

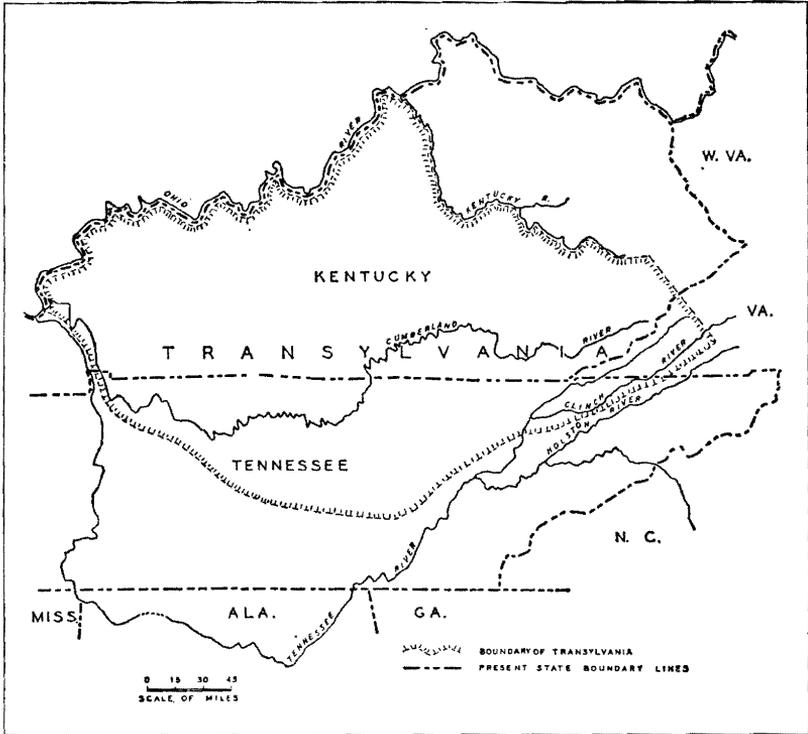
The Wilderness Trail

WHEN HIS JUDGESHIP EXPIRED LATE IN 1773 RICHARD HENDERSON turned his full attention to Kentucky. On what ground could he justify the planting of a colony in that forbidden region? He knew that the Proclamation of 1763 forbade treaties between private individuals and the Indians. This injunction he decided to disregard. In his single-minded planning Henderson overlooked also the laws of North Carolina and Virginia and, what is more important, obviated the necessity to obtain a royal grant.

Aware that his scheme would meet with stern, perhaps bitter, opposition, Henderson set about to secure for it some show of legality. Assiduous study rewarded him with the discovery that Lord Chancellors had, on two successive decisions, asserted no royal letters patent were required in "respect to such places as have or shall be acquired by treaty or Grant from any of the Indian princes or Governments." The decisions also assured the King that property rights were vested "in the Grantee by the Indian grants, subject only to your Majesty's right of sovereignty."

Now the Indian princes alluded to in the previous quotation were those residing in India, but could not the principle be used in the case of those in North America? Henderson certainly thought so. Thus he found the ground, however questionable, on which to support his ambitious scheme. He and his associates proposed to buy some twenty million acres from the Indians, establish a new colony, retain large tracts of it for themselves and sell the rest to the settlers who were to be charged a perpetual quitrent for every acre they bought.

Henderson's associates were William Johnston, Colonel John



Luttrell, Thomas and Nathaniel Hart and John Williams. These men formed the Louisa Company, named in honor of the Louisa—now called the Kentucky—River in Kentucky. The company's articles of agreement, drawn up in Hillsboro, specified that they rent or purchase for themselves “& our heirs for ever . . . a certain Territory or Tract of Land lying on the west side of the Mountains on the waters of the Mississippi River, from the Indian Tribes now in possession thereof.” Each associate bound himself “to furnish his Quota of Expenses necessary toward procuring a grant & settling the Country,” to share the property equally, to “support each other with our lives & fortunes,” and, at a propitious time, to “make & sign such rules and regulations as may be expedient for the security, safety & advantages of ourselves and posterity.”

