791, each branch of the government had verified its integrity, by passing the act for admitting Kentucky into the union of the states, on an equality with the other states—which gave the crown of success to the honest efforts of those in Kentucky, who had repelled the overtures of foreign governments, and defeated the machinations of her own citizens, to place her at the feet of the Spanish monarch; by maintaining with good faith the constitutional course of placing her in the federal union.

At this moment so auspicious to the honour and prosperity of the country, the jealousies, the suspicions and heart-burnings,

excited by Mr. Brown, and the other conspirators, and intriguers, should have vanished, in the indignation, which their convicted falsehoods merited—and their aspersions on the atlantic states should have been rolled back on them, in an overwhelming torrent, of disgust and aversion. But their influence on public opinion had become too powerful, and extensive, for these sensations to predominate in the popular breast. For when were the people of any country qualified to detect imposters, to discriminate political conduct, and to discard the specious timeserver?

Those of Kentucky, laboured under various difficulties; and like a sick patient, ready to try any nostrum, when plausibly recommended by a family physician.

There was nothing so embarrassing as the Indian war—this was felt—nothing so necessary, they were told, as the navigation of the Mississippi—and this they believed. Those who wished to mislead them, seized on these subjects, affected an extraordinary zeal for the *interests of the people*—obtained the name of *patriots*, from each other—were then prepared for popularity—and all the mischief, which popularity misplaced, enabled them to commit. So it has ever been; and so it ever will be—while popularity, is power; and the great body of the people, are ignorant. Hence springs that race of politicians, which is denominated, demagogues; and who sooner or later, bring ruin on the commonwealth. Sometimes, by direct treachery; sometimes, by one, or more, weak, or wicked measures. It is an evil inherent in democracy—nor is it to be eradicated by simple exposure—nor yet by emollients—no, nor by moral lectures. It is only to be counteracted, by an attention to the principles of human action—and by positive regulations—judiciously adapted to control one class of *interests*, by another. For in political arrangements, interested convictions, govern, the conduct of all. The difference lies between, public, and private interest so often separated, in the transactions of men.

It is not, that, society is deficient in honest, and capable, men. No: Nature is bountiful, and delights in their production; every

country has them. Kentucky has always possessed her share. But they have not always been employed. They are not generally favourites with the people—they stand but little chance of success, in a contest with demagogues—they cannot practise those arts which but too often conciliate popular favour; and they are put in the back ground. The consequence is, *they are lost to the country for all public purposes.* But these reflections, are anticipations of the historical facts which it is thought would sustain them; and they are now abandoned, as being premature.

It is, nevertheless, a truth, which may be related at this place, that so long as the leaders of the faction for violent separation continued to offer themselves to the people in elections, they were elected; and that they did not disturb the country, and infest the conventions of 1789, and '90, is because they were defeated in 1788; saw no favourable opening for success; and withdrew themselves from the contest. They could manage the ignorant part of the community; they were counteracted, and defeated by the intelligent. To this counteraction and defeat, is Kentucky to attribute her escape from degradation, from internal discord, and civil war; and to the same causes, does she owe the high, and honourable standing, which she occupies in the FEDERAL UNION. The fortunate conception, of wisdom, and virtue—the point of attraction, and of sympathy, to humane and generous minds—the high altar, on which, the turbulent and discordant passions, which would seek their gratification in state warfare, and internal desolation, are to be sacrificed. The source, and fountain of every rational honour, and emolument. The centre, and nucleus, around which, is to be arranged, whatever is gallant in achievement, brilliant in science, or useful in the arts—the inventions of genius, and the adoptions of judgment.

These are some of the happy effects of the FEDERAL UNION; an idea, inspired by heaven itself, for the internal peace, and external glory of NORTH AMERICA. Kentucky was, however,

to wait until the 1st of June, 1792, before she could take the place, thus prepared for her.

From a retrospection of those events, which for the moment, cast a mingled ray of comfort, and vexation, over their occurrence, and which may be denominated civil; it becomes proper to retrace the field of military incidents; and by collecting and arranging the facts in due order, give to them a connexion, and a meaning, of which, standing as they do, detached, they would otherwise seem hardly susceptible. It is to a general, and habitual feeling of hostility, on the part of the Indians, that their predatory acts are to be referred. On any other supposition, they would assume the simple character of robbery, or murder; and appear to propose no consequence, but irritation, or destruction: while, as such, they would hardly deserve a place in history. But, as an invaded, and aggrieved people, who have, in their own estimation, lost much; and are defending what remains; incessantly threatened, by an assuming foe; who does not respect the motive of their warfare, however he may deplore its effects. Be this, however, as it may, history cannot with propriety pretermit the narrative of them.

[1791.] The year 1791, is more than usually crowded with accounts of depredations, incursions, and expeditions. A brief recital of each, in its place, will suffice.

In the month of March, Captain William Hubbell, descending the Ohio, in a family boat, was attacked by a number of Indians, in canoes, who made several attempts to board the boat; but were gallantly beaten off by the captain, and nine men, who were with him. On this occasion, Captain Hubbell displayed the character of a hero: undaunted by numbers, he faced danger in its most savage form—and by exertions, which to others appeared desperate, forced the ferocious assailants from the gunwales of the boat, and thereby saved it, and the families on board.

Three of his men, were killed—and three others wounded, besides himself—who was shot through the arm.

The same day, the boat of Greathouse, was taken, without resistance. What a contrast!

Soon after these transactions, the Indians killed a man, and stole horses, on Brashier's creek.

The 11th of April, five rangers from fort Scott, fell in with seven Indians on the bank of the Ohio, when a skirmish ensued; in which two of the enemy were wounded, and the whole put to flight; leaving some mares and colts, seven blankets, a few camp kettles, and a number of deer skins. Such was the spoil.

About the 16th of the month, three Indians stole horses from the forks of Elkhorn; being pursued, they were overtaken, two of them killed, and the horses recovered.

Incidents of Indian hostility, now followed in rapid succession—as the spring of the year opened its buds, and expanded its foliage.

A party of these marauders cross the Ohio to the frontiers of Bourbon county, where they hide their canoes; and thence proceed into the settlements in search of scalps, and plunder. In the mean time, their canoes were discovered, by a few hunters, who collect some others—and repairing to the place, they there form an ambuscade, and wait the return of the Indians: on their near approach, they fire—kill five—disperse the rest—and retake the booty.

Other parties, invade other quarters, commit depredations, and often evade pursuit; or go off, unpursued.

These occurrences, excite considerable sensation in the public feelings, and induce a publication in the *Gazette*, calculated to increase existing discontents, as to Indian affairs; by representing as idle, and nugatory, all attempts to bring them to treaty, or bind them by it—and as alone to be influenced, by violence, and retaliation, the parents of fear; which the people were strenuously invoked to inflict on them.

The style, and objects, of this address, drew considerable attention on General Wilkinson, who had commenced a course of conversation, and manœuvring, to get a commission in the army of the United States—and probably, its control—for doubtless, his imagination had reached, and his ambition com-

passed, it; not only as a means of support, but as an auxiliary to his Spanish project. At this particular time, the general wanted to command a detachment of volunteers, against the Indians; as an easy and cheap method of gaining eclat. But, although, yet popular, he could not succeed, on his own footing. He raised no party.

The government, of the United States, whose business it was to defend the country, had its various difficulties and embarrassments; for besides the many inconveniences and impediments, growing out of the imbecilities of the old confederation; one of the greatest of which was the want of revenue—it had to explore its course amidst domestic and foreign enemies; as ready to mislead its attention, as to take advantage of its errors, if any it should commit.

Among other things, a new army, was to be raised—a subject, always of importance in republics; often the object of jealousy; and frequently, the theme of malicious insinuation, and invidious reflection. But an army could not be formed without officers; while both officers, and men, must come from the eastward—and moreover, it would be, the army, of the United States. Circumstances, which exactly, were calculated to render it, the aversion of every *intriguer with Spaniards*, as it was to act on the western waters; and accordingly, it excited the *virtuous sensibility* of Mr. Brown, and others, in a very high degree.

It was obvious, notwithstanding, that a new general, was to be appointed, and an army raised, for him to command; or the defence of the frontiers given up to the militia mounted volunteers. The latter of which, had its advocates, among the friends of General Wilkinson; and those of his politics.

As if to add to previous perplexities, about this time, a gentleman, of respectable talents, information, and address, by the name of O'Fallon, representing himself as agent general for the Yazoo Land Company, attempted to raise a military force in Kentucky, for the purpose of taking possession of the country on the Mississippi, recently sold by the state of Georgia, to that company; but then in the possession of the Chickasaw

Indians, and the Spanish government; with whom the United States were at peace; which this measure threatened to violate.

A movement so audacious in its character—so disrespectful to the government—and so mischievous in its tendency, produced from the president of the United States, an inhibitory proclamation; which had the desired effect to stop enlistment. And Mr. O'Fallon, abandoning his enterprise, married the sister of George R. Clark, and settled himself in the country.

In the month of May, General Charles Scott, who had removed from Virginia, to Kentucky, about the year 1786, with some military reputation, acquired in former wars; and who had been appointed a brigadier; having indicated, probably prompted by Wilkinson, a disposition to make an active campaign in the Indian country; found the public sentiment in such accordance with his own, that he was enabled, by a call, to assemble an army of one thousand men at Frankfort; then the residence of Wilkinson. He, holding no commission, in Kentucky; but volunteering for the expedition, was chosen second in command—assumed the title of colonel commandant; and soon rendered himself conspicuous, by his activity, his attention, and address. The march was directed to the mouth of Kentucky river—where the men were mustered, on horseback; when it was found, that some did not appear; but that between eight and nine hundred, were faithful to their duty, and ardent for the fight.

On the 23d of the month, orders were given to march; and after penetrating the wilderness, one hundred and fifty miles, without molestation, and almost without discovery—on the 1st day of June some huts were seen, and a village announced, at a few miles distance. At this point, Colonel John Hardin, was detached to attack the first cabin—Captain William Price, to take the second—and Colonel-Comdt. Wilkinson, pushed forward to the main village; which might consist of three, or four, such buildings. Colonel Hardin, killed six men, and took fifty women, and children. Captain Price, killed two men; but made no prisoners. The colonel commandant, arriving opposite a Kickapoo village on the bank of the Wabash,

found several canoes full of Indians; which, says the bulletin, he forthwith emptied—but whether by killing, or scaring them into the river, as so many tarapines, does not appear.

Thus ended the achievements of the first day. The next morning was assigned to the colonel commandant, for a command, of five hundred men, to move on Kethepecannank, at the mouth of Eel river; eighteen miles distant. Such, however, had been the exertions and fatigues of the preceding days, that only three hundred and fifty men could be paraded for the service.

Formidable as was the name, of the town, to be assailed—the colonel commandant, without the least hesitation, put his diminished command, in motion. The march was rapid, the town approached, assailed, and conquered. It is true, there was no resistance. In twelve hours, the party returned to camp, without the loss of man, or horse. Some few prisoners were taken, and treated kindly. It is a fact worthy of notice, the few Indians who were killed on this expedition, were not scalped. At which, it is said, the prisoners were much astonished. This change in the mode of treating the savages, so agreeable to the customs of civilized nations, was undoubtedly suggested by the general—or by the colonel commandant—who had taken on himself a large share of the command, as well as of the active service of this expedition; and nearly arrogated all its honours. This may possibly be implied in the epithet “commandant,” which he carefully applied to himself. Be that as it may, no loss of life was sustained: and the party returned home, in high good humour with themselves, and not a little pleased with their colonel commandant.

While this detachment was out, the southern part of Kentucky was infested by a band of Cherokees, who killed a man, his wife, and five children: and being pursued, they were overtaken; one shot dead, another wounded, and the rest dispersed. To the northeast, about the same time, nine men travelling the new road from Strode’s station, to Big Sandy, were fired on by the Indians, laying in ambush, and driven back; without other injury.

General Wilkinson, having conciliated public opinion, and obtained reputation, among mounted volunteers, on the late expedition; being determined, to establish his military fame, so auspiciously began; caused a notification, to be published, in July, that he wanted five hundred volunteer horsemen, to accompany him, on an expedition against the Indians north-west of the Ohio. To which was added, that Colonel John Hardin, and Colonel James McDowell, would serve as majors. These were popular officers; and both favoured the proposed enterprise. In a short time, the competent number of mounted riflemen, with their captains and subalterns, were assembled, and marched into the Indian country. The village L'Ar-guille, received the blow, and was destroyed. On this occasion, it is believed, John Brown was taken into the family of the general; and his brother, James, made a captain. It was sport—but the high road to popularity. A few prisoners were taken, and well treated. If any men were killed, it was before they surrendered, and doubtless, in the heat of assault—they were not scalped. General Wilkinson, being determined to interweave the olive, with the laurel, set some of the prisoners at liberty; and publicly inculcated sentiments of humanity, and kindness, in their treatment—which, were but the genuine offspring of his own feelings. It seems almost superfluous, to say, that this party returned, unhurt, and proud of its success.

The services, and superiority, of mounted riflemen, for Indian warfare, was now blazoned, and sang through the district. The party, who aspired to direct the defence of the country, were observed to raise its tone, make high pretensions—and increase its strength. It was in fact, the party, which had been vanquished, in 1788; and could it but, substitute Kentucky volunteers, for federal troops, there was no difficulty foreseen in placing Wilkinson, at the head of the armed force of Kentucky.

What this might produce, was left to time—always eventful.

These mounted volunteers, were of a character, in a military review, of Indian wars, to impose upon superficial observers.

There are always many such, and they are easily deluded, and carried away by specious pretences. Adroit comparisons were now made, between the use, and effect, of mounted riflemen, and the regular soldiers, to the utter disparagement of the latter: while the former, possessed the fountain of merit; and held the ægis of public safety, in their structure, equipments, and movements.

The 4th of August, the governor of the commonwealth, wrote to General Scott, that he was to comply with any requisition made on him by the officer, commanding the United States troops, on the Ohio. This was preparatory to an expected call for a portion of Kentucky militia, to co-operate with the new army of the United States then under formation, and which Scott, was well disposed to receive. For, he, attached to Virginia, to Washington, and the union, held his allegiance, as he did his religion, a sacred article of faith—not to be questioned: yet, prompt to his duty. Making no great pretension to talents, or learning, he sought no sinister means of self service, or personal aggrandizement—he entered into no Spanish intrigue—he held no French commission—he hated the Indians—and still more the English—but he loved his country; and was ever ready to fight for her. That was his pride, and boast.

About the 1st of October the Indians stole sixteen horses on Brashiers' creek, killed a man near Frankfort, and defeated twelve travellers, on Richland creek.

Early in November, two men were killed on the Ohio, between Licking, and Locust creek. And if this narrative of petty warfare is suspended here, it is but to turn the page, for the reception, of a more important branch of the hostile stream. Which is next to be delineated.

After the unsuccessful termination of General Harmar's campaign, and the consequent continuance of the Indian war, the general government, could but feel the necessity of augmenting her army, as has been suggested: and also of placing it under the command of an officer of experience, and of talents—who at least, had not lost the confidence of the frontier militia; whose aid was as necessary. as it might be

rendered useful. In taking measures to accomplish these important objects, it devolved on the president of the United States, not only to cause the acts of congress, for raising the army, to be executed; but in an especial manner to select the general, who was to command.

In the mean time, attentive to every part of his duty, he cast his regards on Arthur St. Clair, who was at the time governor of the "Northwestern Territory;" a veteran of the revolution—possessed of both talents, and experience, but old, and infirm; him, he selected, and commissioned.

As this appointment was unfortunate, and has been censured; it may not be amiss, to state some of the circumstances which will palliate, if not entirely justify it.

He had been a major general, in the war with England. He had seen much service—consequently was experienced. He had evinced the possession of talents, integrity, and firmness; he was also the governor of the territory, within which, the command was to be exercised; his affliction was a gout, or rheumatism—in their nature intermitting; and it was not in the disposition, or character of the president, to overlook him, and without an accusation, in effect, to condemn him.

It is not intended to be more circumstantial, than is deemed necessary to exhibit a correct outline of the occurrences connected with the expedition which ensued. Nor would even this be done, but that a portion of the Kentucky militia were involved; and this history, is designed, to omit no case, where both the interests of the country, and the lives of her citizens, were concerned. Even one of those circumstances, would be a sufficient consideration for attention.

It may then, be stated, in a few words, that in the course of the summer, the different corps, raised by order of the general government, moved from the several states in which they had been enlisted, towards fort Washington, now Cincinnati; where they rendezvoused about September. The character which had been given to the war, and the known anxiety of President Washington, to bring it to a speedy and honourable termination, had brought from the federal walks of private life, a band

of patriotic heroes, emulous, once more, to distinguish themselves in the service of their country, under his official auspices. From these he selected the officers of this little army. And they were such, as had distinguished themselves in former service, for courage, and good conduct.

Of a very different description were the men, whom they were to command. These were rather the refuse of society. And what was worse, time was not allowed, to train and discipline them; nor to render the officers, and soldiers, sufficiently acquainted with each other. A circumstance of much importance, and never neglected with impunity. But an idea had been propagated, that the enemy were to be conquered at once: the campaign was to end the war. And indeed, an error, often repeated in the preceding war, and never without the most serious inconveniences, that of enlisting soldiers for short and limited periods, was adopted on this occasion.

The warm season had passed off; the route to be pursued, by the army, extended into the north; winter was approaching; no warm clothes prepared, to replace the threadbare coat, or tattered pantaloons: the stock of provision might be recruited; but the means of transportation were insecure, and inadequate to a supply, in a distant wilderness, without intermediate protection. The militia of Kentucky, had been called on, and about one thousand, reluctantly furnished by draft—(such was the prejudice against serving with regulars)—that volunteers could not be raised—nor would any general officer take the command—which was given to Colonel Oldham.

The army, consisting of infantry, supported by a corps of artillery, and several squadrons of horse, exclusive of the militia, amounted to about two thousand, rank, and file.

It was well armed, and abundantly equal to the object in view; had other circumstances been rendered favourable. The march was commenced about the 1st of October, by the way of fort Hamilton; which stood on the Great Miami of Ohio, thirty miles in advance, towards the Indian towns, intended to be assailed; and which were on the Miami, of the Lake. On the 4th of the month, the march was resumed, and the

army left fort Hamilton. The road was to open; the war path of the enemy, sometimes furnishing a guide—and sometimes disappearing, in the swampy lands of the wilderness. In addition to this inconvenience, which retarded the progress of the army; it was proper to build some forts, on the way; as places of deposite, for stores—for the reception of the sick, or wounded—and in fine, as strong holds, in case of disaster: which all who go to war, should consider as possible; and be prepared to mitigate. These, or similar reflections, had most undoubtedly occurred to General St. Clair; for he erected fort Jefferson; and contemplated another, on the river St. Mary's. But he felt the lapse of time—the discontent of the troops—the frequent desertions of the militia—as so many imperious commands to proceed, or relinquish the expedition. The last, was yet inadmissible; the former only, remained. While his own ill health, probably induced by exposure, and which rendered him, in its accession, incapable of personal attention to the army, could but retard its progress—already become reluctant, and slothful; in consequence of circumstances previously indicated. In advance of fort Jefferson, the first regiment had been detached to overtake, and bring back, some militia deserters, if to be caught; but especially, to protect, several convoys of provisions, which had been threatened by them. The Mountain Leader, a Chickasaw chief, who had joined the army on its march, left it, about the same time, not to return. And this movement, was undoubtedly the result of his sagacity: an imitation of which, although from common observers, it might have drawn reproach on General St. Clair; would have saved, the army, which for the want of that determination was lost. He, however, continued the march; and on the evening of the 3d of November, came to a small village, on a river twelve yards wide. This he supposed was St. Mary's; distant about fifteen miles, from the Great Miami towns:—in this he was mistaken. Here he halted, and encamped the army, on ground of his own choosing. The regular army, in two lines, about seventy yards apart, had the river in front.

