

Kentucky

AND companies were organized in Virginia to obtain land west of the Alleghenies.

One of these was the Loyal Company, to which Virginia officials granted eight hundred thousand acres in Kentucky, with no obligation imposed to make a settlement. It was purely for speculation. Dr. Thomas Walker, of Albemarle County, Virginia, a noted land speculator, was selected to lead an expedition in 1750 to explore and locate the land.

Crossing through Cumberland Gap, the expedition came into southeastern Kentucky, which had not been previously visited by white men. At a point near the present town of Barbourville they constructed a log cabin. Being terrified by Indians, they returned to Virginia, but continued for many years to assert their claim.

George Croghan's traders are recorded, three years later, as trading with the Cherokee Indians along the Kentucky River.

Nineteen years after Walker, in May, 1769, Daniel Boone, who was born near Reading, Pennsylvania, left his home on the Yadkin River in North Carolina with five companions. He went on a hunting expedition and in quest of the country of Kentucky, where he remained two years. [98]

Since it was the spring of the year, the corn-planting season, it has been thought this was an odd time for a purely hunting expedition. Other groups of prospectors penetrated into Kentucky, but no attempt at permanent settlement was made until four years later, when Boone, with his own and several other

North Carolina families, went there, along what became known as the Wilderness Road. The Boone group, too, later returned home. [98]

Disregarding the king's proclamation of 1763 against white people settling west of the Alleghenies, land speculators, and settlers having a desire to get possession of fertile lands in Kentucky before others could get them, located on choice tracts of land in that region.

Harrodsburg, the first settlement in Kentucky, was laid out in June, 1774, by Captain James Harrod and about thirty companions. Each man was assigned a town lot of one-half acre and an "out lot" of ten acres.

Many other adventurers, including surveyors, arrived, intending to obtain land by erecting "improvers' cabins"—merely of four sides without roof—which would create a claim for a location without actual settlement. The Indians, to protect their hunting grounds, opposed them.

By that time, 230 men had established such claims, which, for the most part, were about Harrodsburg, Boiling Springs and St. Asaph.

At the end of 1774 not a single white man had yet made his home permanently in Kentucky. [1]

Colonel Richard Henderson, a former judge in North Carolina, and eight others, who financed Boone's trips to Kentucky, acquired of the Cherokee Indians, in March, 1775, so far as Indians could grant it, about one-half of the land in Kentucky, within the Ohio, Kentucky and Cumberland Rivers. They also acquired land in Tennessee, within the great bend of the Tennessee River, for all of which they engaged to pay the Indians rifles, ammunition, blankets, beads and other articles of a stated value equivalent to \$10,000. Part of this land was within the grant by King James I to the Virginia grantees and, further, its assumed sale by the Indians was in violation of the treaty made seven years previously with the Iroquois Indians at Fort Stanwix, New York, and the treaty with the Cherokees at Hard Labor, South Carolina.

Governors Dunmore of Virginia, and Martin of North Carolina, learning of Henderson's activities, each issued proclamations denouncing him and his associates and enjoined all sheriffs and

other civil and military officers to prevent execution of Henderson's designs.

Nevertheless, Henderson organized the Transylvania Company, to finance the project, and offered land for sale to speculators and settlers, though the company had not received a grant of land other than an agreement with the Cherokee Indians.

To obtain a royal grant, he declared they were prepared to pay a land rent to the king if he would confirm the title; otherwise they would organize a separate government and declare their independence.

Henderson engaged Boone to go, with thirty others, to Otter Creek and erect a fort, where he was to open a land office. Upon reaching the location, Boone plotted most of the good land about the proposed fort into two-acre lots and distributed them to his companions. When Henderson arrived, seeing this, he selected another location and laid out fifty-four lots. [98]

Henderson offered no objection to the claimants at Harrodsburg. To attract settlers, he made extensive grants of land, including two thousand acres to Boone, at an annual land rent of one-half-penny per acre.

Phelan [117] said: "The immortal lines which Byron gives to Daniel Boone are poetical but they are not true. Daniel Boone was a land speculator and the agent of land speculators and, in the expressive phraseology of the day, would be called a 'land shark.' He entered enough land claims in Kentucky to have made him wealthy had he but known how to perfect his titles. He obtained numerous grants from Spain which he lost by negligence."

In the first fifteen months, nine hundred claims, for 560,000 acres, limited to 640 acres to each buyer, had been registered with the Transylvania Company. Grants were first made at 20s per hundred acres, less than 5¢ per acre; increased later to 50s per hundred acres, approximately 12¢ per acre. Buyers were offered a salesman's commission, in the form of option on 340 acres additional, for each taxable settler they brought into the country. [30]

Hasty and undependable surveying caused such overlapping of boundaries that numerous purchasers soon realized that their claims were involved in hopeless confusion. Complaints were presently made to the Virginia commission by eighty-four set-

tlers that they had been lured into buying land from the Transylvania Company upon the faith that they were receiving "an indefeasible title"; that "the fees for entry and surveying had been increased to an exorbitant rate"; and that "the company promoters proposed increasing the price of land as their insatiable avarice shall dictate." [98]

Henderson based the validity of his purchase of the Cherokees upon the treaty at Lochber, in October, 1770, in which the Mohawk tribe reconveyed land in Kentucky and Tennessee to the Cherokees.

Both the Virginia and North Carolina governments declared the Cherokee grant void. To settle the contention, they assented to a reduced area of two hundred thousand acres on the Green River, and two hundred thousand acres in Powell's Valley.

The Virginia assembly enacted, in 1776, that the land in Kentucky was a part of Virginia and designated it as Kentucky County, after which the Transylvania Company passed out of existence. [98]

The land on which Louisville is situated was granted by Governor Dunmore to Dr. John Connolly, a former surgeon's mate in the French and Indian War.

A general land law enacted by the Virginia assembly, in 1779, permitted to each applicant four hundred acres in Kentucky at 40¢ per acre, provided they had, prior to the previous year, built a cabin and grown a crop of corn. [30]

The vast areas of good land east of the Alleghenies, held unused on speculation at high prices, drove large numbers of the increasing population to seek homes in the Indian-infested wilderness west of the mountains.

Upon the opening of the surveyor's office near Harrodsburg, in 1780, the place swarmed with applicants, many being from states other than Virginia. [1] Four years later it was estimated that thirty thousand settlers had located in Kentucky.

During this great immigration period, so many families from North Carolina, Virginia, Maryland, and Pennsylvania were moving westward that the roads were lined with them, and many became stranded by the roadside and were in want of food.

The first Kentucky convention, in 1784 resolved: ". . . that to

grant any person a larger quantity of land than he designs *bona fide* to seat himself and his family on, is a grievance, because it is subversive of the fundamental principles of a free republican government . . . and because it opens the door to speculation by which innumerable evils may ensue to the less opulent part of the inhabitants . . .”

Notwithstanding these words of great wisdom, the Virginia assembly the following year granted in Kentucky: one tract of 55,390 acres, and another of 44,470 acres, to Martin Picket; 32,000 acres to Charles Willing, a merchant, of a wealthy Philadelphia family, and 50,000 acres to Philip Barbour. [21] It is quite unlikely that any of these grants were located upon by the grantees, having been obtained purely for speculation.

Kentucky continued as part of Virginia, which granted land there in fee simple to settlers and to veterans of the French and Indian War, until Kentucky became a Territory, in 1790. Two years afterwards it was admitted as a State of the Union.

A traveler through Kentucky, in 1802, noted that the “uncertainties of land titles are an inexhaustible source of tedious and expensive law suits.”