Henderson wasted no time in proceeding to negotiate with the Indians. Accompanied by Nathaniel Hart and guided by the

veteran explorer and "linguist," Thomas Price, he visited the Cherokee chiefs at the Otari towns. After holding several lengthy conferences with the white men the chiefs delegated their venerable leader Little Carpenter and his squaw to go to Cross Creek—now Fayetteville, North Carolina—where Henderson had assembled the goods and merchandise he would offer for the tract. The goods, which included sacks of corn, flour, casks of rum, blankets, trinkets, guns and powder and lead, were valued at £10,000 and had been obtained from the Scotch merchants at Cross Creek through the influence of a member of the Louisa Company, William Johnston, who had carried on big business deals with them. Little Carpenter was delighted with the articles, and his squaw thought the women of the tribe would be pleased with the quantity of brilliant trinkets.

With characteristic vigor Henderson everywhere encouraged settlement on the land he was soon to purchase by treaty. On Christmas Day 1774 he issued an advertisement containing a number of inducements, promises, stipulations and regulations for all those who wished to avail themselves of what he presented as a golden opportunity. Fifty soldiers were to be raised for the "protection of the Settlers of the Country," and each was to be rewarded with a plot of 500 acres and three pounds sterling.

Every settler who agreed to employ himself in raising a crop of corn, in bettering the community and in protecting it against Indian attacks was to receive 500 acres and 250 acres in addition for every "tithable person whom he shall take with him." Inducements in the form of land were made to those who should establish iron works, salt factories, "a Great Mill, and saw Mill." The settler who raised the largest crop of corn was to receive 500 acres "in proportion to the number of hands he may have under him the ensuing season." A similar provision was made for the settlers who would take the largest number of sheep to the colony.

The enterprise soon outgrew the articles of the Louisa Company, necessitating a reorganization. The result was the Transylvania Company. Three new names appeared among the partners: David Hart—a brother of Nathaniel and Thomas—Leonard

Henry Bullock and James Hogg, a prominent Scotch planter and landowner from Hillsboro. The plan of the reorganized company, a verbose document covering several large pages, declared that each member was to own an eighth of the interest save David Hart and Bullock, each of whom was to possess one sixteenth.

Henderson made no attempt to obtain the approval of the Crown. Colonel William Preston, surveyor for Fincastle County, Virginia, learned that the judge did "not propose paying Quit-rents unless his majesty will recognize his Title." In that case, however, Henderson was prepared not

only [to] give up the sovereignty and pay the usual Quit-rents; but will reserve the granting the land to the Company.

He declares that no Land shall be surveyed with[in] his bounds but such as shall be purchased from him; nor will he suffer those to be Settled which have been Surveyed from the Officers and Soldiers unless the owners Compound with him and behave themselves well.

To George Washington, Preston wrote that "Henderson talks with great Freedom & Indecency of the Governor of Virginia, sets the Government at Defiance & says if he once had five hundred good Fellows settled in that Country he would not value Virginia."

Word of the plans of the Transylvania Company soon reached Governor Josiah Martin of North Carolina. Directly he issued in the *North Carolina Gazette* a proclamation against Henderson and his confederates. In this he quoted somewhat at length from that portion of the Proclamation of 1763 relating to the purchase of lands by private persons in the domain reserved for the Indians. Then he quoted from an act of the North Carolina assembly which forbade

white men . . . for any consideration whatsoever, [to] purchase or buy any Tract or Parcel of Land claimed or actually in possession of any Indian without Liberty for so doing from the

Governor and Council first had and obtained under the Penalty of Twenty Pounds for every hundred acres of Land so bargained for and purchased.