Butler's, Clark's, and Patterson's battalions, commanded by Major-General Butler, formed the first line—Badinger's, and Gaiter's, battalions, commanded by Colonel Darke, formed the second line. The right flank, was defended by Faulkner's corps, the river, and a steep bank: a part of the cavalry, and some pieces of artillery, covered the left. The Kentucky militia, much reduced in numbers, were advanced one quarter of a mile, over the river—and encamped in a similar order, to that described—commanded by their own colonel. Still in advance, and half a mile from the militia, was posted Captain Slough, and his company, of regulars—with orders to intercept approaching small parties of the enemy, if any should attempt to molest the camp; and to give intelligence of more important occurrences, should any such transpire. Colonel Oldham, had been cautioned to be on the alert through the night; and ordered particularly to send out patrols of twenty-five, or thirty men, in different directions, before daylight, to scour the adjacent woods. These orders, seem judicious, and certainly were very proper; as well from the position of the army, as because a few Indians had been seen on the first approach to the village, who immediately disappeared. And no doubt carried intelligence of the arrival of the army, and where it was encamped. Upon the receipt of which, as little doubt is to be entertained, that the enemy immediately began their movements, in order to attack by surprise. For, Captain Slough, in the course of the night, discovered the savages approaching in such numbers, that he deemed it proper to draw in his men, and make report to General Butler. Who, it seems, thought so little of the matter, that he neither gave the information to the commanding general, nor took any other measure consequent thereon. A most singular, omission—and pregnant with consequences, as it might be with reflection.

In the mean time there was no alarm given, but the utmost silence and caution observed on the side of the Indians.

It had been the practice, on the march, to call up the army half an hour before day, and after parade, to dismiss the

troops half an hour before sunrise. This ceremony, ever to be commended, had not been neglected on the morning of the 4th.—But the troops as usual, had been paraded, an officer despatched to Colonel Oldham, for his report—met him on the way; but he, most improvidently, having neglected to send out the scouts, was ordered back to perform the duty; and the officer returned to camp.

In the mean time, if the expression is allowable, “the army had paid its respects to aurora”—while daylight rapidly advanced—and presently the troops were dismissed from parade; every thing, yet appearing quite still, and secure. The men, however, had just disposed of their arms, when a sudden and unexpected irruption of the enemy, was made into the camp of the militia, which threw them into a precipitate flight, and being directed to the main army, there produced much disorder in the battalions of Butler and Clark. The Indians, close at the heels of the fugitives, and with a horrid yell, delivered a heavy fire, which they had reserved, into the camp, before the troops were prepared to receive it—and which could but increase the confusion.

The instantaneous exertions of the officers, got the troops into some order; the fire was returned, and the assailants checked for a moment. But immediately after, a most tremendous fire was directed against the centre of the front line, and also upon the artillery. Instantly after, a similar attack was made on the second line. The Indians, now throwing themselves on the ground, or concealing themselves behind trees, logs, or brush, kept up a galling fire on both lines—killing numbers of the troops who stood exposed; especially about the artillery. The troops fired; the field pieces were repeatedly manned, and fired; yet apparently, with but little effect. The camp was surrounded, and attacked in every part—the slaughter became great—and those who survived were evidently disheartened, and wavering; while every moment lessened their numbers—a scene of confusion began to take place. The officers, ever active, in their exertions to revive the drooping spirits of the men, necessarily exposed themselves, and

were killed in rapid succession. The present moment was intolerable—the prospect appalling. When, at length, Colonel Darke, made a charge with a part of his line; but the enemy, light armed, and nimble of foot, fled before him, as far as he pursued—and when he returned, for want of support, and to prevent his being cut off from the main body, they followed him, or pursued in turn. By this time the Indians on the left flank, had broke into camp, and laying aside the gun, with horrid shrieks, and yells, used only the tomahawk. They were, however, now charged by the battalions of Butler, and Clark, and driven out of camp: yet not being pursued, they returned to the attack—and others break into camp, on other quarters; when charged with the bayonet, they retreat; when pursuit was relinquished, they returned. And these scenes being several times repeated—many lives were lost, but no advantage won. Many valuable officers had fallen; among them General Butler, second in command; while the general, in chief, was incapable of rising from his cot, by reason of gout. In the mean time, the enemy, changed his place, and mode of attack, or defence, as he pleased—and with equal ferocity, used the tomahawk; or with well directed aim, fired the rifle, as best suited his purpose of destruction. And thus the work of death was done in every quarter of a panic-struck camp. The enemy could but see that the resistance was feeble, and ill directed; they could but perceive, the advantage which they had, by possessing the exterior of the circle, over an adversary, driven to a focus in the centre. Nor were they deficient in design, or execution.

The artillery, which had been several times taken, and retaken, already silenced, could be no longer occupied; every officer belonging to it, being killed, except one, and he badly wounded, was in the power of the enemy.

They however did not know how, nor pretend to use it. So deplorable, was the situation of the remnant of the army, that it became a matter of some doubt, with the surviving officers, whether a retreat was even possible. A few of them got together, there was but little time for debate; it was obvious,

that no reasonable terms of capitulation were to be expected, from an enemy, who gave no quarter: and that therefore, a retreat, or a massacre, seemed to be the only alternative. A retreat was determined on—and the effort was made; by forming the remaining troops towards the right of the camp: from which, by way of the second line, another charge was made; as if to turn the right flank of the enemy—but in fact to gain the road. This being effected, the militia, who had lost their colonel, probably in the first onset of the Indians, immediately broke, and ran—the other troops then followed, in perfect rout—strewing their arms along the way, deaf to every order, and perfectly ungovernable. Thus leaving their camp, artillery, and baggage—most of their officers, and one half of their numbers, either killed, or wounded, to the enemy. The general made his escape on a packhorse, which he could neither mount, or dismount, without assistance.

On the 8th of the month, he reached fort Washington, with the shattered fragments of the army; preceded by many, of the militia, and such rumours and complaints as usually follow disappointed hopes of success, and accompany strong apprehensions of danger, without distinctly knowing who to censure, or whence to expect relief, or find security. These rumours flying to Kentucky, produce great agitation; while both Gen. Scott, and Wilkinson, call for volunteers, to march into the Indian country—in order, as was the first idea, to relieve General St. Clair, supposed to be besieged, in fort Jefferson. The after news of his arrival at fort Washington, and that nothing more was to be attempted, than his remaining force was able to effect—in some degree quieted the public mind; and stopped the march of the volunteers, who had collected at several points on the road, in respectable numbers; with an alacrity, and ardour suitable to the occasion.

The public attention was again turned upon the difference, between mounted volunteers, and regular troops, for Indian wars. This was the second general, of the United States, commanding regulars, as it was said, who had been defeated by the Indians—while the Kentucky volunteers, commanded

by their own officers, had been uniformly successful. Hence regulars, were pronounced unfit for the service—and the cry renewed in favour of mounted volunteer riflemen. This indeed, was a favourite idea, with a certain class of politicians in the country, who have already been designated, and this a most favourable time for pressing it on the people, and on the government. For the war was not finished—and the government, ever to be influenced by the popular voice, would have once more, to decide, in what manner, and by what kind of troops, it should be carried on.

Could the United States, but once be persuaded, to give up the defence of the frontiers—two consequences were to follow—both equally important, and necessary to the final success of the plot. In the first place, the defence of the country would be in the hands of the junto; and in the next place, the government, could have no use for an armed force, and therefore, would have no army. The object in view, was worth a struggle; nor was it abandoned without one.

But why, it may be asked, was these mounted volunteer expeditions successful? Certainly, not because the officers, or soldiers, were superior to regulars; certainly not, that men, without subordination, and destitute of discipline, are necessarily more efficient, than those who combine both. But the success of the mounted men, is to be ascribed invariably to their vast superiority of numbers—five, ten, fifteen, or twenty, for one, of the enemy, even prevents opposition. This was the case in Scott's, and in Wilkinson's, expeditions. A consequence it is to be confessed, of the feeble, and dispersed condition of the Indians; and the facility, with which such troops move, from place to place, to attack, or to elude pursuit. Was the object to protract the war, by predatory incursions; and renouncing peace, to exterminate the nations, by capturing, and destroying, or detaining, the women, and children, the mounted volunteer scheme, offers a mean equal to the end. In the intermediate time, the warriors, the more exasperated, wage the war with a more determined, and devastating fury. As with them, retaliation is an invariable pursuit: a punctilious point of honour.

The regular army, it is true, wants the facility of movement, which the mounted volunteers possess. Nor can its progress through the woods be concealed from the enemy. So far therefore, from its surprising the enemy, it requires the utmost caution, to prevent being surprised. Besides, the tardiness of its progress, affords time for the enemy to collect his force, and to choose, both the time, and place, at which he will fight. This is admitted; and in reply, it is to be said—the first is to be desired, the last not feared, and all to be foreseen as probable, and guarded against by prudent arrangement. A victory over the warriors, seems at all times necessary to peace—a battle therefore to be desired; and this is the more probable when the enemy are in force. Were it not for the hope and expectation of peace, war would be intolerable. Peace is the only legitimate end of war. Such was the war, in which the United States had reluctantly engaged, and such the termination, which the president, desired it should receive. But there were other, obvious reasons why a regular army should be employed. And which need not be here particularized.

In the mean time, let it be inquired, why the last army did not succeed.

Did General St. Clair, fail to fortify his camp? It was, doubtless, a great omission: but when did a mounted volunteer general, ever fortify a camp? Was the ground on which General St. Clair encamped, well, or ill, chosen? No doubt it was the latter, if it admitted only of two lines, and these no more than seventy yards apart: unless he had fortified. When however, did a general, of mounted men, make a more judicious choice, or a more skilful arrangement of his force? Not that it is intended entirely to approve of the disposition, made by General St. Clair. For as he did not intend to fortify, and knew he was in the enemy's country, his camp should have presented to such an enemy, four equal fronts, containing all his troops; and instead of exposing the militia, beyond the

river, and to the first assault of the enemy—it should have been in the middle of the camp; as a body, out of which to support his lines. And, so far from posting a single company, (as Captain Slough's,) three-quarters of a mile from his camp, it would have been better, to have placed a similar guard in the centre of each line, and sentinels, at proper distances on all sides; with an established order, not to leave their posts while the troops remained in camp.

As to the incidents—the neglect of General Butler to profit of the intelligence of Captain Slough, is so astonishing, as almost to admit, the idea of fatality. And yet, as *preordination of particular events*, by the deity, would imply a preordination of all the means conducing to them, and exclude all others—reduce men to the condition of automaton—baffle all the suggestions of experience, and of prudence, detach the intellect from its natural organization; and place it under the control of a being no way concerned for its good, or ill—and by destroying the choice of the will, and the liberty of action, remove the foundation of responsibility—extinguish the difference between merit, and demerit; and of necessity, abolish the justice of rewards and punishments; such a proposition is inadmissible.

Therefore, resorting to human means, in order to produce proposed ends, or to account for past events; and viewing the conduct of General Butler, as a military man, it is difficult to find an apology for his discharging the men from parade, before he had the country around, scoured by patrols; and before he received the report of Colonel Oldham. These circumstances, added to his failing to make General St. Clair, acquainted with the facts detailed by Captain Slough, place his prudence quite below, or his confidence too far above, the medium, which belongs to a great commander: and furnish to the inquirer, a second step in the progress to defeat. For had the measures been taken, which an ordinary caution dictated, the army could not have been surprised. It may be said, that had Colonel Oldham, obeyed his orders, the surprise

could not have taken place—and that may be true. But had General Butler, given him the information, received from Captain Slough? had he roused his vigilance? had he apprized him of the approaching danger? It seems, that he had not. These circumstances, may indeed, find a solution in the native courage, and official confidence, of General Butler; which in the first place induced him to neglect the information of Captain Slough—and in the second place, to omit sending out scouts in the morning, or keeping the army on parade until he heard from the advanced camp. And if the officer who met Colonel Oldham, and turned him back, to order out scouts, reported the fact to General Butler, his conduct on the occasion, is the less excusable: because, he must have known, that the scouts, had not been ordered in proper time, and that the adjacent woods had not been explored. The enemy were there; and the camp was surprised. From the effects of which the troops were never recovered: but the army defeated with great loss, if not with equal disgrace. And may these reflections produce caution; which is the object of their insertion in this history.

To bring this discussion to a close—which some may think misplaced in history—while others imagine that utility consists in illustration, as well as in narrative—let it be asked, why, as soon as the troops were reduced to order, after the camp was assailed—why were not the lines extended? the militia put upon the flanks? the squadrons of horse, set into activity?—It was daylight. The whole scene was exposed to view. The enemy were brave, it is true; but they were disorderly savages. They could not stand before the bayonet. Why were they not charged in every direction? Why were they not killed, at, or driven, from, their covers? They fought in irregular, and detached parts. Why were they not attacked in flank, and rear? Whenever they were charged, they fled. How astonishing, that this indication, was not productive of a general order! How did it happen, that such an order was not given, the moment the enemy were seen to hide? Why were the troops permitted to stand, exposed to the fire of the hidden Indians,

always aimed, and shockingly fatal, while they spent their own fire in vain? When they had bayonets in their hands, that were perfectly irresistible, and if encountered, equally fatal, why not use them? Nothing could exceed the individual exertions, or self devotion, of the officers; but they were certainly deficient in general direction. They wanted concert, and progression, in their movements.

The number of the Indians was not known—some accounts have swelled it to two thousand; others have reduced it to one thousand. At the time it had gained the ascendancy, it seemed a myriad: and however inferior at first, numbers were equalised; as the slaughter became disproportioned, and mortifyingly great on the side of General St. Clair.

Yet, allowing all this, it is not believed, that mounted volunteers, although the best kind of undisciplined troops, in comparative numbers, would have done better—except, that by running sooner, fewer would have been killed.

But it was said, that the men were sullen, dispirited, and inert; and Colonel Darke, who was next in command to General Butler, and of course the acting commandant, after his death; suggested in a public despatch, “that such troops were fit for nothing but death;” that they could not be inspired with the desire of victory—much less moved to make the exertions necessary to win it. Those who charged under his direction, doubtless, should have been exempted, from these observations. But suppose they were just—as there is no effect without a cause—so this strange disposition, has been accounted for—by shewing, that these men had been enlisted for a limited time, which, as to the most of them, had expired. That they had suffered much on the march, with both cold and hunger; being in want of clothes, and often, of provisions. Some attempts had been made to re-enlist them, under circumstances of irritation: and they were detained, in fact, against their will, and what they thought right; to effect the object of the campaign. In short, it was said, that they lost the victory, because they did not try to gain it. And for this folly, they paid their lives, or their honour. Be this as it may,

Another army was to be raised; but this was the business of the president, and congress: who found new motives for exertion, and for caution; but none for yielding the defence of the frontiers, to those who aspired to direct and use the mounted volunteers; and still less, were they disposed to abandon them, to the ravages of the Indians: as will hereafter appear.

In December, the elections took place, for members to a convention, which was to assemble on the first Monday of the ensuing April, at the usual place, (Danville) in order to frame a constitution of government for Kentucky; now to become a state.

The Gazette, the only newspaper then in the district, was much occupied on the subjects of elections, a bill of rights, and the constitution. The democratic character, was seen to predominate in every thing: Such was the name assumed, by those who used it for purposes of getting into popular favour.

A considerable effort was made, to get the whole district into county committees—whose first ostensible business was to form tickets, or to recommend to the people, fit persons, to be elected by them, as representatives. The next thing, was to furnish the representatives, when chosen, with *instructions* how to act. A contrivance, by which, certain demagogues may hold and exercise the government, in these self created, or primary assemblies, without the responsibility which ought to be attached to its functionaries. The project, did not, however, succeed to any great extent: as most of the electors, thought themselves qualified to choose their representatives without the assistance of the committees; of which they perceived, they were not to be members. Nor were they, at that time, generally infected with the folly of attempting to govern those, whom they were to elect, officially, to govern them. The application of this absurdity, is of later date, as a principle of practice, in Kentucky.

CHAP. XVI.

General Wilkinson appointed a Lieutenant Colonel in the United States Army—that to be enlarged and recruited—Indian depredation—Spain disposed to treat about the Mississippi—Paper Mill erected at Georgetown—A Station attacked, and defended by Mrs. White—Convention assemble to form the Constitution, which was done—and the first of June appointed for it to take effect—The Constitution.

[1792.] In January, 1792, General Wilkinson, who it has been mentioned, had turned his attention from the civil, towards the military line of employment, having succeeded in getting the commission of lieutenant colonel, in the second regiment of United States troops, and from a series of circumstances—finding himself in command, at fort Washington; announced the arrival of pay and clothing for the remnant of General St. Clair's army: which, had they arrived before the late battle, would not only have discharged the demands of justice; but in all probability, would have purchased a victory; and were yet anxiously wanted by the survivors of the defeat. The militia, on the expedition, were also to be paid; and received the news, with great pleasure. For if they had rendered no public service, they had sustained considerable private loss; and thought themselves entitled to compensation; at least, to the extent of their arrearages of pay.

This new situation, in which Wilkinson was placed, attracted pretty general attention in Kentucky; and while it highly gratified his former coadjutors in politics; it gave some uneasiness to others, who greatly doubted the fidelity of the lieutenant colonel, to the United States. And it coming to be known that he had been recommended to the president, by Colonel Marshall, he incurred a degree of censure—which drew from him, the following explanation: "He considered, Wilkinson, well qualified for the commission, he had solicited, and obtained; that while he remained unemployed by government, he con-

sidered him dangerous to the public quiet of Kentucky, perhaps to her safety—that if his commission did not secure his fidelity, it would at least place him under control, in the midst of faithful officers; whose vigilance would render him harmless, if it did not make him honest.” He had no idea, that Wilkinson, would ever be permitted, to command the army, while there could be a doubt of his integrity, and General Washington, remained president of the United States. A circumstance, which, with Colonel Marshall, had no limit. “At all events,” he said, “he could see no good reason, for not putting the lion, in the toils, which he solicited for himself.”

The 15th of February, the Indians killed a man at the iron works, recently erected on Slate creek. About the 20th of the same month, Major Estill, with another man, fell in with six Indians near Danville; got the first fire, killed two, and scared the other four. The 25th, the Indians killed a man and woman, near Grant’s mill, on Elkhorn. In the early part of March, they burned some houses in the neighbourhood, and stole horses, which they made off with. The middle of the month, a man was killed a few miles below Louisville.

To counterbalance these unpleasant circumstances, news arrived that congress had passed an act for the defence of the western frontiers; and that Spain, had signified, by her minister, that she was not averse to treat, on the subject of a port, or place of deposite for American produce, at New Orleans—and also, about the navigation of the Mississippi. Whether this was a mere diplomatic overture, for turning the attention of the country, on the president; and increasing expectation, preparatory to disappointment; which was intended should follow—it is not material to inquire. It had a good effect on present feeling, which wanted something soothing to mitigate its anguish, and smooth its temper.

A paper mill, the first which had been attempted in Kentucky, was in progress, and near completion. For this establishment, which promised to be useful, the country was indebted to the exertions of Craig and Parkers: it was near Georgetown; and soon after rendered productive.

The 7th of April, a boy, and a number of horses, were taken near Louisville. Pursuit being made, the boy was tomahawked, and scalped; the horses, abandoned; and the Indians, dispersing, saved themselves by flight.

Once more, the president thought it prudent to offer the Indians peace. And Colonel Wilkinson, announced his determination, in an order forbidding hostilities against them, until the effect of the overture should be known. Contemporaneously with this intelligence, information was received, that the Cherokees, of five towns, would join the Shawanees, in the war against Kentucky.

Towards the end of the month, an incident of Indian hostility, occurred, which produced more than ordinary interest. A Mrs. White, in the vicinity of Frankfort, defended her house against nine Indians; killed one of them, and scared the others. The facts are these: A few families, forming a small station, were engaged in their usual occupations; some of the men absent, some about the yard; the women, two, or three in number, were in Mrs. White's house; when nine of the enemy surprise the place, kill three white men, as many negroes, and make the rest prisoners. The women shut, and bar, the door. It is immediately assailed by the savages, who attempt, but in vain, to force it. A part of them, next, try to fire the wall; others, mount to the roof, which is of boards, and which must soon have enabled the Indians, by removing them, to enter the house. In this situation, which might have appalled an ordinary hero, Mrs. White, seized her husband's rifle, and fired it, with so good an aim, that one of the Indians, was killed—and the rest seeing him fall, instantly fled.

A few days after, one man was killed, and another taken prisoner. By this time, the neighbouring militia were collected, and pursuing the enemy, killed one of them, and rescued the prisoners. About the same time, two men were killed, near the upper Blue Licks. Such was the chequered scene exhibited by the war. Of which, this seemed but a repetition, of others which had preceded.

A man, who said he had escaped from the Indians, by chewing the thong cut from a raw buffalo hide, with which he was bound, reported that fifteen of these marauders had kept him in the settled part of the country, for the purpose of decoying the white people from their houses, which he had been compelled to attempt; but that the people were too cautious, to be drawn out.

The Indians, he said, told him, they did not want white prisoners; but would take, and not kill, negroes, as they could sell them for rum.

The Cherokees, it was ascertained, were at war with Kentucky. One of their chiefs, called, Hoolaquah, or Big Acorn, was killed, with stolen horses in his possession: which was deemed sufficient evidence of hostility; as it was a legitimate cause of war.

It was but little consequence, whether the one half, three-fourths, or the whole, of the surrounding tribes, were at open war, or not.

Safety was out of the question in every case. Nor could the people discriminate, when they met parties. All appeared hostile—all were attacked, when an opportunity offered. Nor could it be expected after such a continued and general war, that parties were to be hailed, and interrogated, whether they were friends, or foes. And if it would not be thought, a levity below the dignity of history, and the gravity of the subject—it might be said that the safe course was, to kill them first, and examine them afterwards.

No other acts of hostility, are observed, or recollected in the traditional narratives of the country, prior to the 1st of June in this year, 1792; on that day, Kentucky was destined to become a state: and at which, it is intended, to close this volume. The narrative of military occurrences is, therefore, suspended for the present, to be resumed in the next, or second, volume.

It yet remains, to give an account of such civil transactions, as took place in the district, prior to the separation; and are thought to merit a place in this compilation. The next in

occurrence was the assembling of the convention, which was to form the constitution of government for the new state. This took place the first Monday of April, as prescribed in the resolution of the former convention.

It was to have been supposed, that an occasion so momentous, and a subject so much agitated, as this was, would have brought out the best talents from each county, into this convention. The result of the election was, however, different. It drew forth as members, those who had taken most pains to please, or who happened at the time, to be, the greatest favourites with—the people. Electioneering was already an art, and the people accustomed to be courted for their votes.

By way of illustration, a few examples will be given, from the most populous, or conspicuous, counties, in the district. The county of Fayette, including Lexington, chose Thomas Lewis, Hubbard Taylor, George S. Smith, a baptist preacher; Robert Frier, and James Crawford—honest men, and worthy citizens. But, and it is no disparagement to say, what the truth extorts—in a political point of view, not one of them; was up to mediocrity, as qualified constitution makers.

Of the five members, from Jefferson county, including Louisville, Alexander S. Bullett, and Benjamin Sebastian, were men of talents, above mediocrity; to which they added considerable acquired information, and the habit of business. The names of the other three, are omitted: they were, however, on a par with the representation, from Fayette. Mercer county, including Danville, the seat of the district court, sent Samuel Taylor, Jacob Froman, George Nicholas, David Rice, and Samuel McDowell. Mr. Nicholas, was a distinguished lawyer, possessed of political reputation, and acknowledged talents. Mr. McDowell, had age, and a share of information, engrafted on a native stock, of practical good sense.

Mr. Rice, was a reverend divine, of the presbyterian church; respectable in his vocation. And it may be, as some suspected, that he became a politician, by way of experiment, on the public temper, in relation to clerical legislation. If that was the case, the result was unfavourable to preachers—for the

constitution, dispensed with their legislative services; by rendering them ineligible. Mr. Taylor, a shrewd, and it may be subjoined, a crude, politician; had his perfect contrast in the simplicity, and ignorance, of Jacob Froman.

The average of these, might be found in the members, from the other counties. There were nine in all: which gave forty-five members, to this convention. Which, having organized itself, proceeded to business; and on the 19th of the month, ratified by their adoption, and signatures, the constitution—which was soon after, promulgated to the public: and well received, by the great body of the people.

The lapse of time has destroyed any interest, which might have been excited by the contests of the moment; without giving rise to any reason, for perpetuating them. There was all that devotion, to what was understood to be the “will of the people,” which naturally belongs to the representative character. An incident will illustrate the sentiment. Mr. Nicholas, finding it necessary, or convenient, to revise some opinion which he had advanced previous to his election; and which now stood in his way to a newly conceived measure; resigned his seat—in order to submit himself, as regenerated, to the people in another election; rather than forego the desire of bringing forth this recent conception—or run the risk, of giving offence to his constituents—or of trusting to the intrinsic merits of the project, and subsequent explanations. No doubt, he was sure of his re-election. He was in the midst of his constituents; and besides, this self immolation, could but yield a most savoury sacrifice, to the popular nostril, and secure to him, its patronage. Accordingly, he had no opponent; was re-elected; and again, took his seat, in a few days—reinforced with all the might, and majesty, of his county. It is, however, due to Mr. Nicholas, to add, that if he was a seeker of popularity, he was also a politician of distinguished eminence. He had a scheme to execute, which was exceedingly near his heart; doubtless he thought it for the public good—and well knew it would greatly promote his own pecuniary interests, and self importance. The project to which allusion is made,

was novel—was his own—and required every real, and adventitious circumstance of patronage, which he could combine, to ensure it success. It was, to vest the court of appeals, intended to be stationary, *with original, and final jurisdiction, in land suits*. The constitution, will evince his success, at the time—subsequent details, will exhibit the fate of his project. Upon every other point, it is believed, that Mr. Nicholas, felt, and acted, as an enlightened statesman—so far as his idea of popular opinion would permit.

But it is time that the constitution itself should appear. It shall therefore be exhibited. It follows:

“A Constitution, or form of government for the state of Kentucky.

“WE, the representatives of the people of the state of Kentucky, in convention assembled, do ordain and establish this constitution for its government.

“ARTICLE I.—Sec. 1. The powers of government shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy, to wit: those which are legislative to one, those which are executive to another, and those which are judiciary to another.

“Sec. 2. No person or collection of persons being of one of these departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly permitted.

“Sec. 3. The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of representatives.

“Sec. 4. The representatives shall be chosen annually, by the qualified electors of each county respectively, on the first Tuesday in May; but the several elections may be continued for three days, if, in the opinion of the presiding officer or officers, it shall be necessary, and no longer.

“Sec. 5. No person shall be a representative, who shall not have attained the age of twenty-four years, and have been a citizen and inhabitant of the state two years next preceding his election, and the last six months thereof an inhabitant of the county in which he may be chosen; unless he shall have been

absent on the public business of the United States or of this state.

"Sec. 6. Within two years after the first meeting of the general assembly, and within every subsequent term of four years, an enumeration of the free male inhabitants above twenty-one years of age, shall be made in such manner as may be directed by law. The number of representatives shall at the several periods of making such enumeration be fixed by the legislature, and apportioned among the several counties, according to the number of free male inhabitants above the age of twenty-one years in each, and shall never be less than forty nor greater than one hundred; but no county hereafter erected, shall be entitled to a separate representation, until a sufficient number of free male inhabitants above the age of twenty-one years, shall be contained within it, to entitle them to one representative agreeable to the ratio which shall then be established.

"Sec. 7. The senators shall be chosen for four years.

"Sec. 8. Until the first enumeration be made, the senate shall consist of eleven members, and thereafter for every four members added to the house of representatives, one member shall be added to the senate.

"Sec. 9. In choosing the senate, one member at least shall be elected from each county, until the number of counties is equal to the number of senators; after which, when a new county is made, it shall as to the choice of senators, be considered as being a part of the county or counties from which it shall have been taken.

"Sec. 10. The senate shall be chosen in the following manner: All persons qualified to vote for representatives, shall on the first Tuesday in May, in the present year, and on the same day in every fourth year forever thereafter, at the place appointed by law for choosing representatives, elect by ballot, by a majority of votes, as many persons as they are entitled to have for representatives for their respective counties, to be electors of the senate.

"Sec. 11. No person shall be chosen an elector, who shall

not have resided in the state three years next before his election, and who shall not have attained the age of twenty-seven years.

“Sec. 12. The electors of the senate, shall meet at such place as shall be appointed for convening the legislature, on the third Tuesday in May in the present year, and on the same day in every fourth year forever thereafter; and they or a majority of them so met, shall proceed to elect by ballot as senators, men of the most wisdom, experience and virtue, above twenty-seven years of age, who shall have been residents of the state above two whole years next preceding the election. If on the ballot two or more persons shall have an equal number of ballots in their favour, by which the choice shall not be determined by the first ballot, then the electors shall again ballot before they separate, in which they shall be confined to the persons, who on the first ballot shall have an equal number, and they who shall have the greatest number in their favour on a second ballot, shall be accordingly declared and returned duly elected; and if on the second ballot an equal number shall still be in favour of two or more persons, then the election shall be determined by lot, between those who have equal numbers; which proceedings of the electors shall be certified under their hands, and returned to the secretary for the time being, to whom shall also be made by the proper officers returns of the persons chosen as electors in the respective counties.

“Sec. 13. The electors of senators shall judge of the qualifications and elections of members of their own body; and on a contested election, shall admit to a seat as an elector, such qualified person as shall appear to them to have the greatest number of legal votes in his favour.

“Sec. 14. The electors, immediately on their meeting, and before they proceed to the election of senators, shall take an oath or make affirmation of fidelity to this state, and also an oath or affirmation to elect without favour, affection, partiality or prejudice, such person for governor, and such persons for senators, as they in their judgment and conscience, believe best qualified for the respective offices.

"Sec. 15. That in case of refusal, death, resignation, disqualification or removal out of this state of any senator, the senate shall immediately thereupon, or at their next meeting thereafter, elect by ballot, in the same manner as the electors are herein directed to choose senators, another person in his place, for the residue of the said term of four years.

"Sec. 16. The general assembly shall meet on the first Monday in November in every year, till the time of their meeting shall be altered by the legislature, unless sooner convened by the governor.

"Sec. 17. Each house shall choose its speaker and other officers, and the senate shall also choose a speaker pro tempore, when their speaker shall exercise the office of governor.

"Sec. 18. Each house shall judge of the qualifications of its members; contested elections shall be determined by a committee to be selected, formed and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members, in such manner and under such penalties as may be provided.

"Sec. 19. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

"Sec. 20. Each house shall keep a journal of its proceedings and publish them weekly, except such parts of them as may require secrecy, and the yeas and nays of the members on any question, shall, at the desire of any two of them, be entered on the journals.

"Sec. 21. The doors of each house and of committees of the whole, shall be open, unless when the business shall be such as ought to be kept secret.

"Sec. 22. Neither house shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which the two houses shall be sitting.

"Sec. 23. The members of the general assembly, and the electors of the senate, shall receive from the public treasury, a compensation for their services, which for the present shall be six shillings a day during their attendance on, going to and returning from the legislature, and the place for choosing the senators; but the same may be increased or diminished by law, if circumstances shall require it, but no alteration shall be made, to take effect during the existence of the legislature which shall make such alteration. They shall in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest, during their attendance at the session of the respective houses, and at the place for choosing senators, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

"Sec. 24. No senator or representative shall, during the time for which he shall have been elected, or for one year afterwards, be appointed to any civil office under this state, which shall have been created or the emoluments of which shall have been increased, during the time such senator or representative was in office: Provided, that no member of the first legislature which shall be assembled under this constitution, shall be precluded from being appointed to any office which may have been created during his time of service in the said legislature; and no minister of religious societies, member of congress or other person holding any office of profit under the United States or this commonwealth, except attorneys at law, justices of the peace, militia officers or coroners, shall be a member of either house, during his continuance to act as a minister, in congress, or in office.

"Sec. 25. When vacancies happen in the house of representatives, the speaker shall issue writs of election to fill such vacancies.

"Sec. 26. All bills for raising revenue, shall originate in the house of representatives; but the senate may propose amendments as in other bills.

"Sec. 27. Each senator, representative and sheriff, shall, before he be permitted to act as such, take an oath or make affirmation, that he hath not directly or indirectly, given or promised any bribe or treat to procure his election to the said office; and every person shall be disqualified from serving as a senator, representative or sheriff, for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat, or canvassed for the said office.

"Sec. 28. Every bill which shall have passed both houses, shall be presented to the governor, if he approve he shall sign it, but if he shall not approve, he shall return it with his objections, to the house in which it shall have originated, who shall enter the objections at large upon their journals and proceed to reconsider it; if after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall be a law: but in such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journals of each house respectively; if any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it; unless the general assembly by their adjournment prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

"Sec. 29. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him; or being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

"ARTICLE II.—Sec. 1. The supreme executive power of this commonwealth shall be vested in a governor.

"Sec. 2. The governor shall be chosen by the electors of the senate, at the same time, at the same place, and in the same

manner that they are herein directed to elect senators, and the said electors shall make return of their proceedings in the choice of a governor, to the secretary for the time being.

“Sec. 3. The governor shall hold his office during four years from the first day of June next ensuing his election.

“Sec. 4. He shall be at least thirty years of age, and have been a citizen and inhabitant of this state at least two years next before his election, unless he shall have been absent on the public business of the United States or of this state.

“Sec. 5. No member of congress or person holding any office under the United States or this state, shall exercise the office of governor.

“Sec. 6. The governor shall at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected.

“Sec. 7. He shall be commander in chief of the army and navy of this commonwealth, and of the militia except when they shall be called into the service of the United States.

“Sec. 8. He shall nominate, and by and with the advice and consent of the senate, appoint all officers, whose offices are established by this constitution, or shall be established by law; and whose appointments are not herein otherwise provided for: but no person shall be appointed to an office within any county, who shall not have been a citizen and inhabitant there. in one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

“Sec. 9. The governor shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

“Sec. 10. He shall have power to remit fines and forfeitures and grant reprieves and pardons, except in cases of impeachment; in cases of treason, he shall have power to grant

reprieves until the end of the next session of the general assembly, in whom the power of pardoning shall be vested.

"Sec. 11. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices.

"Sec. 12. He shall from time to time give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall judge expedient.

"Sec. 13. He may on extraordinary occasions convene the general assembly, and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper not exceeding four months.

"Sec. 14. He shall take care that the laws be faithfully executed.

"Sec. 15. In case of the death or resignation of the governor, or of his removal from office, the speaker of the senate shall exercise the office of governor, until another shall be duly qualified.

"Sec. 16. An attorney general shall be appointed and commissioned during good behaviour; he shall appear for the commonwealth in all criminal prosecutions, and in all civil cases, in which the commonwealth shall be interested, in any of the superior courts; shall give his opinion when called upon for that purpose, by either branch of the legislature or by the executive, and shall perform such other duties as shall be enjoined him by law.

"Sec. 17. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well: he shall keep a fair register of and attest all the official acts and proceedings of the governor, and shall when required, lay the same and all papers, minutes and vouchers relative thereto, before either branch of the legislature, and shall perform such other duties as shall be enjoined him by law.

"ARTICLE III.—Sec. 1. In elections by the citizens, all free male citizens of the age of twenty-one years, having resided in the state two years, or the county in which they offer to vote one year next before the election, shall enjoy the rights of an elector, but no person shall be entitled to vote except in the county in which he shall actually reside at the time of the election.

"Sec. 2. All elections shall be by ballot.

"Sec. 3. Electors shall in all cases except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

"ARTICLE IV.—Sec. 1. The house of representatives shall have the sole power of impeaching.

"Sec. 2. All impeachments shall be tried by the senate; when setting for that purpose, the senators shall be upon oath or affirmation: no person shall be convicted without the concurrence of two-thirds of the members present.

"Sec. 3. The governor and all other civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to a removal from office and disqualification to hold any office of honour, trust or profit under this commonwealth; but the party convicted shall nevertheless be liable and subject to indictment, trial and punishment according to law.

"ARTICLE V.—Sec. 1. The judicial power of this commonwealth both as to matters of law and equity, shall be vested in one supreme court, which shall be styled the court of appeals, and in such inferior courts as the legislature may from time to time ordain and establish.

"Sec. 2. The judges both of the supreme and inferior courts shall hold their offices during good behaviour; but for any reasonable cause which shall not be sufficient ground of impeachment, the governor may remove any of them on the address of two-thirds of each branch of the legislature. They shall at stated times receive for their services an adequate compensation

to be fixed by law, which shall not be diminished during their continuance in office.

"Sec. 3. The supreme court shall have original and final jurisdiction in all cases respecting the titles to land under the present land laws of Virginia, including those which may be depending in the present supreme court for the district of Kentucky, at the time of establishing of the said supreme court; and in all cases concerning contracts for land, prior to the establishing of those titles. And the said court shall have power to hear and determine the same in a summary way, and to direct the mode of bringing the same to a hearing, so as to enable them to do right and justice to the parties, with as little delay and at as small an expense as the nature of the business will allow; but the said court shall, in all such cases oblige the parties to state the material parts of their complaint and defence in writing; and shall on the conclusion of every cause, state on the records, the whole merits of the case, the questions arising therefrom, the opinions of the court thereupon, and a summary of the reasons in support of those opinions.

"Sec. 4. And it shall be the duty of each judge of the supreme court, present at the hearing of such cause, and differing from a majority of the court, to deliver his opinion in writing, to be entered as aforesaid; and each judge shall deliver his opinion in open court. And the said court shall have power on the determination of any such case, to award the legal costs against either party or to divide the same among the different parties, as to them shall seem just and right. And the said court shall have full power to take such steps as they may judge proper, to perpetuate testimony in all cases concerning such titles. Provided that a jury shall always be empannelled for the finding of such facts as are not agreed by the parties; unless the parties or their attorneys, shall waive their right of trial by jury, and refer the matter of fact to the decision of the court. Provided also, that the legislature may, whenever they may judge it expedient, pass an act or acts to regulate the mode of proceedings in such cases, or to take away entirely the original jurisdiction hereby given to the said court in such cases.

"Sec. 5. In all other cases the supreme court shall have appellate jurisdiction only, with such exceptions and under such regulations as the legislature shall make; and the legislature may from time to time vest in the supreme and inferior courts, or either of them, such powers both in law and equity, as they shall judge proper and necessary, for the due administration of justice.

"Sec. 6. A competent number of justices of the peace shall be appointed in each county; they shall be commissioned during good behaviour, but may be removed on conviction of misbehaviour in office, or of any infamous crime, or on the address of both houses of the legislature.

"Sec. 7. The judges shall by virtue of their office be conservators of the peace throughout the state. The style of all process shall be, "*The Commonwealth of Kentucky*;" all prosecutions shall be carried on in the name and by the authority of the commonwealth of Kentucky, and conclude against the peace and dignity of the same.

"ARTICLE VI.—Sec. 1. Sheriffs, and coroners, shall at the times and places of elections of representatives, be chosen by the citizens of each county qualified to vote for representatives. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices, shall be filled by a new appointment to be made by the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

"Sec. 2. The freemen of this commonwealth shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

"Sec. 3. The field and staff officers of the militia shall be appointed by the governor, except the battalion staff officers, who shall be appointed by the field officers of each battalion respectively.

"Sec. 4. The officers of companies shall be chosen by the persons enrolled in the list of each company, and the whole

shall be commissioned during good behaviour, and during their residence in the bounds of the battalion or company to which they shall be appointed.

“Sec. 5. Each court shall appoint its own clerk, who shall hold his office during good behaviour; but no person shall be appointed clerk only pro tempore, who shall not produce to the court appointing him, a certificate from a majority of the judges of the court of appeals, that he hath been examined by their clerk in their presence, and under their direction, and that they judge him to be well qualified to execute the office of clerk to any court of the same dignity with that for which he offers himself. They shall be removable for breach of good behaviour, by the court of appeals only, who shall be judges of the fact as well as of the law: two-thirds of the members present must concur in the sentence.