Martin went on to say that Henderson's violation of the Proclamation had caused an "alarming and dangerous Tendency to the Peace and Welfare of this and the neighboring [Virginia] Colony." Henderson and his confederates had agreed "to pay the Indians . . . a considerable quantity of Gunpowder, whereby they will be furnished with the means of annoying his Majesty's subjects in this and neighboring colonies." In addition, Henderson "hath invited many Debtors, and other persons in desperate circumstances to desert this Province and become Settlers on the said Lands, to the great injury of creditors." Martin therefore "thought proper to . . . strictly . . . forbid . . . Henderson and his Confederates, on pain of his Majesty's highest displeasure, and suffering the most rigorous Penalties of the Law, to prosecute so unlawful an Undertaking."

This official threat Henderson ignored. Late in January 1775 he quietly had the goods loaded on six wagons and taken to Sycamore Shoals where they were stored in huts built for the purpose. In the following month Henderson and his associates repaired to the treaty ground while Little Carpenter with his squaw returned to his home on the Little Tennessee to summon his people and send them to Sycamore Shoals for a big talk with the white men.

The Cherokee soon began to cover the little valley. Within a month they numbered about twelve hundred, "lolling about on the grass and under the sycamores, listening to the river as it broke and chattered over the shoals. Occasionally they crowded around the cabins for a peak at the precious goods."

Among the chiefs were Little Carpenter, Raven, Oconostota and Dragging Canoe. The last two were opposed to selling Henderson any land; the white men, said Oconostota, had already taken much of their hunting grounds. Regardless of this hostile attitude, Henderson opened the negotiations in the presence of John Williams, Thomas and Nathaniel Hart, James Robertson,

John Sevier, Isaac Shelby, William Bailey Smith and Daniel Boone.

The assembled chiefs reminded the white men that, by the Treaty of Fort Stanwix in 1768, the Iroquois had surrendered the land to the Cherokee whose ownership had been acknowledged by the British government in the Treaty of Lochaber two years later. Still Oconostota and Dragging Canoe opposed a purchase. The former, leaping in anger into the circle of his seated friends, began an impassioned speech. Before white men began their encroachments, he said, his people had flourished. At first he had believed that white men would not travel beyond the mountains, but now he realized that they would not be satisfied until they occupied all the Cherokee lands.

"This is but the beginning," the angry chief thundered, rising gradually in oratorical power. "The invader has crossed the great sea in ships; he has not been stayed by broad rivers, and now he has penetrated the wilderness and overcome the ruggedness of the mountains. Neither will he stop there. He will force the Indian steadily before him across the Mississippi ever toward the west . . . till the redman be no longer a roamer of the forests and a pursuer of wild game." By now Oconostota's emotion had leaped like a great wave over his eloquence. Reaching for the sky, he fiercely exhorted his people to resist further encroachment. A hubbub of voices brought the conference to a startling end.

But on the following day Oconostota's temper cooled and he grew more tractable. The Indians, resuming their negotiations with the whites, agreed to sell them the land as far north as the Cumberland River. "We give you from this place," said Dragging Canoe, stamping on the ground and circling the spot with his hands. But he felt that the purchase would lead to no good. "Brother," he said, taking Boone by the hand, "we have given you a fine land, but I believe that you will have much trouble in settling it." And pointing dramatically toward the west he declared that a dark cloud hung over the land which would be known as the Bloody Ground. His words proved prophetic.

On March 17, amid feasting and merrymaking, the treaty was

signed. The purchase included almost all the present state of Kentucky and an immense tract of Tennessee, comprising all the territory watered by the Cumberland River and its tributaries. The Cherokee chose John Martin and John Farrar as their lawyers to represent them in the conveyance of the purchase.

The Treaty of Sycamore Shoals, sometimes known also as the Treaty of Watauga, dealt a hard blow to such aspirants to western lands as Washington, Josiah Martin and Dunmore. "There is something in that affair," wrote Washington to Preston, "Which I neither understand, nor like, and I wish I may not have cause to dislike it worse as the mystery unfolds."