“Sec. 6. All commissions shall be in the name and by the authority of the state of Kentucky, and be sealed with the state seal, and signed by the governor.

“Sec. 7. The state treasurer shall be appointed annually by the joint ballot of both houses.

“ARTICLE VII.—Sec. 1. Members of the general assembly, and all officers executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation:

“‘I do solemnly swear (or affirm, as the case may be) that I will be faithful and true to the commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute to the best of my abilities the office of _____ according to law.’

“ARTICLE VIII.—Sec. 1. Treason against the commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his own confession in open court.

“Sec. 2. Laws shall be made to exclude from office and from suffrage, those who shall thereafter be convicted of bribery, perjury, forgery or other high crimes or misdemeanors: the

privilege of free suffrage, shall be supported by laws regulating elections, and prohibiting under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practices.

“Sec. 3. No money shall be drawn from the treasury, but in consequence of appropriations made by law, nor shall any appropriations of money for the support of an army, be made for a longer term than one year, and a regular statement and account of the receipts and expenditures of all public money, shall be published annually.

“Sec. 4. The legislature shall direct by law, in what manner and in what courts, suits may be brought against the commonwealth.

“Sec. 5. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent and shall be esteemed by the legislature the most solemn appeal to God.

“Sec. 6. All laws now in force in the state of Virginia, not inconsistent with this constitution, which are of a general nature, and not local to the eastern part of that state, shall be in force in this state, until they shall be altered or repealed by the legislature.

“Sec. 7. The compact with the state of Virginia, subject to such alterations as may be made therein, agreeably to the mode prescribed by the said compact, shall be considered as a part of this constitution.

“ARTICLE IX. The legislature shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money, for the slaves so emancipated: they shall have no power to prevent emigrants to this state, from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this state: that they shall pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a

charge to the county in which they reside: they shall have full power to prevent slaves being brought into this state as merchandise: they shall have full power to prevent any slave being brought into this state from a foreign country, and to prevent those from being brought into this state, who have been since the first day of January one thousand seven hundred and eighty-nine, or may hereafter be imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary, to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothing and provisions, to abstain from all injuries to them extending to life or limb, and in case of their neglect, or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of their owner or owners.

“ARTICLE X.—Sec. 1. The place for the seat of government shall be fixed in the following manner: The house of representatives shall during their session, which shall be held in the year one thousand seven hundred and ninety-two, choose, by ballot, twenty-one persons, from whom the representation from Mercer and Fayette counties then present, shall alternately strike out one, until the number shall be reduced to five, who or any three of them concurring in opinion, shall have power to fix on the place for the seat of government, to receive grants from individuals therefor, and to make such conditions with the proprietor or proprietors of the land so pitched on by them, as to them shall seem right, and shall be agreed to by the said proprietor or proprietors; and lay off a town thereon, in such manner as they shall judge most proper.

“Sec. 2. The general assembly and the supreme courts shall within five years, hold their sessions at the place so pitched upon by the said commissioners; and the seat of government so fixed, shall continue until it shall be changed by two-thirds of both branches of the legislature; the commissioners, before they proceed to act, shall take an oath or make affirmation that they will discharge the trust reposed in them, in such manner as in their judgment will be most beneficial to the state at large.

“ARTICLE XI. That the citizens of this state may have an opportunity to amend or change this constitution in a peaceable manner, if to them, it shall seem expedient; the persons qualified to vote for representatives, shall, at the general election to be held in the year one thousand seven hundred and ninety-seven, vote also by ballot, for or against a convention, as they shall severally choose to do; and if thereupon it shall appear that a majority of all the citizens in the state voting for representatives, have voted for a convention, the general assembly shall direct that a similar ballot shall be taken the next year; and if thereupon, it shall also appear that a majority of all the citizens of the state voting for representatives have voted for a convention, the general assembly shall at their next session, call a convention to consist of as many members as there shall be in the house of representatives, to be chosen in the same manner, at the same places and at the same time that representatives are, by the citizens entitled to vote for representatives, and to meet within three months after the said election, for the purpose of readopting, amending or changing this constitution. If it shall appear upon the ballot of either year, that a majority of the citizens voting for representatives is not in favour of a convention being called, it shall not be done until two-thirds of both branches of the legislature shall deem it expedient.

“ARTICLE XII. That the general, great and essential principles of liberty and free government may be recognised and established, WE DECLARE:

“1st. That all men, when they form a social compact, are equal, and that no man or set of men are entitled to exclusive separate public emoluments or privileges from the community, but in consideration of public services.

“2d. That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends, they have at all times an unalienable and indefeasible right to alter, reform or abolish their government, in such manner as they may think proper.

"3d. That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of their own consciences; that no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; that no human authority can in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law, to any religious societies or modes of worship.

"4th. That the civil rights, privileges or capacities of any citizen shall in nowise be diminished or enlarged on account of his religion.

"5th. That all elections shall be free and equal.

"6th. That trial by jury shall be as heretofore, and the right thereof remain inviolate.

"7th. That printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of government; and no law shall ever be made to restrain the right thereof: the free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

"8th. In prosecutions for the publication of papers, investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have a right to determine the law and the facts under the direction of the court as in other cases.

"9th. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures and searches; and that no warrant to search any place or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

"10th. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, to meet the

witnesses face to face, to have compulsory process for obtaining witnesses in his favour; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers, or the law of the land.

"11th. That no person shall for any indictable offence be proceeded against criminally by information; except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office.

"12th. No person shall, for the same offence, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

"13th. That all courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law; and right and justice administered, without sale, denial or delay.

"14th. That no power of suspending laws shall be exercised, unless by the legislature or its authority.

"15th. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

"16th. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or presumption great; and the privilege of the writ of habeas corpus, shall not be suspended unless when in cases of rebellion or invasion, the public safety may require it.

"17th. That the person of a debtor where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

"18th. That no ex post facto law, nor any law impairing contracts shall be made.

"19th. That no person shall be attainted of treason or felony by the legislature.

"20th. That no attainder shall work corruption of blood, nor except during the life of the offender, forfeiture of estate to the commonwealth.

"21st. The estates of such persons as shall destroy their own lives, shall descend or vest as in case of natural death, and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

"22d. That the citizens have a right in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes by petition, address or remonstrance.

"23d. The rights of the citizens to bear arms in defence of themselves and the state shall not be questioned.

"24th. That no standing army shall in time of peace, be kept up without the consent of the legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

"25th. That no soldier shall in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

"26th. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer time than during good behaviour.

"27th. That emigration from the state shall not be prohibited.

"28th. To guard against transgressions of the high powers which we have delegated, we DECLARE, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto or contrary to this constitution shall be void."

Such was the first constitution of Kentucky; and although extinct, yet venerable.

It is to be observed, that antecedent to the formation of the constitution, an immense mass of information had been presented to the public mind in newspaper essays, and in books, on political subjects. Among which, "The Federalist;" a publication containing a series of essays, by Hamilton, Jay, and Madison, illustrative of the constitution of the United States, merited, and obtained, a distinguished pre-eminence. While, in addition to these, may be mentioned, the constitutions of the states; as storehouses, or fountains of information, from which to draw constitutional provisions.

If the constitution of Kentucky, could be ascribed to any one man, it should, doubtless, be to Colonel George Nicholas; who took the lead in the convention: to which he was justly entitled, by his superiority of talents, and acquirements; in the use of which, he was known to be liberal. The resemblance observable in the constitution of Kentucky, to that of the United States, may be accounted for, by his admiration of the merits of the original, and the distinguished part, which he had taken in the convention of Virginia, in favour of its adoption.

Excepting, however, the provisions for forming the senate, a striking imitation—and the original jurisdiction given to the court of appeals, also a similitude—the constitution of Kentucky, resembling, likewise, in its general arrangements, that of the United States; and in its details, those of the several states—is in reality, the genuine offspring, of the local circumstances, and habitual modes of thinking, and acting, common to a majority of the people of the country, at the time. The result of principles, inculcated, and imbibed, in the revolution, brought with the emigrants, and here cherished, and propagated, from the first, to the last, settlement. It was made for present use, rather than futurity—for the then condition of the country, more than for one materially different, which was to ensue in the course of progressive population, and change of circumstances; in short, it was the result of feeling, not of foresight—of prepossession, rather than a full knowledge of the subject.

It was a representative democracy—instead of a real republic, as all governments, should be. It contained, nevertheless, most of the essential principles, and material parts, of a good constitution; but defective in some; with others ill assorted; the checks inadequate—and the balance, erroneously cast, or badly adjusted—whence the preponderating weight is on the wrong end of the scale-beam.

To admit, what should not be denied, *that the people of mature age, in every country, possess the right of framing, and adopting, a constitution of government, for themselves*; and yet to suppose, that because the majority, is to rule, that therefore, it is not to be restrained, would at once be surrendering the minority, of the same people, to be treated as slaves, or sacrificed, in their *rights, and interests*, by the ruling majority, at its will, and pleasure.

While all history shews, that power in the hands of a majority, unchecked by constitutional provisions, is as subject to be abused, as when in the hands of a few, or in those, of a single despot. It is not the number of individuals who hold, the supreme power in the state, but the quality of that power, connected with the personal interests, and character, of those who exercise it, which exposes it to abuse, or renders it safe, as to others. For those who hold, and exercise the governing power, whether one, a few, or the many—whether, the king, the aristocracy, or the democracy, will take care of themselves—and by consequence, will take care of those who possess a similarity of interests, and of feelings. It is those who are dissimilar in these respects, that are injured by being neglected; or remembered, but to be oppressed. In a government where the whole power is engrossed by one man—as there can be none else in a situation similar to his own, none can be safe, as the laws prescribed for his safety, extend to no other, in his dominions; or he may oppress all others, by laws, which will not affect himself. So, may, an aristocracy—and so may, a democracy, under the majority, unrestrained, by actual checks, and real counterbalances, in the exercise of power. For it will be found in every numerous society, that laws which may suit

extremely well, the interests and feelings of the actual majority, of the community, may be in direct hostility, with those of a minority. As for example, if it were ascertained, that a majority, as individuals, did not possess over one hundred acres of land; and the revenues of the state, were by law, ordered to be raised on those who held over that quantity; here, the majority, would exempt itself, and throw the burthen of supporting the government, on the minority: who at the same time, might, by law, either positive, or tacit, be excluded from every public office, and from every influential situation in the state. The same thing, in principle, and to various subjects, and different effects, may be applied, again, and again; of which our own laws, may even now furnish examples.

Hence, it is not sufficient, that a constitution should recognise, and establish, the rule of governing, by majorities; but it should also, ordain actual checks, and restraints, upon the exercise of power, by such majority; in every instance, and in every department.

It is, therefore, in the nature and efficacy of these checks, that we are to look, for the perfection, or imperfection of a constitution, no less than in the positive division and regulation of the power itself.

Nor has the constitution of Kentucky been wholly inattentive to these principles—but unfortunately, after recognising some of those which were primary, it has but imperfectly developed, or regulated, them; giving too much effect to some, and too little to others; whence, the operation is unequal, and erroneous. Thus, having adopted the division of the legislative body, and essayed to give to the senate a greater degree of permanency, wisdom, and virtue, than could be required in the house of representatives; by reducing the number, increasing the age, protracting the term of service, and providing electors of the senators; the whole beneficial effect of the arrangement, is defeated, by placing the choice of the electors, at the disposal of the same equally *qualified* voters at the age of twenty-one years, who were to choose the representatives. And thus results, that homogeneity, between the two branches of the

legislative body, which counteracts the great purpose, for which the division was made. Since it is certain, that such as is the constituent, such will be the representative. For it is this principle in nature, which renders representation safe, and useful to the constituent. It is the band of union—the cement of confidence, between them: while it runs the whole length of the chain, nor stops at any intermediate link. Its foundation lies in that moral sympathy, which is produced, and fed, among men who find themselves upon common occasions of acting together, in similar conditions of interest; and in habits, of thinking, and acting, accordingly. Sympathies, but little less certain in fact, and invariable in effect, than the chymical affinities, which unite natural bodies. When therefore, the legislative corps, was divided, which was so far, the effect of profound politics, and an indication of a wise constitution, of the law making power; to have pursued the same principles into their proper effects, giving to the house of representatives one half of the population, including all those who possessed the least property; the senators should have found their constituents, in the other half of the citizens, containing all those who had the most property. And thus both extremes of the community, as well as the intermediates, would have been represented—and the legislature, would have been a model of the whole community. Then would the government have been a REAL REPUBLIC, in which every man might have found safety, for life, liberty, and PROPERTY: the real, as well as the avowed objects of governmental protection. Without protecting which, no government is worthy of support. And yet, it is most clear, that although their protection was avowed as the great objects of the government, and however all might find life, and liberty, protected; as each had life, and liberty, to protect; nevertheless, *property* was not made safe, where it appears in accumulations, much over the common standard. That, notwithstanding, the acquisition of property, or riches, was the pursuit of all, yet, those who succeed in any eminent degree, become immediately objects of envy, and abuse to

those who have failed. And hence the terms, "aristocrats," "landed aristocracy," "monied aristocracy," &c. Such was the outcry, in fact, raised in Kentucky, in less than five years after the adoption of the constitution; and being levelled against the senate, because it was apparently more dependent on the electors, although they were chosen by the first grade of democracy, commonly called, the people, than they were on the people themselves; they rested not, until they abolished this constitution, and made another, in which they took the election of governor, and senate, immediately into their own hands—as will be more particularly noticed in chronological order. These facts furnish the most incontestable evidence, in confirmation of all other history, of the existence of a rancorous spirit of hostility in every numerous political society, between the two extremes—commonly denominated the rich, and the poor. Terms badly defined, but not the less denoting individuals, and classes—nor the less operative as party distinctions. While their existence proves irresistibly, that one of the parties can find no safety, within the power of the other; and points out the propriety, of seeking mutual peace and safety, in the two, but different, branches of the legislative body. For if they be not secured there, they will not find safety, and a common participation of the benefits of government, in a democracy. Inasmuch, as in every democracy, when divided into two classes, the rich, and the poor; the first, form but a small minority, in comparison with the second, composed of those who are really poor, and such as choose to rank themselves with the poor. It is, however, this minority, who are stigmatized, and miscalled *aristocrats*—and rendered suspected, and obnoxious, to the majority, at the will and pleasure, of the demagogues, whose avarice, and ambition, prompt them, to aspire to the offices, and emoluments, of government—always at the disposal of the majority. The certain consequence is, that no man who does not throw himself into this majority, profess himself its humble servant, and echo its prevalent opinions, can be elected, into the influential offices

of the commonwealth, if he possesses talents, and a disposition firm enough to alarm the petty leaders of the multitude—or those, who lead them.

The effect of this state of things, which soon came to be obvious in Kentucky, upon the moral and political principles, and habits of the men of talents, has been certain, extensive, deleterious, and deplorable. The country feels the consequences, in the prostration of justice—the first of moral principles.

But as there is no effect, without a cause, so in this case, it is to be found, in the constitution of government; the great moral fountain, whence flow the streams, which feed the system, and form the society, who partake of their nurture. For nothing is more true, than the aphorism, of Montesquieu, that “at first, the leading men form the constitution of government, and afterwards, the constitution, forms the leading men.” It is in the source, therefore, that the evil is to be explored, and corrected. The tree, whether good, or ill, is known by its fruit.

In the case under consideration, the evil is believed to consist in the adoption of a principle, as permanent, which if ever true, is merely transitory; and by transferring an assumed equality, from the moment of a man's birth, to the period of his entering into the social compact, it has been equally misapplied, and perverted. For if the individuals of the human family, are ever equal, it is at their birth—and that in two circumstances only, *ignorance* and *nakedness*. From that time, differences take place, which are increased, as they severally advance in life, so as to shew, the extremes at an immense distance; with much sameness in the majority of the mass, taken in its medium; partaking, nevertheless, of almost every possible difference. It is, therefore, not true, as asserted in the constitution, “that all men, when they form a social compact, are equal;” nor, as corrected in the second constitution, by confining the assertion, to “freemen:” in order, as supposed, to exclude slaves; although unnecessary, for they enter into no social compact. They are not treated as men; they are property; yet, what is true in nature, must be ever true, in

fact. It was, therefore, erroneous, to affirm, that "all men are equal when they form the social compact." While it was still more erroneous, to adopt it, as a fundamental principle of practice, if such is the fact, in distributing, powers, and faculties, in the constitution; unless it had received due attention to consequences; and proper correctives, had also been adopted, at the same time.

Which even then, would have been like taking poisons, as a reason, for using antidotes.

It is a declaration, calculated, to mislead the judgment, of the less informed, to whom nothing but *truth* should be offered, in the shape of precept, religious, moral, or political; while its tendency is, to elevate some without merit, and depress others unjustly—thereby producing a false standard, by which to estimate the natural, and moral worth of men, in their civil capacities, of the most pernicious consequences in society. It is a gross and ruinous insult on sound morals, to place the knave on the footing of equality with the honest man.

It had, therefore, been wise to have omitted it altogether, and in its place to have adopted, the plain, broad, and honest truth, "THAT ALL MEN ARE BY NATURE UNEQUAL;" that from the same source, they have each a claim to happiness: and in order to ensure it, in the social state, for which that inequality has fitted them, and to which they have a common right, they therefore agree to submit to be governed by a constitution—which proposing happiness for its end; and which, as the means, shall secure to each member, the safe possession, and enjoyment, of the admitted right, to his life, liberty, and property, by general laws, to be promulgated before they can have effect: and which never shall be retroactive, on private rights.

A declaration of rights, and the details of a constitution, conformably to these principles, various as the forms might be, so far from excluding any man from an active voice in the government, should secure to each citizen, the right of suffrage in the election of the legislature, upon the conditions of age, and residence—those specified in the constitution of 1792, would be considered unexceptionable—in addition to others, for the safety of property; which will be hereafter proposed.

Then considering, that the all-important point in government, is to obtain good laws; and following the indication of the constitution now under review, in dividing the legislative body into two separate parts, the constituents of those parts, should also be divided, by a general rule, depending upon some ostensible, permanent, object, of interest.

Such, an object, is the land of the country—and such an interest, is its, ownership. Then let the possession, with title, to a certain quantity of it, and upwards, be the criterion of the right to vote for senators; while all those who hold under that quantity, or none, shall have the right of voting for representatives. The quantity fixed on, as the rule of voting, to be that which will, divide the whole number of qualified citizens, into two equal portions, as near as may be; with the right in each part, to choose an equal number of members, according to appropriate laws, made for the purpose; one to fill the senate, the other to fill the house of representatives. It will then follow, that each house, containing equal numbers, as near as may be, vested with equal rights, and sustained upon equal basis of population, will be a *real check*, and restraint, upon each other; by means of their reciprocal negative. Then will each house, be the real guardian, without fear, or any undue impulse, of its own rights, interests, and honour; and of those of its respective constituents. Then may every man in the community feel safe in his life, liberty, lands, goods, and reputation; because every man in the community, may be represented, in the one house, or the other. Which is not now the case: For now the one dominant majority, of the community, alone are represented. The minority are excluded; and may forever be excluded, without the hope of attaining representation; as to every interest, or feeling, which they may have, not common, to the majority. But the great object to be effected, by sustaining the different branches of the legislature, upon distinct basis of population, is, the arming each of the two, with an effectual defence against the encroachments of the one, upon the rights and interests of the other. Out of which, will result mutual safety, to the rich, and to the poor; whence will proceed, mutual peace, enjoyment, and good will.

This will be doing effectually, what has only been sought, and not found, in the division of the legislature; derived, nevertheless, from, and resting upon, the same people, separated only in their vote for members to the legislature. It will be giving consistency to a principle, which has hitherto been defeated, by self contradiction. For if a mass of pure silver, be divided, (alluding to the legislature) the parts are silver still; while the same affinities, will unite the two masses in a fluid state, which unite the particles in each. But if one mass be silver, and another gold, although they may be united, it must be by a principle different from the specific nature of each, yet possessing properties common to both. And so it will be with the two branches of the legislature, taken from the same mass of population; both elected by the same men, actuated by similar feelings, and a common principle; the effect of a common condition, in which the majority finds itself: the elective mass, being as the silver, the parts elected, will be of the same character: whence a reunion will result, whenever the appropriate amalgam is applied—that is, a sympathy, common to the majority, of the mass, although divided into two parts. It is this sympathizing principle, acting in full force on popular assemblies, that has with ten thousand hands, overturned everything in its way; and which, disregarding constitution, and laws, has not hesitated to sacrifice the best and dearest interests of the minority, or even the peace and prosperity of the commonwealth itself. The same principle has been found to actuate representative bodies of men; who, being assured of the support of that majority, which elected them, have committed themselves, to their passions, and reacted the follies of a mob. To check, and restrain, the injurious effects of this cause, resort was had to the division of legislative bodies. The expedient was useful—and is now, though Pennsylvania began with a single legislature, universal among the states, and embraced in the constitution of the United States.

But this improvement, notwithstanding its utility is everywhere admitted, and never to be relinquished, has been found by experience, not effectually to accomplish its desired end. Of course, politicians, in forming constitutions of government

for their states, actuated by considerations truly republican, and aiming at the security of all the members of the political body, have been induced to seek auxiliaries to the main principle, of division.

In making this research, they have evidently explored the real and true principles, which actuate mankind, in their political transactions—their actual, or imaginary, *individual interests*; always indicated by their condition, and circumstances, in life—for they have resorted to “property qualifications,” as essential to the right of suffrage; in, at least, eight-tenths, of the American states—and in three-fourths, of them, to the possession of a freehold estate, in land. The consequence is, to exclude from all actual participation in the organization of government, those citizens, who are not possessed of the requisite kind, and quantity, of property, specified in the constitution. A regulation, which assumes this position, for its basis—“that men without property, cannot be safely trusted with the power of disposing, as law makers, of the property of others.” A position, accurately just, and of indispensable attention, in the formation of every good government. A position, which in fact, combines the results of experience, with the most profound researches into the principles of human actions—deducing them invariably from self love, however variously modified; and terminating in the preference, and pursuit of self interest; with the more ardour, as it was at any time, the more within the grasp of individual, or concerted, acts, of power.

The expedient, therefore, of excluding from the participation of political power, all such as cannot give evidence of a common interest, in the peace, regular government, and prosperity, of the community, is the dictate of prudence, on the part of those who possess such evidences; not less just, than it was obvious, and necessary: unless some other regulation, were practicable, which would produce, the same degree of security to the rights of property, and at the same time extend the rights of suffrage, to those members of society, who did not possess property; or possessed it only in small quantities. Now

it is believed, that the resources of political science possess, such a *desideratum*; and that it will be found in the proposed division of all the citizens of full age, into two portions; the one of which, will contain only those who have at least, a respectable share of property, and those who hold it, in large quantities. With this portion, to be exercised by their immediate representatives, will be lodged, one equal part, out of two, of the legislative power; possessed of a perfect negative on the projects of laws, or bills, of the other portion; and hence armed with competent power to protect property in all its rights, against any attacks, which may be attempted from any quarter. While the other division, embracing all other individuals entitled to vote, and possessed of equal powers of self defence, by means of their immediate representatives in the other house, will be equally guarded against every encroachment on the rights of persons or property. Mutual safety, dispensing with mutual fear, jealousy, envy, and heart-burning—and both parts possessed, of the equal right of originating bills, will be stimulated, by its own peculiar genius, and love of public good, to offer only such projects, as have for their object, the prosperity, and happiness of both. Thus would the right of suffrage remain, as it is in the constitution, free, and common, to every citizen of full age—while not only the utility of a restricted, and qualified right, in that respect, would be obtained, a circumstance of great felicity—but new, and magnified benefits, would also result to the commonwealth, still more felicitous. In a stable security for the rights of property, and the regular administration of justice, necessarily connected with it, lies the source of mutual confidence between man, and man, no less than that which reposes itself, on the faith of public institutions: whence spring industry, and enterprise, in agriculture, science, and the arts. And which, without confidence, shew not their faces, or appear only to languish, expire, or fly the country.

To what purpose shall institutions of learning be established, and finished educations, conferred on the youth, rising, and to

rise, within the state? What prospect does the prevalent genius of Kentucky, at this time, present to them? Whence are they to be employed? and upon what terms? Should they aspire to public office, on what conditions are they to succeed? by what tenure hold their situations, should they obtain them? Will democracy ever, or never, give itself stability?

Whence are we to derive monied capital—an indispensable requisite in the improvement, and embellishment, of the country—when the possession of riches, exposes the owner to reproach, to obloquy; to be called *an aristocrat*, and *ostracised* from public office, and the just compensation of his virtue and talents; unless he will prostitute all, to ignorance, prejudice, and party spirit?

Whence can the country obtain wise, and wholesome laws? when those who make them, avow themselves to be mere instruments of the will, of those who elect them; magnified into, *the people*—the majority truly—the genuine result of the constitutions, in succession—but known to include those of the least property, and the least intelligence, as the preponderating balance, in elections—and who in effect, determine the character of the majority of law makers; and give tone, and complexion, to the government. Which it is believed could but be very different, was the majority formed, by computing from the other extreme of the community; and thus made to include, such as are excluded, in the actual state of things. A state of things, which, it were needless to expose, if a better is unattainable. But a practical mode of attainment is here shewn.

A real republican government, is one, which embraces in its provisions of security, for life, liberty, and *property*, every description, and condition of its citizens—not only those who may choose to call themselves *democrats*, but those also whom they may think proper to denominate *aristocrats*.

Nor is it to be conceded, that *democracy*, has any peculiar merit, over *aristocracy*, any more than poverty, has over riches; or ignorance, over learning. But in vain, did the constitution of Kentucky proclaim an equality among men. Nature, had previously produced them unequal, according to the fiat, of the

Almighty—and unequal, they will remain. Some will be more perfectly organized, than others—more active—more strong—more improvable—more enterprising—more disposed to acquire, and to hold—in a word, more intelligent: of course, better qualified to overcome the circumstances of their *original equality, of ignorance, and nakedness*, than others. Whence might be inferred, what is known to have taken place, that some men are more rich, than others. And when the nature of riches is attended to, it will be seen, that, theory, and practice, concur in the fact, that but few, become rich—while the many remain poor; some without exertion—while others exhaust their lives in the pursuit, without obtaining the wealth, which they desire; and who still rank themselves with the poor. As it is believed to be a dictate of nature, and laudable, for mankind to endeavour to better their condition, by just means, the demerit of possessing riches, has never been perceived; any more, than the merit, of being poor, or ignorant.

It is, however, to be confessed, that mankind are occasionally under the influence of various passions, which are often cherished even by their ignorance, no less than by each other: among them no two, are more universal, than jealousy, and envy. The latter especially takes place in the undisciplined minds of inferiors, towards superiors; and readily learns to denounce, what it cannot attain, or even imitate. These being facts, appertaining to human nature, are not to be overlooked, in the formation, of government; but restrained, controlled, and guided; not merely by paper declarations, much less perverted by erroneous theories; but by arming those whom they would assail, with weapons of the same kind, with which, to defend themselves. Mutual power, operating by negatives, in the repulsion of assaults, is a character in legislation, as salutary, as it is effectual. Is it desired, to secure both the poor, and the rich, the *democracy*, and the *aristocracy*,—for these are but correlative terms—against the hostile passions, or milder antipathies of each other? Then separate them, as voters for law makers; give each his political class; let each have his own sphere of action, although they should form equal

circles; and make them respectively, watch and ward of their own rights, with equal weapons of self defence, in case of annoyance; and all will be peaceable; because neither can expect conquest, while they may provoke annoyance, or retaliation, reciprocally, on themselves.

There is, however, no necessity for more than the two classes proposed; because there are but two branches, in the legislature, and it is not intended to have any more: besides, it is not expedient, to reduce the two extremes of rich, and poor, to any precise definition; the important end desired to be accomplished, is the security of both, especially in that wherein they are most in danger; "the right of property:"—and which it is believed will be effectually obtained, from any majority, that could be made up, in a class, or division, wholly composed of men of property, in respectable proportions. For an invariable effect of the arrangement proposed, if adopted, would be, that when any man ceased to be the proprietor of the requisite quantity of land, he lost his right of suffrage in that class, and passed into the other: while, whoever possessed the requisite quantity, would have a right to vote in the senatorian division. Considerations, which might find motives for industry, care, and economy; always attended by effects, more, or less, productive of happiness: and therefore not unworthy of the attention of a political legislator. The security of property, once effected, would be common to all classes and descriptions of citizens.

Who will object to the adoption of the proposed arrangement, as a part, of the next constitution, to be made, for Kentucky? This question, which supposes, a practical application of the principle, now, for the first time, advocated, suggests several other inquiries, in detail.

It would seem, after the reflection bestowed on the subject, that no holder of real property, whichever division he might fall into, could reasonably object to it: because property, would be secured in all events—while his rights of person could not be diminished, nor disparaged, by voting for representatives, any more than they would be, by voting for senators. For it is not proposed to alter the relative situation of

the two bodies—but to let them stand, the exact counter-balances to each other, as parts of the general assembly, and otherwise, as at present. Those who have no land, from choice, or necessity, would seem still less, to have any right to complain—such, in the greater number of the states, would not possess the right of suffrage; while here, beyond their own *personal*, in contradistinction to *real*, rights, suffrage itself is gratuitous—a concession, on the part of those who have land, without an equivalent. The importance of which in practice, is of no slight consideration. No law, affecting land only, could affect them. While all their rights of the personal kind, would be under equal guardianship, with those of every other citizen. They have, therefore, a participation in the government, greater than their stock of interest.

The holders of large estates in land, and the otherwise “rich citizens,” comparing their present political situation, with what it would be under the proposed change, could not object; inasmuch, as they would find their safety, in a division, homogeneous, with themselves; by means of similar property, condition, and interests.

No majority, could be formed, within their division, which could have a separate interest from theirs, sufficient to induce premeditated injury, or oppression, because they were rich; even if none of that description, should be in the legislature. But in addition to this consideration, there would be a fair chance of becoming members, without sacrificing the integrity and independence, of their sentiments: for it is believed, to be, a fair induction, that with property, there is intelligence, and other qualifications for office. Where it is otherwise, it is in most cases owing to incidental, and temporary causes, too rare to serve for general inferences, or on which, to construct principles of government.

It may then be assumed as a matter of fact, confirmed by observation and experience, that in the senatorian division will be found the greater number of aged, and experienced men of talents, and integrity. From this stock, is to be drawn the senate, of the state; because in the first place, it will contain those who are worthy of the office; and in the next place, there

will be settled, aged, experienced, and firm, men, to make the choice; who will not be out-voted, nor run down, by those of different ages, and contrary characters.

Firm, and judicious, senators, will make a wise, firm, and dignified senate; good, consistent, and permanent, laws, will be derived from its labours; and Kentucky, renovated in her principles, will assume a new line of conduct—honourable to herself, because it will be wise; and prosperous in its effects, because it will be honest.

It is, however, not the senate, alone, that is to do all—it will have a coadjutor, in the house of representatives; composed principally, of the grown men of talents, and future promise, who will not overlook, what may deserve imitation in the senate; nor want examples in their own body, of talents, knowledge, and sound policy, exhibited in the conduct, and propositions, of elderly men, of experience, and virtue: if such abound, as it is acknowledged they may, among those who have but little property; and no land.

It is not doubted, that each part, would receive many worthy examples from the other, both at elections, and in sessions. Besides, there will be such a mixture, and variety, of each, that the medium character only, of the two, taken separately, will appear to be changed politically; while the personal relations of the individuals, will remain the same: with this happy effect upon the tempers of all, as has already been suggested, that none having any cause to apprehend designs on the part of others, injurious to themselves, a principal cause of jealousy will be removed; and of course, all its unpleasant consequences will cease. For, those we fear could and would injure us, we must hate; and to extinguish the effect, it is only necessary to abolish the cause, or interpose an effectual defence.

Details are to be avoided here, as even this much said, may claim some indulgence; it is, however, to be understood, that nothing but the principle of partition, is insisted on—the rest is a subject for modification, and regulation.

Should it be inquired, why land, and land alone, has been fixed on, as the criterion of interest which should separate the parts; it is answered:

1st. That the lands of the country, are much divided, among the citizens; vast numbers of them holding small tracts, of all imaginable quantities; and therefore easily divisible, into two nearly equal parts, by adopting some one of those quantities, to be seen on the tax list.

2d. That land, is the only species of permanent property, of which a citizen can be possessed—that its right of ownership, is evidenced by the public records, in which the amount of acres is expressed.

3d. That all the necessary accommodations of a man and his family, are derivable from land, by ordinary industry, and care; which is not the case with any other kind of property, or estate; for not even a house to shelter either, can be erected without land—it is also on land, that men bestow their labour in making permanent improvements—it is there the citizen feels his independence—and cherishes, while he gratifies, his best dispositions: it is to his house, his fields, his orchards, planted, or improved, by his own, or his father's hands, that his attachments are formed; whence he imbibes the sentiment of patriotism; and realizes the pleasing reflection, that his own, and his country's interests, are the same. He, therefore, who has this pledge to give society, for his good behaviour, has a claim on its confidence, which those without it, do not possess.

4th. Every other kind of property is transitory, perishable, and concealable—money, takes wings, and flies, to another country—but land abides in its place; while its owner, to participate in the government, must be a resident citizen; and the evidence of his interest, remains a security for his attachment, his fidelity, and exertions for the common cause.

For these reasons, land, has been selected, in preference to all other subjects, as a requisite qualification for the electors of the senate.

As you would have the superstructure, so must the foundation be laid. Is it desired to obtain an administration of the constitution, intelligent, firm, consistent, and energetic, the means are to be provided, and secured in the composition of the legislature: because that moves and regulates, the whole machinery. In an agricultural country, such as Kentucky,

the interest of those who hold, and cultivate the land, is the interest of the country: and they should control, by filling, and holding, the legislative power, it might be said; but in the proposed plan, it is only required for them, that they shall possess the undivided occupation, and control of one branch only of the legislative body: because it is believed, that such control, will ensure the desired effect; while it leaves to others, possessing less, or no land, but other interests dear to them, the occupation, and control, of the other branch of the same legislative body. The two, being parts of the same republic, in whose peace, prosperity, and welfare, all will have a common interest, in proportion to the capital each has embarked, in the concern, can but feel just motives, and with the greater force, when sinister ones are destroyed, for concurring in such measures, as have the general good for their object. Would you have honest legislators, tempt them not to be dishonest.

Republican government, may safely be considered, as a partnership arrangement, in which every member deposits, his capital, which is his all of life, liberty, and property; to be, nevertheless, managed by himself, according to such constitution, as the partners shall agree on, *and the laws thereafter to be passed in accordance therewith.* Now, in this view, it will occur at once, that the matter of making the laws, is of the first importance to the society. For, admitting that the life, and liberty, of each member, are individually equal, yet, when the other parts of the deposit of each, comes to be examined, they are found extremely unequal—extending from *nothing*, to *thousands*. And however, the equal stock of life, and liberty, might give to every partner, an equal right, to make the laws affecting these; it is perfectly clear, that the right could extend, no farther than the reason and cause on which it was founded; and they being life, and liberty; exclusive of property—no right could hence vest in those who had no property, to participate in the making of such laws, as were to affect property only. By a parity of reason, and keeping justice in view, which always awards equal effects, to equal causes—it follows, that the laws which were to affect the rights of property, should

be made exclusively, by those who had property; and when the interest, but not the right, was to be affected—those only, who held the same kind of interest, could have any right, to share in the passage of the law: and farther, among those who had the right to vote, it should be graduated according, to the shares of property, measured by the least portion of any, to which was attached, the right of voting—and which of course, would be the least share of that kind of property, put into the common stock. Thus A having one, B two, and C five, or ten, of such shares—so should be their votes, on the passage of the law. It would then follow, that those who hold the majority of the shares, moved by self interest, would either pass, or reject, the proposed law, as that interest should dictate—and property would be safe. But suppose a small quantity, of any particular species of thing, to be affected by the passage of a law, money for example, should be divided equally among the majority of the society—while a large amount of the same kind of thing, was in the hands of the minority; and a law was proposed, to be passed, by the equal vote of each member, for the division of the whole amount—upon the same principle of self interest, the majority would vote the money to itself, away from the real proprietors: or in other words, divide it as common stock. And so of any other subject; unless it be prevented by an effectual check, and restraint, in the constitution. The statute book of Kentucky, will shew the futility of a paper constitution, which fills the legislative branches, by an unqualified vote, “of the one sovereign majority.” That effectual check, and restraint, not found in the constitution of Kentucky, old, or new; is alone to be sought for, in giving to the opposing interests, habits, and passions, of at least two different masses of citizens, a full negative, to the one, upon every bill, passed by the other.

In the plan proposed, this will be done—while every concession of original right, upon the principle, that, equal interests possess equal rights, will be on the part of those who hold the greater stock of property. And yet their condition will be greatly ameliorated, and improved, in point of security, and

the control of their own interests; so great has been the extortion of those who held the lesser portion of property; or else, such has been the easy credulity of those who made the concession upon, or without, demand. A concession it would have been better never had been made; and which in fact may never be recovered on peaceable terms.

But it is thought in truth, that the constitution (of 1792) exhibits plenary evidence of a compromise, if not of a contest; and that the mode of forming the senate, and of electing the governor, was an attempt to check, and control, the downright, and broad democracy, avowed in *the equality of all men*; and reduced to practice in *the equal right of suffrage*, throughout all the primary elections. That such was the design of the contrivance, is manifest; as well on inspecting its features, as from the resistance it met with after its proposed operation was ascertained; and which terminated only in its dissolution, by that democracy; which abolished any compromise, that might have been made.

Thereby, letting posterity see, that the first constitution of Kentucky, like that offered by Solon to the Athenians, was not a good one: for if it had been, it would have possessed the means of self preservation, and could not have been destroyed, in so short a time, as seven years. But then, in another respect, it was unlike Solon's, or the Kentuckians were unlike the Athenians; for, it was better, than they would bear: whereas the Athenians, as is implied, in the anecdote alluded to, bore theirs. Again, however, it may be said, for Kentucky, she has borne a worse, ever since the destruction of the first. Is she always to bear such?

Take from the first constitution of Kentucky, the mode of electing militia company officers; the mode of electing sheriffs, and coroners; the original jurisdiction of the court of appeals; and render the electors of the governor, and senators, eligible by citizens having the fee-simple estate in one hundred acres of land, and upwards, on which one family, at least, should reside; and it may be put in competition with any constitution

in America, without the hazard of a blush, but with a challenge of equal merit: it would, in reality, be excellent.