Governor Martin hurried to inform Lord Dartmouth, who was Colonial Secretary in London, that Henderson had violated the Proclamation of 1763, and Dunmore, stirred by Preston's letter of March 10, issued a proclamation in which he tried to dissuade Henderson's followers from their purpose. The Virginia governor charged "all Justices of the Peace, Sheriffs, and other Officers, civil and military, to use their utmost Endeavours to prevent the unwarrantable and illegal Designs of the said Henderson and his Abettors."

If Henderson refused to leave the land, he was to be "fined & imprisoned in the Manner the Laws in such Cases direct." At the same time Dunmore wrote to the Indians charging them with "inconsiderately (not to say worse)" listening "to the dangerous proposals of a Certain evill disposed Person named Henderson, and, allured by little present gain, have entered into a bargain for Lands, which they either have Sold or intend to sell." The King, Lord Dunmore warned, would not permit the Indians to sell land to private persons, and therefore, he urged, they should rescind any contract they had made with Henderson.

Dunmore and Martin were justified in issuing their proclamations. While Henderson and his associates deserved none of the epithets hurled against them, in the light of the Proclamation of 1763 their collective action must be considered presumptuous. Despite the widespread dissatisfaction which the colonists expressed toward British rule and which was soon to develop into revolution, no group of citizens had a right to take possession of

Crown lands without a charter and purely for personal profit and aggrandizement. The measures England had taken to control the region west of the Alleghenies cannot be considered unjust or arbitrary.

Daniel Boone was not present when the Treaty of Sycamore Shoals was signed. At Henderson's request he and thirty armed and mounted men from Long Island on the Holston had started a week before to explore the region of the Kentucky River where the capital of the colony was to be established. With him were his brother Squire and a number of old friends and neighbors, among them Michael Stoner and Richard Callaway. Seven of the men were from Rutherford County, North Carolina, including Captain Twitty, a veteran woodsman of great strength, and Felix Walker, a romantic young man who sought adventure.

Boone was the logical man for the task Henderson had assigned him. The territory was as familiar to him as his own flintlock. Yet the journey was a difficult undertaking. The party traveled on a bridle path broken in many places for long stretches. Innumerable thickets of bushes and cane stood in their way and streams, mountains and Indians posed constant threats. Only by choosing the most accessible route could Boone hope to succeed in his task. In so doing he showed the patience of an experienced surveyor and the skill of a seasoned engineer.

Along creeks and rivers, over the lowest mountain passes and across the best fords, he and his companions made their way for more than two hundred miles, blazing the Wilderness Trail which remained a main artery of transportation for over a century. Over it came countless pioneers with their pans and bobbins, their dogs and horses and sheep, their books and even their printing press. Over that trail Kentucky traveled to statehood. Over it Boone left milestones which have made his name immortal in the epic of the pioneers.

From Long Island Boone and his men went northward to Moccasin Gap, turned westward and crossed the Clinch River, Powell Mountain and the Powell River. Entering the narrow valley of this stream, with the Cumberland Mountains rising before

them like an endless white wall, they ranged for twenty miles to Martin's Station where Captain Joseph Martin received them warmly and where they augmented their supplies. Then the explorers pushed down the valley for twenty-five miles to Cumberland Gap, filed through it, and picked up and pursued the Warriors' Path to the Cumberland River, which they forded to its northern side.

Soon they abandoned the trail for a buffalo trace Boone had followed during his hunting expedition five years before. Their axes and hatchets now saw rough service. Toiling through scrubby trees, bramble, rhododendron and laurel, they inched to the Laurel River and then to a wide patch of hazel bushes which took them to a ford of the Rockcastle River. For thirty more miles they chopped and slashed through thick cane and bramble and reed, until they came to a wide gap in the mountains in present Madison County. Before them stretched the beautiful plains of Kentucky.