Take it as it is, with the exception of the original jurisdiction of the appellate court, and it may be held up to the world, as the delineation, of a constitution nearly perfect, and truly republican in its apparent features. Its design is obviously, to embrace both extremes of the heterogeneous mass of human beings, who compose the great community, which it was to govern; and from whom were to be drawn, by election, such individuals, as were to exercise the powers of government—while the deficiency lies in the substratum of the senate. Contrast the extremes, of society, and the absurdity will appear too gross to be asserted, “that each man is equally well qualified to govern the rest.” Hence the mode of selection, or choice, of those who are to exercise the functions of government, becomes a matter of high importance, involving the question of qualification, in both the electors, and those who may be elected. A question which all are not adequate to decide. In the constitution, it will be found, that *every free male citizen*, twenty-one years old, after two years’ residence in the state, or one in the county, where he offers to vote, without other qualification, moral, religious, or political, possesses the full rights, of a voter. Thus, embracing those who have no property, to pledge for good behaviour, no interest, in common, with those who have property, to create a sympathy with them for its judicious management, or even for its security. This may be justly termed, “the extreme of democracy.” This would form no objection; but on the contrary, be a necessary part of a “republican constitution;” whose provisions should embrace the *security* of the rights, and interests, be them what they may, or in whatsoever quantity, of every citizen, without exception, of rich or poor, wise or ignorant. But then, such is not *democracy*; it, is exclusive of that, which is not like itself. It is hostile, to the other extreme in society: to those who are elevated, and distinguished for possessing riches, or rank, or even talents, which may be held independent of

its will. Its principle, and focal point, is *equality*. As however, it cannot by any possible effort, raise itself to a level with the top, it combines the exertion to rise, with the desire to pull down that which is above itself, with but little scruple as to the means it employs to accomplish its purposes. Hence is demonstrated the propriety and necessity of checking its propensities for encroaching upon the rights, and interests, of others. These dispositions, seem to exist in human nature, without being confined to any particular age, number, or condition; they may be modified; they are not to be extinguished. The motive for action is effect; it is to attain an end. Hence the expediency, and real justice, of furnishing those who may be exposed to the annoyance of the democracy, with arms for self defence. Upon these principles, are to be explained, the division of the powers of government, into legislative, executive, and judicial, and the investment of them in separate bodies of men; making each, a check upon the other. Again: the further division of the general assembly, or law making power, is a consequence of the same principle: whence each division possessing equal powers, have one in particular, whose peculiar office, it is, to arrest, and destroy, the effect, of any measure passed, that is, approved, by the other. Such is the nature of legislative armour; it is, a merely moral power; the exertion of which requires the concurrence of the wills only, of a majority: while sympathy, or a feeling of common concernment, is made the medium, of such concurrence; and where this feeling cannot be produced, or does not exist, no such concurrence of will can take place.

It is, therefore, that means are to be adjusted to an end. With this view, without a doubt, and in order to check the democratic bias, which the constitution, had received, by the regulations already mentioned, were the ELECTORS of the governor, and senators, introduced. And which, had the people been as intelligent, and virtuous, as that supposes they were, and would remain; would, it is believed, have effected its object, in a most mild and salutary manner. But human virtue in a democracy, ever has been, and from its nature, ever

will be, found, too evanescent, and unstable, a foundation, for the support of republican government. So it proved in Kentucky. The provision of ELECTORS, even failed of the proposed, effect, a wise, firm, and energetic, governor, and senate, while it existed; and from the same cause was incapable of averting its own abolition.

That its object, has not been mistaken; let the constitution be consulted. It provides, *that no person shall be chosen an ELECTOR, unless he had resided three years in the state, and attained twenty-seven years of age.* Tacitly assuming, that under such circumstances, they would be found possessed of the other requisite qualifications, of knowledge, discretion, and a permanent attachment to the interests of the commonwealth. Less could not have been presumed; while these seem to be implied, in the requisites of age, and residence. Then being such, and elected; they were required, immediately before they proceeded to choose the governor, and senators, to take an oath of fidelity to the state of Kentucky; and also to swear, "that they would elect, without favour, affection, partiality, or prejudice, such person for governor, and such persons for senators, as they in their judgments and consciences, believed best qualified for those respective offices;" and having the whole state open to their choice, they were enjoined to elect "persons of the most wisdom, experience, and virtue, above twenty-seven years of age, and who had been in the state at least two years, to fill those offices."

For other views, reference is made to the constitution itself.

Still adverting to the situation of the country, at the time of separation; it is to be remarked, that its improvement had been rapid, in relation to clearing the lands of timber, building houses, planting orchards, making roads, erecting mills, &c.: while the fertility of the soil, and the cheap rate at which it could be bought, necessarily disposed its inhabitants to agricultural pursuits; to the almost entire exclusion of others, not connected with them. The great majority of the people, were of course, cultivators, hardly farmers, or such in a negligent manner. Having no fear of want before their eyes, they

almost expected spontaneous crops; and the war being revived, and occasional expeditions of mounted militia called for, much idleness ensued—and many habits were contracted, of a tendency to relax moral principles—while the uncertainty of titles to land, led to almost a promiscuous use of it, and the consequent disrespect for its rights of ownership. Connected with agricultural pursuits, may be reckoned, domestic manufactures of cloth, out of flax, hemp, cotton, and wool—products of the country, though the last, not immediately of the soil.

Not having then obtained, the free use of the Mississippi, the occlusion of the New Orleans market was a consequence, which began to be felt; and yet apparently more feared, by some of the good people of the country. For in fact the surplus produce of the soil, and the excess of live stock, found a ready sale, either at home, to emigrants; or after being taken to the atlantic states; or else in supplies to the army on the frontiers. The return proceeds of which enabled the people to pay for groceries, and other necessary articles of consumption: which in general were supplied from Philadelphia. Some of whose merchants had been the first adventurers of that character, to Kentucky; and continued to engross the market. Nor, was it doubted, but that the government, which had been assumed, could be supported, without danger of oppression; as it was under the control of the people—yet frugal, and economical.

That Kentucky, could not become, a participater in maritime commerce, was quite apparent; for she had no seaport; nor expected to have any. No tide water washed her shores. It is true, that the rivers of the country, opened avenues of communication between every part of the state, and the Atlantic ocean; yet she could not have a port on its shore—nor could she at that time expect that sea vessels would visit the margins of her rivers. Yet access to such a port, in which the people, or their merchants, might freely, and safely deposite, for sale, their produce; seemed a desideratum of the utmost importance. They doubted not, but that where they were permitted to sell their own commodities, they could buy those

they wanted of others. Circumscribed as the prospect appeared, it was, however, anticipated, without a vision of the steam boat navigation, which the genius of Fulton, has since disclosed—that some practical, and useful improvement would be effected in the means of transportation by river navigation; and which would particularly facilitate importations, by the same channels, which should serve for exports. The steam boat now supplies what was wanted; and realizes more than even hope had expected. While every other facility has been obtained, to complete the circle of Kentucky export, and import, by the operations of the federal government.

The war, with the savages, had continued long, and still existed—but it was obvious to reflection, that since the regeneration of the government, of the United States, which having taken the war under its management, was directing the military operations of the nation; that it must, before the lapse of much more time, be brought to a successful close. While peace, would give to that government, the command of resources, and the use of facilities in its negotiations, with other nations, as to all its external concerns, which required adjustment—no less momentous, as general arrangements; than they would be beneficial, as the means of domestic security, and private emolument. All these good things, had been evidently retarded by those protracted hostilities, depending on the weakness of the old confederation, and the infant state, and uncertain existence of the new federal constitution. Its friends, could but indulge the hope, that it would survive the efforts of its enemies, to destroy its existence. And moreover, that it would endear itself to the enlightened, and well disposed part of the American people; by the various blessings it was calculated to accumulate, and to dispense, under the wise, and virtuous administration, of President Washington. Those friends, were but few in Kentucky, at its adoption; and if they had increased, the number was still greatly overbalanced by its enemies; including the *Spanish faction*, among the official and most influential individuals, of the number.

The situation of Kentucky, in relation to her co-states, and adjacent territories, those of Spain among others, which will be further described, may be considered, as giving rise to the faction mentioned, and which continuing for years, nearly the same—so, it still sustained the motives, and ministered to the means, of its protraction, and inveteracy. Which in its progress and development, will receive other narratives, and illustrations, in the execution, and completion, of this work.

CHAP. XVII.

Local situation of Kentucky, as connected with adjacent states, represented—her population set forth—Different religious sects noticed, with some remarks on them—several controverted points discussed, as predestination, free will, the trinity, &c. &c.

[1792.] KENTUCKY, having passed through the different stages of infancy, adolescence, and puberty, now presents herself to the historian in the robe of maturity, ready to assume that active state of independence, and self government, as a member of the union, which had been sought by her people, conceded by Virginia, and sanctioned by the congress of the United States.

The preceding pages of this history embracing an account of the origin, progress, and termination, of the measures adopted and pursued, from time to time, for effecting the separation, from the parent state—it is particularly agreeable upon a review of these means, to observe, that however assailed by faction, or intrigue, they have been free from violence; and that prompted by local circumstances of a permanent nature, connected with the inborn right of man to seek and devise his own, with his fellows', safety, and happiness, as freemen; the measures which were taken, have been supported by reason, justified by constitutional law, prosecuted with temperance, and crowned with success—by the ready assent of the higher powers, concerned.

The next great duty to be performed by the politicians of the day, who possessed the confidence of the people, in their several counties, (for these formed limits, which were strictly adhered to) was the formation of a constitution of government, for the new state. This was effected in the manner already mentioned, and the constitution formed, such as it has been seen, prepared for operation.

Before, however, it is attempted to give an account of its organization, and effects, or of the general occurrences in the

country, subsequent to its commencement, it is deemed proper to take an attentive review of such prominent circumstances either particular, or general, civil, military, or religious, as seemed of a character to influence the administration of the government, or to be influenced by its operations, in time to come, sooner, or later; for it was then thought, both important, and durable.

It is to be remembered, that the boundaries of the state, remained the same, as were those of the district, of Kentucky: to the east, and northeast, was Virginia; to the north, northwest, and west, from Big Sandy, to the mouth of the Ohio; by the latter river; on which lay the territory of the United States—since formed into the states of Ohio, Indiana, and Illinois: the Mississippi, for a space separated Kentucky from the Spanish dominions; now the state of Missouri; and below 36 degrees, 30 minutes, of north latitude, was another adjoining district of United States' territory, since erected into the state of Tennessee. These circumjacent territories, now composing, in part, the boundaries of six co-states, determine the local, and relative position of Kentucky in the North American union. A situation, highly important, in many respects, both civil, and military. But not to anticipate views of either, in this place, the population of the country, will next engage attention. The mature part of it, was composed of emigrants; a singularity, worth a passing notice. The whole amount of all descriptions of which, may be safely set down at one hundred thousand souls, at the time of separation.

In 1790, the census, had been taken, under the authority of the United States—which will be adopted, as correct data, on which to construct any necessary calculations. By that, the population of Kentucky, was then, seventy-three thousand, six hundred and seventy-seven souls. Of these, sixty-one thousand, one hundred and thirty-three, were white free persons; the residue black, or mulatto slaves; with a few exceptions, in favour of freedom—without regard to shades of colour. One half of the white people, at least; and probably, three-fourths of the slaves, were from Virginia: the residue from the other

states; Pennsylvania, Maryland, and North Carolina, furnishing the greater part; and in something like a ratio, of their own population.

It is to be recollected, that two years had intervened from the taking of the census, to the time of putting the new state into operation.

In this time, emigration, had been rapid; and so had births; besides, it was known, that sundry remote settlements had not been enumerated, and that there were many omissions made in other places.

Among the people of Kentucky, although from different states, all speaking the same language, and educated under the same general system of religion, and laws, there were some varieties of habits, with little, or, no real opposition of principles, either civil, political, or religious. The latter only, seemed to present any obstacle, to moulding all differences easily into the same forms, so far as the legislature might deem it necessary to resort to law, for the purpose. While the constitution had secured to religious characters, the most entire impunity, from legal encroachment. And what may be assumed with great confidence, as a truth, is, that there were to be found in this population, as much talent, and intelligence, as fall to the lot, of any equal number of people, promiscuously taken, in either Europe, or America. This stock of intellect, was, however, not of native growth—there had not been time to mature that—while there was no reason to doubt the goodness of the growing germs. We need only look to the fact of emigration, as the source of populating the country with adults, to explain the superior degree of information, obvious among the people, at the time.

Inasmuch, as it requires both intelligence and enterprise, to produce voluntary change of country, or even of habitation. Such men change their place to better their condition—they are for acquisition—they would increase what they have, as a means of getting more.

Already, they have evinced the possession of intellectual powers—and these they cultivate, as natural gifts, to be im-

proved into the still more copious streams of both profit, and pleasure. Nor was Kentucky, deficient in objects of allure-ment, to minds of every capacity. She possessed, in her natural resources of soil, situation, and salubrity of atmosphere, the prolific seeds of riches; and in her civil and political condition, the fair promise of both honour, and emolument. If, indeed, none were yet affluent, none were then really poor: for industry was certain of an ample reward, in whatever occupation, or pursuit, it was honestly employed.

Were none very learned? There were many well educated; and more means to be applied in that way, than most other countries could afford. While a general propensity, for giving, and receiving literary instruction, was obviously, a prevailing sentiment throughout the country.

It is to be remembered, that the Indian war, still prevailed, and was general; which had greatly restrained improvements, in the lines of building, ornament, and furniture. Great simplicity was yet predominant in all these matters; approaching primeval equality. Character was yet to be developed; not then foreseen, by many eyes—which in thirty years, displays an altered people, in their morals, no less than in their politics; but more of this hereafter.

As a religious community, professing christianity, the people of Kentucky, were split, and divided into various sects, and denominations: all resorting, nevertheless, to the same books, to justify, explain, or uphold, their respective tenets, however various, or contradictory.

Without purposing any remarks, as to the propriety, or impropriety, of the one, or the other; it may conduce to general information to enumerate them, and to give a concise sketch of their external situation, and some of the most obvious temporal effects of their particular tenets, both at that time, and since; upon the civil characters of their respective church members.

To observe some order, the Roman Catholics, being the most ancient, will be first mentioned. There were a respectable number of these in the country; who were probably visited by their priests, but who had not then, as it is thought, any

public chapel. They now have several—and a literary establishment, in deservedly high repute—besides other schools, well superintended. Education with them, is of primary importance—at least, in the superior orders, spiritual, and temporal. Their discipline is favourable to civil government—and their society universally good citizens.

There were in the country, and chiefly from Virginia, many Episcopalians; but who had formed no church—there being no parson, or minister, of that denomination to take charge of it. Persons of that description seeming not to like new countries; or to be deficient in zeal, where it is not cherished, by parish, or tithe—as was the case in Kentucky. This very relaxed state of that society, may have been occasioned by the war of the revolution—that having cut off the source of clerical supply, which lay till then, in Great Britain; and no adequate substitute having been previously devised, there remained even in Virginia, a real deficiency of preachers.

At the period of separation, it might have been hazarded as a probable conjecture, that no Episcopalian church would ever be erected in Kentucky. Such had been the numbers, formerly of that denomination, who had joined the Baptists, or grown careless on the subject: there is, however, one pastor, who has a church, in Lexington.

Education is with this fraternity, a necessary qualification for administering the affairs, of both church, and state. The forms of their worship, are highly decorous—and their discipline, calculated to make good citizens.

The Presbyterians, and Baptists, composed a large proportion of the population, at the time; as they still do; and were then, as now, each supplied with preachers. The first, having ample claims to literature; the latter, but little, either in possession, or expectancy—even deeming learning unnecessary, in expounding the scriptures. These two sects, evidently felt each other, as counterpoises—and not without a sense of rivalry, and jealousy. This may have all subsided—as the constitution, exhibited a character, devoid of religious encroachment, or rather, it should be said, calculated to guard against its

approach. And even to exempt legislation from sectarian motives, and interests, if practicable, all are placed on a perfect equality, as to personal and political rights, of all descriptions. But they have still a better security against the encroachments and depredations of each other; and that is, in the strength, and respectability, of the other sectarians; and in others, who belong to no sect. Inasmuch, as it is perfectly certain if there were but the two, the one might be placed at the mercy of the other: a condition, in which neither would think itself safe. Be this, as it may; there is an immense difference between the two sects, in a political point of view—and this is the only one, in which the comparison will be made.

The Presbyterians, in common with the Roman Catholics, and Episcopalians, admit infants into their church; they, as the others do, foster education; and they maintain, higher grades, and better orders of discipline, than their rivals—the Baptists.

The Baptists, on the contrary, differ essentially, on these subjects. Their members must be of discreet years—even their own children are admitted into their church only, upon condition of their making certain declarations of experienced regeneration; and of giving assurances of divine acceptance; which but few well educated people can, or will do—and hence, such as do not make them, whether educated, or not, are excluded. The result is, that when a Baptist has educated his son for the higher occupations in life, there are three chances, to one, against his becoming a member of his father's church. There are yet more chances, against any other well educated man's becoming a member of the Baptist church, in Kentucky, upon its present establishment. One certain consequence is, that the church has always been, and remains, deficient, in the number of well educated men. Most of whom believe they can live as well, and die as happily, in some other church; which they may find quite as congenial, or more so, to their feelings, and sentiments.

While the Presbyterians, receive children into their congregation; raise them up members; and educate them in their

own faith and practice; for which reason, and no better need be asked, they ever after remain in the same church. The consequences are not more obvious, than important. Presbyterians are found qualified for every department, civil and ecclesiastic; military, and forensick. They have, therefore, divines, lawyers, doctors, and politicians—governors, judges, and legislators.

And thus the society improves, ornaments, and dignifies its members: who in their turn, reflect the honours, and advantages of office, on their society. Promoting thus the temporal emolument of each, and of all. And thus also, “they gain strength in high places, and make unto themselves friends of the mammon of this world;” equally certain, nevertheless, of a full participation of all the good things of the next. Nor is the idea unworthy of a rational being—that the mental improvement of man in this world, will increase his capacity for, and protract his term of, enjoyment, in the next. How shall ignorance, associate, with an improved intellect?

While it is to be confessed, the Baptists seem to view these things, with different sentiments. Being either careless, of the honours, distinctions, and emoluments, of office; or “waiting for every good thing to come down from heaven,” they apparently neglect the appointed means, of attaining them.

Any man who will, may easily deduce the different results of the two systems, upon the two societies; and, consequently, upon the commonwealth, of which they are ingredients, or component parts.

A Mr. John Bailey, who had belonged to the Baptist church, adopting, if it may be said, more enlarged views of the efficacy of the atonement, than his brethren in general, received the appellation of Universalist—then rare, since more frequent—preached in those days—but it is not known that he had any church in his time; or that there is yet, any in the state, of his denomination. His principles, met not with sectarian approbation.

The Methodists, then but little heard of, and without a church in the country, that is recollected,—are now, considerably

numerous, and highly respectable. They also admit infants to baptism; encourage education, rather more than the Baptists; and have probably a better system of church discipline. They, however, being on the proselyting plan, and giving more countenance to slaves, than even the Baptists, have many of that description of members, and occasionally admit disorder into their exterior service. Their rules of discipline, nevertheless, appear judicious; and calculated to aid civil government, in the preservation of good order.

A species of Quaker, denominated "Shakers," not known in the country, until a later period, but mentioned in connexion with other religionists, have at this time several establishments, in fraternity; which in a manner seclude them from other denominations. Their exterior is decent, decorous, and peaceable; their discipline exact; their worship, a mixture of gravity, and enthusiasm—but denying the rites of matrimony, they admit all ages, and sexes, into their society, upon terms of compliance with their rules.

It is rather to make out a catalogue of the different known denominations, than to give even a sketch of their history, that the "New Lights," seceders from the Presbyterian church, are mentioned—with a character very respectable, their number is yet small.

There are, it is said, a few, who have embraced the leading tenets of the Baron of Swedenbourg, on the subject of religion. Their church, where formed, though not yet in this state; is called, "The New Jerusalem Church."

There were Unitarians, who have since formed, one society, or more, in the commonwealth.

Still fewer, but some, Socinians, were spoken of, not yet formed into society.

If there are any others, they are either, not known, or else, not recollected.

Suffice it to know, that however many, or few, there may be, they were, and are, each, and all, equally protected, by the constitution, and the laws, in their private rights, and public worship. For when all receive the smiles of heaven, it were impious in men to frown on any.

As a consequence of this security, it may be remarked, and surely it needs no apology, that "there is more charity, and liberality, among sectarians for each other's opinions, than formerly." Now, several different denominations, will commune together, who, even at the adoption of the constitution, it is believed, would not. Although, coeval with the revolution, Virginia, and most of the states, had established, an entire toleration of religious sects, if not a perfect equality between them, as to civil, and political, rights. While the constitution of the United States, then recently established, as to the time of separation, seems to have placed all her citizens, upon the most perfect, and entire equality, in respect to religion—at least, so far as they may at any time be concerned in the administration of the government—by a full exemption from a religious test.

Whence, and from the freedom of inquiry, resulting from the extension of knowledge, the liberty of speech, and the unrestrained use of the printing press, it might be inferred that in the progress of time, if slowly, the christian sects, would become so far united, as to agree in reducing controverted points, and bringing the whole system of christianity to harmonize, as a rational science. To this purpose, a general convention of delegates from the different denominations, for the purpose of forming a constitution, which should embrace, and clearly express such fundamental principles, as were agreed, would be useful. Leaving it to further inquiry, time, and reflection, to complete the work. This is said, under a conviction, that as government, is found to operate on the religious affections and dispositions of the citizens—so also will these affect the moral, and civil, habits, and modes of thinking, and acting, in matters of government. Now, as each system, does in fact, and can do no otherwise, in effect, than address mankind, as rational beings, nor operate upon them, but by means of the same organs, there seems to be a fitness, in their co-operating to the same end, their happiness, in this world—by teaching a faithful discharge of their duties, as christian citizens—as the surest evidence of, and best preparation for, their happiness hereafter, as christian saints.

Inasmuch, therefore, as the morals of men, are alike objects of both the religious, and civil, institutions of the country, there should be no incongruity between the two, in theory, or practice—leaving to each, however, its proper sphere of action, and its own appropriate modes of administration—the laws of the one code, and of the other, should inculcate the same precepts of justice, good faith, temperance, &c.; acting, in fine, upon all subjects common to the two departments, as affectionate sisters, or handmaids, to each other. While it must be equally obvious to every intelligent and reflecting mind, that there should be no character, in the principle advanced, or the precept impressed, by the teacher, that might not with safety be carried into practice, by every individual—and consequently by the whole community, both religious, and civil.

To give some account, of the most common points of controversy, found among the religious sects of the country, at the time of establishing government, independent of Virginia; recurrence will be first had, to the subject of “election,” and consequent reprobation, as taught by Calvin, on the one side: and its opposite, of “free agency,” as held by Armenius, on the other. This controversy, not confined, probably, to any denomination, was then, as it had been, and is yet, the cause of some heat, and even animosity, among the zealous.

It was said, that—were the doctrine of election, alluded to, correct, it would seem to render all human effort vain, if not impious. For if it were true, that God, had from eternity, selected, and adopted, a certain number of the human race, to be received into heaven, in exclusion of all others, and this, with a *foreknowledge, of all things*; the individuals, must have been identified, as well as the number determined, in the divine mind, at the same time, and this of necessity; for the mere determination of number, without individualising the persons, would have effected nothing as to the “free agency,” or non agency, of man; but both being ascertained, the election was complete, and free agency annihilated. The doctrine advanced, of election, predestination, and God’s perfect fore-

knowledge, denies to man "free agency." As to his own salvation, and in effect, as to every thing else he can do, as a man, it leaves him a being destitute of free agency; and reduces him to a mere automaton, constrained to a certain course of action, under the pressure of omnipotent power, guarded, and enforced, as the doctrine implies, by a perfect, and infallible foreknowledge of his whole course of life. An inevitable consequence, is, to strip man of every motive to action; and of every claim to virtue, and its rewards; while he should be exempted from every imputation of vice, and every infliction for crime. A system of ethics, which seems to address itself to men's credulity, while it offers a complete dispensation from all their duties, as it robs them of every motive to virtue. A doctrine too enormous for practice—and too absurd for rational belief, when divested of the fascinations of religion. In fact, it can neither obtain belief, or practice, without such expositions, and ameliorations, as go to the denial, and subversion, of its original principles. This might shew its inadmissibility, as an article of belief.

Doubtless, it would never have obtained, or been long since exploded, had it not been connected, with the current idea of God's "foreknowledge"—which has been extended to the most minute actions, of men's minds, and bodies, throughout the universe, and carried to all futurity, in relation to them.

None can doubt, but that God foreknows, whatsoever he wills, shall come to pass; nor should it be supposed, that in any instance, his foreknowledge can be defeated, or disappointed. It is, therefore, admitted, that his foreknowledge is equivalent to his decree, and has the effect of fate. But wherefore extend it to every minute occurrence and transaction of men? Even if God takes note of every thought, and act of the human species, when, or after, it transpires, all the possible modes of doing which, are at his command; yet none of them need interfere with man's free agency, or implicate the foreknowledge of God: whose purposes could, for any thing that is known, be equally well effected by such present, or after, knowledge, as

by his foreknowledge. Nor is there any irreverence, or impiety, in supposing that God, does not foreknow, any of those things which depend, on free agency, whether of man, or any other being. For if he does not, it is the effect of his own determination; or if he does, it is but the result of another law, emanating from the same source, himself. But God, is incapable of ordaining contraries: and this shews, that his power is limited. And if his power is limited; why may not his knowledge be likewise limited? No reason appears, to the contrary.

If then, there is, an incompatibility between the *free agency of man*, and the *foreknowledge of God*; the one, or the other, to that extent, does not exist. This conclusion is deemed irresistible. And taking it for granted, that there is an incompatibility between them, it will be supposed that man is a FREE AGENT.

To support this doctrine, mere reason, will not be relied on, without a recurrence, to scriptural facts, to corroborate its deductions.

To ascend at once, to the highest source of evidence, the second chapter of Genesis, 15th, 16th and 17th verses, are subjects of reference.

“And the Lord God, took the man (Adam) and put him into the garden of Eden, to dress it, and to keep it. And the Lord God commanded the man, saying: Of every tree of the garden thou mayest freely eat; but of the tree of knowledge of good, and evil, thou shalt not eat of it—for in the day that thou eatest thereof thou shalt surely die.”

And was this command given by the Creator, to the creature, who was foredoomed, to eat the fruit? Why should such mockery be imputed to God? Why should his justice, and his benevolence, be so implicated? When, to admit, that Adam, was able to stand, and yet, free to fall, clears God of every imputation, and renders the man responsible for his actions.

Did not the Lord, in accepting the offering of Abel, and in rejecting that of Cain, admit, the free agency, or merit and demerit, of each? Why did the Lord say unto Cain, “If thou

doest well, shalt thou not be accepted? and if thou doest not well, sin liest at the door?" And why did he punish Cain for the murder of his brother, unless Cain *was a free agent*? Why should we be required, to admit a dogma, under the name of religion, which confounds our understandings, and violates every principle of justice, taught in the moral code? a dogma, subversive of justice, and of all government?

But, the decalogue, delivered by Moses, under the immediate command of God, is predicated upon the capacity of man, to obey, or not. While his happiness, was made the consequence of obedience—his misery, the penalty of disobedience.

That God, has placed the happiness of mankind, in connexion with the performance of their duties, is a consoling evidence of his benevolence—while at the same time, his justice, is perfectly vindicated, in punishing the guilty.

Upon the same admitted, free agency in man, and his capacity of moving towards his own salvation, was it said—"Seek ye the Lord while he may be found;" "Let the wicked forsake his way, and the unrighteous man his thoughts: and let him return unto the Lord, and he will have mercy upon him; and to our God, for he will abundantly pardon."

To the same effect, it is said in the New Testament, "Knock, and it shall be opened unto you;" "Ask, and ye shall have;" "Seek, and ye shall find."

Were not all this delusion, and unworthy sport, if addressed to a race of beings, possessing rational powers, perceptions of pleasure, and of pain, destined to future happiness, or misery; and yet utterly incapable of embracing the one, or of avoiding, the other?

No wonder, that Armenius rejected the doctrines of Calvin; and insisted, *on the free agency of man, as the basis of another system*—it is not intended to descend to particulars, or to advocate any system in detail. Radical principles only will be examined.

John the Baptist, preached *repentance*, for the *remission* of sins. And such are understood to have been the primary tenets connected with faith, and a course of righteousness in the doctrines of Jesus Christ.

But it is said, there are scriptures which favour election, and predestination. Admitted. Yet the scriptures should not be used to contradict themselves—but the weaker reconciled to the stronger, or disused.

Considering the whole system of government for man, religious, or civil, as having its origin in his moral and intellectual faculties; he is alike to be operated upon in both, by means of his understanding, and his senses. They should move in unison; their precepts should have the same uniform tendency; they should not contradict each other; lest they confound and distract the minds of the people. Each man is, therefore, to be considered in the one, as in the other character, a free agent; he is a sentient being, amenable for his conduct; in pleasure, for virtue, or in pain, for vice; for these purposes, he is to be furnished with a new body, in the next world—according to St. Paul. That he possesses one here, is a fact, left to ocular demonstration.

Taking it now, as proved, that man, as a religious, no less than as a civil, subject, *is a free agent*, to the extent of his responsibility—and there is no occasion to go further—the proposition will be advanced, that, to the same extent, his actions, mental, and corporeal, have not entered into the foreknowledge of God. And this is the more freely asserted, because an afterknowledge may answer every purpose of justice, and avoid an inexplicable difficulty.

In the first place, man, by his nature, both physical, and metaphysical; is very limited, in his sphere of action. God has marked the utmost extent of both; and beyond which he cannot go. Moreover, he may be the record of all such acts as result from free agency; or he may be subject to a law, which transmits an account of them to heaven's chancery. 'This is enough to ensure his responsibility.

Next, where is the necessity, or utility, of God's foreknowing a thousand occurrences in a man's affairs, of little account to himself, and none to any body else? And yet, the advocates of an absolute foreknowledge, extend it to the most minute circumstances, of a man's life, and economy.

But they are welcome to extend it to every thing, if they choose, to *which there is no moral or religious quality, nor any responsibility, annexed.* Make man the creature of fate, but not the subject of rewards, or punishments.

Again: the actions, for which men are responsible, either, as religious, or civil, subjects, though numerous, and material to them, are even but a part of their checquered, and multifarious affairs, or avocations; leaving a numerous class, to which they are only responsible to their physical supervisor; and which are freely turned over to the Fatalists.

But emphatically, the Predestinarians, not being able to resist the number and weight of the objections which have been urged against their doctrines, have invented an argument, to evade their force, by assuming, that the foreknowledge of God, though *perfect*, does not deprive men of their *free agency*. Which is, just as intelligible, and at the same time, as contradictory, as to say, that an event, is as fixed as God's decrees, and yet, as contingent, as human caprice. For how can the proposition be rendered intelligible, that God shall have a perfect and infallible foreknowledge of events, which may, or may not, take place? Such surely, are the events, dependent on the unformed will, of free agents—since those which are formed, may be, and often are, changed, before they produce any external result: besides, their acts are often contradictory, and destroy each other's effect.

But if all this is foreknown of God, then it is fated to take place precisely as foreknown; or his foreknowledge may be deceived, and disappointed; and so reduced to conjecture; which is not foreknowledge: and, therefore, does not support the proposition.

Again: the argument of the Predestinarians, assumes, the existence, and suspension, of God's foreknowledge, at the same time, and as to the same things; thereby rendering it useless, as it is rendered inoperative, on both the wills, and deeds, of men. But if the Deity can suspend the effect of his foreknowledge, when possessed, on the actions of men; he can decline the possession, and refuse to foreknow: which seems the better

argument. If, indeed, God, of necessity, foreknew all things, and that perfectly, from all eternity; then he has been no more a free agent, but as much the subject of an unrelenting fate, as the human race, itself. Inasmuch, as, he could no more deviate from what he foreknew, as to the human race, than man could will, and do, independent of the decree, which determined his destiny. Thus, would the possibility of a special providence be excluded from the universe. Since, a special providence, is a contingent act, of the Deity; and there can be nothing contingent, in a system where every thing, is determined, and previously fixed. But why should God unnecessarily limit his own power?

It has been inferred, that even the power of God, is limited, were it only by his own acts—and certainly he cannot defeat his own purposes—or do, and not do, as make a world, and not make it, at the same time.

Well it might be doubted, whether he could annihilate, either space, or duration; as they seem to be coeternal with himself. A preacher of the Gospel, once said, "it was impossible for God, to make two hills, without a valley between." And there is surely no irreverence in saying, "that God cannot violate his own rules of justice"—award happiness to disobedience, and misery to obedience: or impute, to beings of necessity, acts of free will.

Another controversy partaking of the religious character, was that about baptism. The Baptists, as it has been seen, administering it to adults only—while most, if not all of the other denominations, admit infants, to the baptismal font. Considering this as an external ceremony of initiation into the church, nothing more will be said on the topic, in this place; except, that any form, would answer the purpose.

Another subject of great intricacy, and importance—of course, of long, and existing, controversy—was "the Trinity, in unity;" or, "three persons in one God." The changes rung upon this idea, in the Athenasian creed, at once exhibits the fervent zeal of the divine, and how impossible it was, to free

the exposition from incongruities. Now, that any proposition in theology, should be mysterious, is no reason for not believing it—as, what, in fact, relating to the Deity, is there, which is not mysterious? But as we cannot admit, that the Deity is inconsistent in himself, or his purposes; we are, it is to be inferred, not required to believe, any inconsistency appertaining to him. Nor can the authority of St. Athenasius, and all the believers, in his doctrine, from that day, to this, remove the repugnance felt by a well regulated mind, to the belief of inconsistencies. From history it appears, that coeval with his creed, that of Arius, of the contrary tenor, and effect, was adopted by public authority, for some time prevalent; and of course, better. That it had not continued to be the orthodox creed, to the present day, appears, as far as human agency is concerned, to be ascribable to the active intrigue of Athenasius, and the caprice, or policy, of the Roman emperor.

But it will be admitted, that this historical review, does not affect the merits of the controversy.

Neither can it be expected that the scriptural authorities, on the one side, or the other, are all to be introduced into this summary. A rule, heretofore recognised, and still held to be sound, will be found applicable—it is, that where the scriptures apparently contradict each other, “that the weaker should be reconciled to the stronger, or disused.” The reason of the rule is obvious—there is no contradiction in the correct scripture; the veritable word of God, *can but be consistent with itself.*

Then, to go to the beginning of Genesis, and trace the books downwards, to come at the knowledge of God; since he is only to be known by manifestations of himself, in his works, or his words.

His works, in unity, with all their relations, declare one, and but one, God. His communications, to Adam, to his sons; to Noah, to Abraham, to Moses, to David, and to the Prophets, exhibit but ONE God—a *single person*. The declaration was uniform: “*I am the Lord thy God, and me only shalt thou*

serve." "I am the Lord: that is my name, and my glory will I not give unto another."

The result of reason, seeking the original cause of this visible world, is, that it did not make itself: but he who did make it, made the sun, moon, and stars; is author of the universe; a God SUPREME. Agencies, and dependencies, are creatures of his will.

Were there two Gods, there might, indeed, be three; or three times that number; or any imaginable number. That the persons mentioned in the creed are equal, is held to be impossible. And yet, it is as possible, that all should be equal, as that any two, should be equal. For if any two were *equal*, neither would be *supreme*; nor would there be any one "*only God*"—if any God at all! But to be God, is to have no equal; it is to be "*supreme*;" that is, having control over all others.

Then, God is uncreated; existing necessarily, and the creator of all other beings—if there are other Gods, they are, therefore, his creatures. Did he make them his equals? If so, he imparted to them, an equal degree, of his power, wisdom, and other qualities, or attributes: and in proportion to the created number, as he previously possessed these qualities, in the superlative quantity, so did he diminish himself, and destroy his superiority, by creating equals, and rivals. For what? is a question.

But if the one God, universal, eternal, and "*supreme*;" whom Abraham, Moses, and David, worshipped; did not create these other Gods, whose supposed existence, at times, have so much perplexed the christian theologian, and rendered the rest of mankind idolators; then they either do not exist, must have existed from all eternity, or had some creator. This is a self evident proposition. Behold, the consequences, deducible from its several alternatives. Let imagination trace them.

Suppose the existence of *two persons* in the godhead, other than the God, *Most High*; who communed with Moses, on the mount, and that, (come there, as they might) they were equals: what is the conceivable effect?

There is no *supreme*, among *equals*—that is clear—then, in effect, there is no God. What then? Why, the consequences, are tremendous, and revolting. The supremacy of heaven, and the government of the universe, upon this theory, is lodged in a *triumvirate*—whose councils are either suspended in equilibrium by three equals, or carried by a casting vote. For, where all are Gods, each must be independent of the others; and each, *all powerful over all things*, themselves excepted; each, of course, could act on all other things, but one another, without resistance, except from one another; and, therefore, might be tempted to act alone. Whether this has been the cause of the wars in heaven, of which intimations have been given, probably by John, will be left for the decision of divines; certain it is, that it might, were such the state of the case, lead to rupture, and confusion, war, and partition of empire.—Divines, need be cautious, what they teach to men who think.

Without pursuing the argument any further, it may be concluded, on the part of the Unitarians, *that there is but one God, supreme, of heaven, and earth.*

The Trinitarian idea, of there being three persons, and yet but one God, in the godhead, deserves further to be examined. The object is, to detect error; or ascertain that there is none; or if practicable, to lay the foundation, by a modification of terms, for a rational exposition of the mystical union of Father, Son, and Holy Ghost: that is, of God—his word, of operation, and his spirit, of comfort, personified, as they have been. Since there is, and can be, but one God; for none is God, who is not “supreme;” and there can be but one supreme, of the universe; and he is known to act by agencies, and causes; there is no incongruity, in supposing the production of a being but little inferior to himself, and perfectly equal to all the purposes, and ends, for which he may be intended by his almighty progenitor—should they even extend to the creation of a world—this world—or any other matter, or thing; or to the execution of any office, or duty, whatever, to which he may be appointed; or on which, he may be sent. Suppose this being, the CHRIST,

the once visible, and Anointed SAVIOUR of the human race. Clothe him with majesty, equal to his powers, and offices—exalt him to the throne of heaven—as the first-born of the Father—and place him, at his right hand—do him reverence—and pay him homage, as mediator with God—the smiles of whose countenance, he receives, and whose counsels he shares; but mistake him not, for God—there is but one God—“the Father of our Lord Jesus Christ.” Thus the scripture may be complied with, and reason, “the heavenly guide of man,” not in the least offended, by incongruities—such as, that, “the Father is God; the Son is God; and the Holy Ghost, is God—yet there are not three Gods; but only one God.” These names, are used in the ceremonial of baptism, in creeds, and in prayers, to denote, by each, a distinct, and separate being, or person—but if they are separate persons, each has his own identity, not to be confounded, with the others. And were each God, there would be three Gods—the denial to the contrary, notwithstanding. Or, if there is, in fact, but one God; then, in fact, there are not three Gods. The consequence is, that to support, an unintelligible dogma, men, as christians, are required to believe, that which, in the very terms used, includes a plain contradiction; and hence, in both its parts, cannot be true! How far this comports, with sound morality, or pure religion—which should have truth, for their basis—may be worthy of the consideration of the grave, and reverend seniors of the land. In vain, do they talk of mystery; that is not in controversy—it is the incongruity, the palpable contradiction, of facts, produced in the relations, exhibited, between the persons, treated of, that constitutes the dispute. That persons, exist, who are, and may with propriety be denominated, Father, Son, and Holy Ghost, is not questioned—that the first, means God; the second, Christ; and the third, the Comforter; may be admitted—that, there is mystery, in their connexion, intercourse, and offices, it would be presumptuous folly to deny—that the order in which they are named, may be taken as an indication, of their relative ranks, as superior, and

inferior, is most easily, and naturally conceived—but when it is asserted, that each, is God; and we recollect who, according to scripture, and reason, God is; our imagination is confounded, our reason is shocked, and our belief defied. In the further extension of this extraordinary exhibition of these personages, we find it declared, that although each of the three persons, is God; yet, that, there are not three Gods, but really, one only—we know not which, most to admire, the impudence of the priest, or the servile credulity of his followers.

Well then, if there really is but one God, he is God; and there is no other. Then, the Son is not God: nor is the Holy Ghost, God. And thus, the creed orthodox, is refuted, out of its own mouth.

That it ever should have been an article of the Christian faith, is only to be accounted for, by the joint operation of ignorance, art, and despotism.

That it should, under any modification which represents, and affirms, the existence of more than one God, or that the Son, the second person in the trinity, is equal to the Father, who is the first, and God—be continued down, and still be preached, and propagated for belief, to the present day, is verily, a strong instance of the sleep of the human mind, when once diseased with orthodoxy—the laudanum of the church; and panacea, of the hierarchy.