Young Felix Walker kept a journal which, though replete with quaint spelling and quainter sentence structure, is reliable and interesting and sometimes shows a rude literary power. Here, for example, is how he now expressed his feelings and those of his comrades:

Perhaps no Adventureor Since the days of donquicksotte or before ever felt So Cheerful & Ilated in prospect, every heart abounded with Joy & excitement . . . & exclusive of the Novelities of the Journey the advantages & accumulalations arising on the Settlement of a new Country was a dazzling object with many of our Company. . . . As the Cain ceased, we began to discover the pleasing & Rapturous appearance of the plains of Kentucky, a New Sky & Strange Earth to be presented to our view. . . . So Rich a Soil we had never Saw before, Covered with Clover in full Bloom, the Woods alive abounding with wild Game, turkeys so numerous that it might be said there appeared but one flock Universally Scattered in the woods . . . it appeared that Nature in the profession of her Bounties, had Spread a feast for all that lives, both for the Animal & Rational World, a Sight so delightful to our view and grateful to our feelings almost Induced us, in

Imitation of Columbus in Transport to Kiss the Soil of Kentucky, as he haild & Saluted the sand on his first setting his foot on the Shores of America.

So far Boone and his party had seen no Indians. They attributed this to Henderson's agreement with the Cherokee and to the treaty Dunmore had made with the Shawnee and their associates in the previous year. Confident that they would not be attacked, they relaxed their vigilance and apparently slept without posting a guard. Great was their bewilderment, therefore, when on the night of March 24 while Boone was lying on the gently rolling ground just outside the present town of Richmond in Madison County, they heard a volley from the woods and saw a small group of Shawnee rushing toward them and swinging their tomahawks.

The scared and sleepy white men grabbed their rifles and scampered like rabbits from the campfire to the protection of darkness and the forest where Squire Boone discovered that he had seized his jacket instead of his powder horn and shot pouch. Crawling around in the darkness, he found his brother from whom he borrowed ammunition. Captain Twitty, shot through both knees, could not move. When the Indians rushed into his tent to scalp him, his bulldog leaped at one of them and threw him to the ground. Another Indian tomahawked the dog and then ran with a comrade. Twitty's wounded Negro, Sam, leaped to his feet, only to fall dead into the campfire. Felix Walker, despite his bad wound, ran with the others into the underbrush. While the unhurt men built a log cabin which they called Twitty's Fort, Boone made medicines from wood plants and nursed the wounded men with "paternal affection." Twitty soon died and was buried beside Sam.

These experiences prompted Boone to urge Henderson to come to his assistance as quickly as possible. "My advise [*sic*] to you, sir," he wrote, "is to come or send as soon as possible. Your company is desired greatly, for the people are very uneasy, but are willing to stay and venture their lives with you, and now is the time to frustrate their intentions and keep the country, whilst we are in it. If we give way to them now it will ever be the case."

Boone concluded his letter by informing Henderson that he intended to lead his men "from the battle ground, for the mouth of the Otter Creek, where we shall immediately erect a fort, which will be done before you can come or send—then we can send men to meet you, if you send for them."

Boone was as good as his word. In a valley surrounded by precipitous hills about a mile from the junction of Otter Creek and the Kentucky River he began to build Boonesboro. The settlement had two springs, one fresh, the other containing sulphur and salt. Stately trees rose profusely over the valley, but the underbrush had been kept down by buffalo and other wild animals which came there to lick. On entering the valley Walker, who was slowly recovering from his wound, saw a sight that gladdened his poetic soul: "A number of buffaloes of all sizes, supposed to be between two and three hundred, made off from the lick in every direction; carelessly, with young calves playing, skipping, and bounding through the plain."

Boone was enchanted with the large sycamores that grew near the rising fort. He joyously christened the place Sycamore Hollow.

Meanwhile Henderson had started out with a number of settlers to meet Boone. In his caravan were also his brother Samuel, two of his associates, Nathaniel Hart and John Luttrell, and William Cocke who was in charge of a group of laborers employed in making the road passable for wagons to Martin's Station, which they reached on March 30. Since the wagons could go no farther Henderson unloaded them and began storing the goods in cabins. He also appointed Captain Joseph Martin agent for the Powell Valley, but restricted him to selling land only to those who proved industrious and who could raise a crop of corn within a year.

On April 4 while Henderson was waiting for the last wagons to arrive and was still storing the goods he could not carry on his pack horse, he was joined by William Calk and four companions—Abraham Hanks, Philip Drake, Enoch Smith and Robert Whittedge. Calk, who—like his comrades—came from Prince William County, Virginia, kept a journal which vividly depicts

the hardships endured by these Transylvania pioneers and the methods of travel they were obliged to adopt. Its veracity, its naïveté and its frankness, however commonplace, give to the daily occurrences it records an attraction sometimes absent in more learned journals. Here are the events of April 5 when Henderson resumed his journey:

Wednesday. . . . Breaks away fair & we go on down the valey & camp on indian Creek we had this Creek to cross maney times & very Bad Banks Abrams [Hanks] Saddle turned & the load all fell in we got out this Eavening and kill two Deer.

Two days later Henderson got word that five people headed for Kentucky had been killed by Indians. Nathaniel Hart was so disheartened that he retreated with his companions to Powell Valley, content for the present "to make corn for the Cantuckey people." That same evening came Boone's letter describing his trouble with the Indians. It depressed Henderson and his party. Nevertheless, Henderson wrote to his associates in North Carolina assuring them that the information had not cooled his ardor for the great undertaking and that, indeed, he and his men were "on thorns to fly to Boone's assistance, and join him in defense of so fine and valuable country." He explained that he had been obliged to lay his wagons "aside at Captain Martin's in the valley," and that most of his saltpeter and brimstone had been left behind. His associates replied by sending him powder, lead and salt.

When on April 8 Henderson crossed Cumberland Gap, he saw discouraging signs everywhere. Boone's men, frightened by the Indian attack, were deserting in considerable numbers. At one place, says Calk, they met "a great maney peopel turning Back for fear of the Indians," though, he added proudly, "Our Company goes on Still with good courage." Henderson, growing anxious and eager to stop the desertions, decided to send a message to Boone's camp on the Kentucky River to assure him of forthcoming assistance.

But who would undertake the dangerous mission? Who would volunteer to ride through the dreaded wilderness? Boone

must be assured that he was not being deserted and that support would reach him as quickly as possible. William Cocke agreed to go if Henderson would promise to give him 10,000 acres of choice land and provide him with at least one companion. Henderson assented and then, turning to his followers, offered a second 10,000 acres to anyone who would accompany Cocke. Silence fell on this request. Then with tears in his eyes Henderson appealed again, saying that he and his associates would be ruined if they were obliged to abandon the Transylvania project. Silence again. Finally Cocke reluctantly agreed to undertake the mission alone.

In the next several days Henderson and his party, hampered by their packs and equipage, made slow progress. The hardships they encountered until they reached Boone are best described by Calk:

tuesday 11th this is avery lousy morning & like for Rain But we all agree to Start Early we cross Cumberland River & travel Down it about 10 miles through Some turrabel Cainbrakes as we went down abrams [Hanks] mair Ran into the River with Her load & Swam over he foloed her & got on her & made her Swim back agin it is avery Raney Eavening we take up camp near Richland creek they kill a Beef Wm Drake Bakes Bread with out Washing his hands we Keep Sentry this Night for fear of the indians—

Wednesday 12th this is a Raney morning But we pack up & go on we come to Richland creek it is high we toat our packs over on atree & swim our horses over & there We meet another Company going Back they tell such News Abram & Drake is afraid to go on aney further there we camp this night—

Thursday 13th this morning the weather Seems to Breake & Be fair Abram & Drake turn Back we go on & git to loral River we come to a creek Before where we are obliged to unload & to toate our packs over alog this day we meet about 20 more turning Back we are obliged to toat our packs over loral River & Swim our Horses one hors Ran in with his pack & lost it in the River & got in it—

fryday 14th this is a clear morning with a Smart frost we go on & have avery miray Road and camp this night on a creek of loral River & we are Surprised at camp by awolf