It is known, that this is ground, considered sacred—that there is a description of men, who would exclude all those not initiated into the mystery of the craft, from exploring its recesses; and who are ready to cry out, Sacrilege! and let loose the anathema of the church, upon the head of the wight, unqualified, who shall be found with a foot upon, even its margin. But it is also known, that there have been many creeds, even among Christians, varying from each other—that in fact, the Episcopalians of the United States, have left out of their articles of faith, the creed of Athanasius, into which, as the least rational, this examination has been directed; that yet, however, they have two; either, they say, or seem to say, is good

enough: notwithstanding, if material at all, they are very materially different. As then, men become enlightened, reformation is expected; and, what is another consideration, of no little import, if those who assume the office of teachers of religion, do not examine, and re-examine, their theories, and what is more, reform them, on principles conforming, to just and correct rules of reason, founded on common sense, and the obvious nature and office of the moral perceptions of mankind, it will be done for them; and with less restraint, possibly, than utility might require.

Yet, however, this brief, and of necessity, imperfect, essay towards exploding errors of theory, as more or less, influencing practice, would not have been hazarded, without the most entire conviction, that there is not an argument advanced, nor a principle contended for, which is not amply supported, by the sacred scriptures themselves. Are there conflicting scriptures? Then reason, founded on analogy, and the known nature of things, must decide.

Is it proposed to shew, that the Son, is not the Father?—The terms themselves, denoting the relation between them, establish that they are different; and therefore, of necessity, not the same. Which is the result, proposed to be shewn.

Should it be said, that the Son, is not equal to the Father—the terms, resolved into God, the Creator, in the place of the Father; and the Son, created, or begotten, by God; establishes the proposition; when the term equal, is applied to the two. For things, equal to one another, are equal to a common standard. But what common standard, will equally fit the two, in all points? Suppose, eternity is selected. Then, the Father, measuring existence with eternity, must have existed before the Son; who, whether created, or begotten, must have began to exist, after his Creator, or Father; therefore he is not equal, or coeval, in existence, with his Father.

Take power, as the criterion, the Father is uncreated, and inherently possessed of all power; that of creating, or begetting the Son, being one, of no inferior, potency, or effect; while the

Son, as he himself said, and as otherwise, must be admitted, derived all his power, from the Father; he being the one omnipotent, and only God, of the universe.

This idea, is the more important, as it is the foundation of all true religion, and all sound morality.

For, what is true religion, but the recognition, reverence, and worship, of the *one Supreme Being*, in that mode, taught by enlightened reason, or manifested, by particular revelation? The Christian religion, is of the latter kind. Having its foundation, nevertheless, in the belief, and worship, of the one true God, through the mediator, Christ, "the Anointed, or chosen Saviour;" or the medium of salvation, to fallible, and sinful men. The true christian, therefore, worships God through Christ. But were Christ, God—then were there no Christ, nor any other God, worshipped. For Christ has, himself, said, "No man can serve two masters."

To confirm the foregoing arguments, and to ascertain with the greater certainty, who the master is, reference is made to the prayer, given as a form for use, by Christ himself. And that will ascertain, whether he was God, or God, in heaven, he on earth. His words are—"Our Father who art in heaven, hallowed be thy name; thy kingdom come; thy will be done on earth, as it is in heaven," &c.: concluding, "for thine is the kingdom, and the power, and the glory, for ever and ever. Amen." Now, is this a faithful representation? Can any christian doubt its truth? or that the Son, is inferior to the Father?

The manifold instances, in the scripture of the New Testament, in which this doctrine is asserted, or admitted, although not to be recited here, are referred to, as full confirmation. The conflicting texts are to be reconciled, or rejected, agreeably to the rule already laid down.

One of these, relied upon by those who contend, that Christ, is God; or a God, equal to the real God; is to be found in the Gospel by John.

"In the beginning was the word, and the word was with God, and the word was God." The same was in the beginning with

God. "All things were made by him; and without him was not any thing made, that was made. In him was life; and the life was the light of men. And the light shineth in darkness, and the darkness comprehendeth it not." There is certainly much obscurity of meaning at least, in the first sentence of this quotation; especially, if it intended to convey the idea of a *person*, distinct from God. Is "the word," as therein used, to be taken as a proper name, or personal pronoun? or as a monosyllable, or a power, or a voice, active, or passive?

In this sentence, after making "the word" appear to mean some *thing*, or *person*, other than God, it is affirmed, that it "was God." Then if it "was God," it was God, and no other. For God cannot be himself, and another: nor can another, be God. The conclusion is, therefore, irresistible, that "the word," as used in the preceding quotation, cannot by any correct use of language, mean any person; but a quality, or attribute of God. Suppose it to mean his *power*, or a *portion of it*; and it has appropriate meaning. Allowing for the free use of figurative language, and such allowance is to be made to the author; then the subsequent parts of the chapter, if at all reconcileable, may be reconciled.

In the 14th verse, it is said: "And the Word was made flesh, and dwelt among us, (and we beheld His glory, the glory as of the Only Begotten of the Father) full of grace and truth."—Now, if we take "the word" in this sentence, to be the same as that used, and intended in the first, which is now done, and add, that it "was made flesh," &c. we have the idea of Jesus Christ. Nor is there any inconsistency, in supposing a portion of the power of God, converted into flesh, by creation, or generation. But what is there in all this, to prove that Christ was equal to God? Certainly nothing. For if the proof is, of the *divinity* of Christ, it is, that he is God. Yet, that is shewn to be impossible. And still further, it may be observed, that God, is an original being, Christ, but secondary. For John, himself, is a witness that "he was *made* flesh"—then he had a maker—then he could not be God, who had no maker. Again, it is said, in the same verse, that the Word so made

flesh, "was begotten of the Father"—then he was not God; for God was not begotten, nor had he any Father. These seem to be obvious arguments, which safely challenge refutation.

While it is believed, that the holy books, honestly scanned, will terminate in the same result. Nor, is the utility of the contrary doctrine, perceived. Error of opinion, leads of course to error in practice. Revision, is therefore demanded. Recur to the books, consult the singleness, and simplicity of the object and design of religion—the recognition and worship of one God, Creator and Preserver of the Universe; who offers rewards to virtue, and punishments to vice, as the primary inducement, to men for performing their moral duties; as disclosed to them from time to time, by God, and his agents—the last of whom, was Jesus Christ; with plenary power, to effect all the objects of his mission; himself partaking of a deep personal concern in the redemption, and salvation of the whole human race; to whom was offered, or to be offered, eternal life, individually, in all time, upon the condition of believing him to be the Messiah, or sent of God; and of repenting of sins committed, and of leading righteous lives, according to his precepts, and commands, as coming from God. While to comfort, and assure his followers, in their faith, and duty, the Holy Ghost, was sent to them, as the spirit of consolation.

But because, a part of mankind, are to be rendered happy here, and hereafter, upon the Christian plan—it is not to be inferred, that those who never heard, or read, of it, are left without the means of rational happiness—no: that right, privilege, and capacity, was conferred on the race, by its creator; and of which, the reasoning faculty, possessed by its individuals, and its operations on their feelings, is the benevolent evidence; alike common, to God, and man: the sacred medium of communication between them; and like his other gifts improveable: therefore to be improved—by means of its own suggestions. Thus reason connects itself with religion and morals; and free to act, in the determinations of men, becomes the arbiter, of their fortunes, and their fate. While he, to whom the law has not been given, is a law unto himself.

But it is time to terminate these speculations—closely as they are allied to government, and as much as they are a part of history, for other topics, which also claim attention; and will furnish matter for other chapters; in a second volume.

END OF VOLUME I.



APPENDIX.

A.

ON reviewing the preceding history, the articles of compact appearing in page 223, and the temporary provisions sufficiently detailed for the purposes of general history, it seems unnecessary to republish the act of 1785-6.

B.

Extract from the act of 1787.

“The convention shall be held at Danville on the third Monday of September ensuing, or whenever thereafter a sufficient number shall be assembled. Five members assembled shall be a sufficient number to adjourn from day to day, and to issue writs for supplying vacancies which may happen from deaths, resignations, or refusals to act. A majority of the whole shall be a sufficient number to choose a president and other proper officers, to settle the proper rules of proceeding, to authorize any number of members to summon a convention during a recess, and to act in all other instances, where a greater number is not expressly required. Two-thirds of the whole shall be a sufficient number to determine whether it is expedient for, and be the will of the good people of the said district, that the same be erected into an independent state, on the terms and conditions specified in the act above recited: *Provided*, That no vote shall be considered as deciding this question either in the affirmative or negative, unless a majority of the whole number to be elected shall concur therein.

“*And provided*, That in case two-thirds of the whole shall not assemble within fifteen days after the day appointed for the meeting, a decision in which a majority of the whole shall concur, shall be valid although the number present be less than two-thirds of the whole.”

C.

“Mr. Brown made his communications; now let us see if they were correct. The application of Kentucky for admission into the union, as a state, was made when the change of the federal constitution was in progress. Previous to the 3d of July, 1788, ten states had ratified the new constitution; on that day the old congress declined the admission of Kentucky, and referred her to the new congress, about to be formed. Upon this Mr. Brown insinuates, that the reason assigned for this measure is not the true one; for that would vanish with the organization of the new government, and Kentucky would of course be received into the union. But Mr. Brown says there is another reason against admitting Kentucky into the union, which will exist under the new government. What is the inference? Plainly this: those who have the power of admission, act upon one reason, and assign another. They are insincere, and unfriendly—and they will continue so after the new government takes place. They have rejected the admission of Kentucky into the union, and they will continue to do so. Were these insinuations and opinions bottomed on fact, and correct observations? were they the secrets of the private conferences which Mr. Brown held with Gardoqui? The experiment proved, that they were not the former: the probability is, that they were the latter. The new constitution took effect, and Kentucky was admitted into the union, without difficulty. But suspicion had been excited, unfriendly sentiments felt, and illiberal jealousies entertained, between the eastern and western parts of the union. These are the necessary forerunners of disunion. If we perceive in Mr. Brown an end, we cannot fail to observe him preparing the means. If he is in favour of the separation of Kentucky from the union; we find him setting the proper engines at work, to effect his purposes. Men who should live in mutual confidence and friendship, were taught to suspect, and to hate each other. At this stage in the progress of intrigue, what should we expect, but disunion? Accordingly we find Mr. Brown recommending

a *declaration of independence*, that is, a separation of Kentucky from the parent state, and from the federal union, in violation of the most sacred obligations, and contrary to law, and to the constitution.

“What are the next objects with which Mr. Brown presents us by his letter? A foreign nation—a monarchical government; a Spanish minister—ready to receive us; and with a proper person to enter into a treaty of navigation for export, to mutual advantage.

“Thirty thousand people were to renounce the benefits of the American union, with their neighbours—their natural connexions—and their political friends—to forfeit their peace; and to incur the terrors of civil war—For what? Why truly to crown with success the clandestine and traitorous projects of Mr. Brown—projects by which Kentucky would have been put out of the union, and completely within the power and control of Spain.

“The ostensible object was a commercial treaty with Spain, of *mutual* advantage to Kentucky and Spain, which was unattainable while Kentucky remained a part of the union. But did ever thirty thousand people make a commercial treaty, with twelve millions to *equal* advantage? Spain, possessing the mouths of the Mississippi, the whole of one side, and a large portion of the other, would have had the people of Kentucky perfectly within her power.

“Spain would have regulated the navigation, and the commerce of the country at her pleasure. So says the experience of all ages. But Kentucky could not have retained her independence and enjoyed the free commerce of the Mississippi!! What says Mr. Brown? He says, that Kentucky could not have this commerce as a part of the United States, by reason of commercial treaties with other powers—that is, Spain had treaties with other powers, which entitled them to the privileges of the most favoured nation. If then Spain granted to the United States as a nation, the right of export and free commerce on the Mississippi, those other nations became by their existing treaties entitled to the same privileges. And

this, Spain would not permit—Now apply this to Kentucky as separated from the union, and as an independent nation—Would not a treaty made by Spain with Kentucky, in which Kentucky as an independent nation, should be allowed the free navigation of the Mississippi, equally entitle all those other nations with whom Spain had existing treaties, to the free navigation also, as completely as if the treaty had been made with the United States? Most assuredly it would. Most assuredly the United States as to Spain was but one nation. Kentucky, as an independent nation, could not have been less than one. The same treaties therefore which prevented Spain from yielding the navigation of the Mississippi to the United States, would equally prevent her from yielding it to Kentucky as an independent state. Mr. Brown presents this dilemma—Kentucky, separated from the union, was not to be independent of Spain: as she was not to have the free navigation of the Mississippi, but as a dependent on Spain. As a colony, or province of the monarchy, Kentucky would present no difficulty, on account of existing treaties. For Spain had no treaty which restrained her from permitting her own subjects the free navigation of the river.

“These considerations are well deserving the serious attention of the people of Kentucky. They merit the closest examination. For if there be not a fallacy in them, they demonstrate the most perfect conspiracy, not only against the United States, but against the political independence of this country.”

D.

“That we may have a proper view of these subjects, I will cite a law of Virginia, which passed in 1785, and which was in force in 1788, entitled “An act punishing certain offences, and vesting the governor with certain powers.”

“Sec. 1. Whereas it is the true interest and policy of this commonwealth, that the constitution, sovereignty, and independence thereof, should at all times be maintained and supported, and it is *highly criminal in any person or persons, to*

alienate the citizens of the state from their attachment and allegiance to the same:

“Sec. 2. *Be it therefore enacted by the General Assembly, &c.*

[For the substance of this section, see Judge Muter’s letter, page 295.]

“Sec. 3. *And be it further enacted,* That every person who shall attempt to establish such government by any other means than with the assent of the legislature of this commonwealth, and in pursuance of such attempts, shall join with any other person or persons in any overt act, for promoting such attempts, or who shall by writing, or advised speaking, endeavour to instigate the people of this commonwealth to erect, or establish such government without such assent as aforesaid, shall be adjudged guilty of a high crime, and misdemeanor, and on conviction shall be subject to such pains and penalties not extending to life or member, as the court before whom the conviction s’ all be had, shall adjudge.

“Sec. 4. *And be it further enacted,* That in case any combination to establish such government shall become so powerful as to obstruct the due execution of the laws of this commonwealth, in the ordinary course of proceeding, within any county or counties thereof, it shall and may be lawful for the governor with the advice of the council, to call out the militia of the state to suppress such combination, and to employ them in the manner as he may do by law in cases of invasion or insurrection.”

“Thus we see, what was the sense of Virginia with respect to the erection of *independent government* within her limits, and without her previous consent obtained for that purpose. We see her sense of high crimes, and misdemeanors, inferior to high treason. We see that in case any combination for the purpose of establishing such government, had become so powerful as to obstruct the due execution of the laws of Virginia, (which must have been the case if Kentucky had been declared independent, as Mr. Brown advised,) that the governor was authorized to call out the militia of the state, *that great palladium of liberty, and defence of a free country*, and to have employed it, as in case of *invasion or insurrection*. And who can

doubt but that the governor would have done his duty? Who can imagine that the state of Virginia, and the United States, would have permitted, peaceably, a dismemberment, of their territory, and the erection of a separate and hostile state, upon their frontiers? What Virginian was there on the eastern side of the Cumberland mountain, who would not have been roused by a sense of the indignity, the injury, and the danger, to the parent state, by permitting such a measure to take effect? It is believed there was none. Hostilities therefore would have been the consequence.

“Thus do we see Mr. Brown, the citizen of Kentucky, the delegate in congress from Virginia, the confidential agent of the people; sowing the seeds of discord, hatching conspiracy, and brooding over treason, in conjunction with the Spanish minister in New York.

“Mr. Brown announces his return to Kentucky; and accordingly, he attends the convention in the fall of the year 1788.

“He was there called on to give such information respecting our affairs at congress, as might be proper for the convention to know. He told the convention that he did not think himself at liberty to mention what passed in private conversation between Don Gardoqui and himself, respecting the people of Kentucky; but this much in general he would venture to inform the convention, “that provided we were unanimous, every thing we could wish for is within our reach.”

“Unanimous about what? Why in favour of a *declaration of independence*. Mr. Brown, in his letter to Judge Muter, had said that, in his opinion, a declaration of independence would tend to preserve *unanimity*, and enable Kentucky, to adopt with effect, such measures as might be necessary to promote the interest of the district. It was then, *unanimity* in the *declaration of independence*, which Mr. Brown suggested as the groundwork, for obtaining from Spain, whatever we should wish.

“Thus it follows by unavoidable inference and conclusion, from premises furnished by Mr. Brown himself, that he was in favour of a *declaration of independence*—that is, in plain terms, for a violent separation from Virginia, and the United States, contrary to their assent, and to law.

"No wonder, that Mr. Brown, was cautious in the convention; no wonder that he had *qualms of delicacy* as to his *private conferences* with Gardoqui; he saw men in the convention who were opposed to separation from Virginia on any terms—he saw others, and some of the most respectable, who were in favour of a *legal, and regular* separation from Virginia, and connexion with the union; others there were indeed, who concurred with him, but who were opposed by both the other classes. The man who had contrived the *sliding* letter to Colonel M'Dowell, though not always known as an *enemy to his country*, had been remarked as a man of *caution*. And if any surprise should be excited by his conduct, it must be, that even to his confidential friend Judge Muter, he so far, and so freely, unbosomed himself. We see a scheme formed: a system developed for dismembering Virginia; deserting the union of the states; and forming a connexion with Spain. A connexion, too, which must in its arrangement have degraded Kentucky, to the condition of a *Spanish dependency*.

"For, says Mr. Brown, and it cannot be too often repeated, until it is fully understood, Kentucky must declare herself *independent of the United States*; for as a part of the United States, she never can have the navigation of the Mississippi; *by reason of commercial treaties existing between that court, and other powers of Europe*. And why? Because those other powers were entitled to the privileges of the most favoured nation.

"If therefore the *United States* should be allowed to navigate the rivers in a Spanish colony, as the Mississippi, for example, then by virtue of these treaties, those European powers, would be allowed the same right. *And this Spain never will permit*. Well, how is this difficulty to be gotten over, with respect to Kentucky? Why, Kentucky is to acknowledge the supremacy of Spain, take protection under her banners, and then she may navigate the Mississippi as another Spanish subject, without entitling any other nation, by any treaty to that privilege. Thus we see the independence which Mr. Brown desired, was of the Union; not of *Spain*. For the navigation of the Mississippi, a thing admitted to be wholly in the power of Spain.

was the great ostensible object; and the moving principle in the management of this plot. But the last necessary mean of attaining this navigation, the *subjection to Spain*, was carefully kept out of sight. It was like the slip of paper in Colonel M'Dowell's letter. It was not for the sight of common people; it was to be seen only, by the *favoured few*, by those who could be *confided in*, by those *initiated* into the *holy mysteries of treachery*, at home, and subjugation abroad. The decisive step once taken—the *declaration of independence* once made—we have seen that Virginia, and the United States, were bound by duty, and by interest, to reduce us to our former situation, by all the powers of government, and the military force necessary for the purpose.

“Mr. Brown was thought a man of talents, a man of sagacity, a lawyer, a politician. Was his plot but half formed? Had he projected the *treason*, without providing a retreat for the *traitor*? Had he intended only the commission of a crime, and the disgrace of punishment, for himself and the people of Kentucky? This seems hardly probable. Or, had he matured the whole scheme with Don Gardoqui; and was it this, which *his delicacy* would not permit him to relate in the convention? We can hardly impute to Mr. Brown, less than an entire system. To say that he would advise a declaration of independence, merely, without devising the means of rendering it effectual, would be doing injustice to his reputation for political knowledge, would be degrading him in the eyes of his fellow citizens, and exposing him to common, and vulgar derision. To avoid this, I am constrained to attribute to him, the formation or adoption of a whole and practicable plan of separation: a view of the end, and of the means. And in this it is impossible to omit an alliance with Spain, on terms of concession, *degrading to a free people.*”











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