Satterday 15th clear with a Small frost we Start Early we meet Some men that turns & goes with us we travel this Day through the plais Caled the Breesh [Brush] and Cross Rockcast[le] River & camp ther this Night & have fine food for our horses

Sunday 16th cloudy & warm we Start Early & go on about 2 mile down the River and then turn up a creek that we crost about 50 times Some very Bad foards with a great Deal of very good land on it in the Eavening we git over to the waters of Caintuck & go alittel Down the creek & there we camp keep Sentry the fore part of the night it Rains very har[d] all night—

monday 17th this is avery Rany morning But Breaks about 11 oclock & we go on and Camp this Night in Several Companys on Some of the creeks of caintuck

tuesday 18th fair & cool and we go about 11 oclock we meet men from Boons camp that came to cunduck us on we camp this night Just on the Begining of the good land near the Blue Lick they kill 2 bofelos this Eavening—

Passing by Twitty's Fort where the Indians had attacked Boone and his party, Henderson's group arrived on April 20 at Boonesboro. Boone had his men salute them with a running fire of all of the twenty-five guns in the fort. The men's tired and dispirited faces quickly lighted up, like the sun breaking through a grim sky. Henderson, who had been gravely concerned about Cocke's fate, was happy to find his scout in camp safe and sound.

The privations the settlers had endured, the "hilly, stony, slippery, miry, or bushy" road on which they had traveled for a month, faded from their thoughts as they and Boone's men decreed a day of festivity. Henderson recaptured his joy of that memorable occasion in a letter to his associates in North Carolina:

To get clear of [our suffering] at once, was as much as we could bear; and though we had nothing here to refresh ourselves with but cold water and lean buffalo meat, without bread, it certainly was the most joyful banquet I ever saw.

The judge's bright spirits were soon dimmed. Though Boone's men had been on the ground for a month, they had succeeded in raising only a few rude and defenseless cabins. No

doubt they had neglected everything in their mad scramble for land. And Henderson was not pleased with the size and location of the fort Boone had begun to build. It was too small to house everybody. Besides, it rested on low ground which sooner or later was likely to be attacked successfully from the surrounding hills. Henderson decided to build another fort a little farther up the river but still close enough to the older fort that each could assist the other in case of need. There he and his followers moved their tents and began to clear the ground.

But work on the second fort progressed very slowly. Because they had been on the ground first, Boone's men thought they were entitled to the best lands. Each of them grabbed for himself two acres and sometimes wasted much time fussing with his neighbor about this and that trifle. Henderson's men were soon doing the same thing. The judge, indeed, was disturbed to note that one of his own associates, Nathaniel Hart, behaved toward him "in a very cold indifferent manner" regarding the location of the fort. Then Nate chose for himself a piece of ground just outside the town and refused to help the men build the new fort.

Henderson was at a loss to understand Nate's discontent. Was he jealous? Their dissension perhaps grew out of the fact that their personalities were so much unlike. Hart, a practical man of business, saw things as they really were. Henderson appeared to him a pompous and ridiculously ambitious dreamer. In Hart's opinion, the judge was decidedly the wrong man to lead and shape a settlement in the wilderness.

At last necessity compelled the men to straighten out their differences and get down to clearing their land for small patches of corn and vegetables. This done, they began to build cabins. Calk recorded their deeds as he labored with them. On April 25 "in the Eavinging we git us a plaise at the mouth of the creek & Begin clearing. . . . Wednesday 26th We Begin Building us ahouse & plaise of Defense to keep the indians off. . . . Satterday 29th We git our house kivered with Bark & move our things into it at Night and Begin housekeeping." Like good neighbors and true pioneers, they had learned to work in unison for the general comfort and improvement of all.