Transylvania

Two important duties faced Richard Henderson: he must provide valid land titles for his men, and he must form a government that would gain their allegiance. He might easily have accomplished both had he had to consider only his own men, but he had also to deal with the land claims of James Harrod and John Floyd, both of whom had preceded him to Transylvania.

In the previous year Harrod with thirty-one Pennsylvanians and Virginians had floated from Pittsburgh down the Ohio to the Kentucky and thence to the headwaters of Salt River where he laid off a settlement which he called first Harrod's Town and later Harrodsburg, the oldest settlement in present Kentucky. Unsatisfied with this acquisition, Harrod soon started another settlement at Boiling Springs, six miles from Harrodsburg, where he raised corn and made his home. He was a large man with rough manners, a hot temper and menacing black eyes. Henderson feared Harrod and wanted no trouble with him.

Floyd he liked better. This young man, only twenty-five years old, had come to Kentucky with thirty Virginians just two weeks before Henderson. Now early in May 1775 he appeared in Boonesboro and asked the judge for a grant of land on reasonable terms. If his request was denied, Floyd said, he and his men would settle north of the Kentucky River outside the limits of Transylvania. Henderson decided to grant the tract, even though Floyd had served as deputy surveyor for Colonel Preston, who had brought his efforts to bear against the Transylvania colony. For the judge thought that the young Virginian had "a great share of modesty, an honest, open countenance, and no small share of good sense." Men of Floyd's caliber were greatly needed in the wilderness; he would restrain his men should they attempt any mischief.
Henderson advised Floyd to settle with his company in a compact body anywhere in the colony save on lands already marked or on those settled by Harrod. Highly pleased with his success, Floyd pledged Henderson his undivided allegiance. But Henderson felt the need of holding the younger man by a bond more powerful than his word. He told Floyd that he proposed to secure harmony in the colony by providing it with an independent government. When Floyd expressed great interest in such a project, Henderson disclosed plans to summon a general convention to which each of the four settlements in the colony should send delegates. Floyd proudly embraced this scheme.

Would Harrod agree to it? Would that ruffian and his “Lawless men,” as Henderson called them, recognize him and his associates as sole proprietors of Transylvania? Would they accept the North Carolinians’ titles to the land on which they had settled? Would they respect Transylvania’s laws? Time fortunately answered all these questions, in the affirmative.

On May 7 Harrod and Colonel Thomas Slaughter came to Boonesboro to ask Henderson to settle a controversy which had arisen between them. Slaughter, with thirty men, also had preceded Henderson to Transylvania and had settled around Harrodsburg. Harrod and his men had claimed priority to the region and had substantiated their claims by marking every piece of valuable ground, building hog pens and seizing every spring within twenty miles of Harrodsburg. On the contrary, Slaughter and his company had, in conformity with Henderson’s written instructions regarding settlement in Transylvania, industriously employed themselves in clearing land and had taken steps to plant a large crop of corn.

Henderson naturally favored Slaughter in the dispute but, fearing Harrod’s wrath, refrained from voicing this conviction. Instead he decided to reconcile the two men and win them to his side by a stroke of verbal strategy. Dodging the issue at hand, he talked of the existing lawlessness and of the need for a government to guarantee land titles and to adjust differences over land acquisitions. Henderson then brought up the proposed plan of government which he had discussed with Floyd. Harrod and Slaughter, convinced that solutions to these problems could only
favor their own ends, forgot their differences, shook hands and departed from Harrodsburg "in great good humor," promising Henderson their entire support.

Henderson then requested the four settlements to hold elections on May 20 for delegates to the convention. Boonesboro sent six, and Harrodsburg, Boiling Springs and St. Asaph—re-
cently established by Captain Benjamin Logan—sent four each. Among the eighteen delegates were Daniel Boone, Squire Boone, Richard Callaway, Thomas Slaughter, James Harrod and John Floyd, all of whom Henderson praised as men disposed to serve their constituents faithfully.

In a beautiful valley perfumed by wide patches of clover stood a huge elm. Its branches spread over a hundred feet. On a sunny day it threw a shadow four times that length. In the shade of this magnificent tree gathered the delegates of Transylvania. The convention, under the presidency of Thomas Slaughter, got under way with a great deal of flowery oratory. The clerk of the convention read a speech written by Henderson in his grandiloquent style:

You are called and assembled at this time for a noble and honourable purpose—a purpose, however ridiculous or idle it may appear at first view, to superficial minds, yet it is of most solid consequence; and if prudence and wisdom are permitted to influence your councils and direct your conduct, the peace and harmony of thousands may be expected to result from your deliberations; in short, you are about a work of the utmost importance to the well-being of this country in general, in which the interest and security of each and every individual is inseparably connected. . . .

You, perhaps, are fixing the palladium, or placing the first corner-stone of an edifice, the height and magnificence of whose superstructure is now in the womb of futurity, and can become great and glorious in proportion of the excellence of its foundation. These considerations, gentlemen, will, no doubt, animate and inspire you with sentiments worthy the grandeur of the subject. . . . If any doubts remain amongst you with respect to the force or efficacy of whatever laws you now, or hereafter, make, be pleased to consider that all power is originally in the people; therefore make it their interest, by impartial and beneficial laws, and you may be sure of their inclination to see them enforced. . . .

As it is indispensably necessary that laws should be composed for the regulation of our conduct, as we have the right to make
such laws without giving offense to Great Britain, or any of the American colonies, without disturbing the repose of any society or community under heaven; as it is probable, nay, certain, that the laws may derive force and efficacy from our mutual consent, and that consent resulting from our own virtue, interest, and convenience, nothing remains but to set about the business immediately, and let the event determine the wisdom of our undertaking. . . .

Henderson went on to suggest that the convention establish courts, organize a militia and pass legislation to preserve game and to punish errant hunters. He also declared himself against "vice and immorality."

The settlers replied through one of their delegates, perhaps William Cocke, by thanking Henderson "for the care and attention" he had manifested toward their "infant country." Well aware that the lack of government might mean confusion and anarchy, they pledged their vigorous support in providing for one "not doubting but unanimity will insure our success." The style and sentiment of the speech was so similar to Henderson's that historians suspect the judge of having written it also:

That we have an absolute right, as a political body, without giving umbrage to Great Britain, or any of the colonies, to frame rules for the government of our little society, can not be doubted by any sensible, unbiased mind—and being without the jurisdiction of, and not answerable to any of his Majesty's courts, the constituting tribunals of justice shall be a matter of our first contemplation.

The expression of loyalty to the British government indicates that the Transylvanians were unaware of Lexington and Concord and of General Gage's defeat in Boston. Politically they still considered themselves subjects of George III, though spiritually they were Americans who had found his tyranny hard to bear long before they left for the wilderness.

The convention lasted several days and ended with an incident that disclosed Henderson's love of color and ceremony. Standing under the big elm in the presence of the delegates, Henderson
and John Farrar, one of the lawyers representing the Indians, performed the feudal ceremony of "Livery of Seizin." Farrar handed Henderson a piece of turf dug from the ground on which they stood. While both men held it Farrar formally declared delivery of seizin and proclaimed Henderson in full possession of Transylvania. The applause was loud and long.

The convention adopted a constitution which, despite Henderson's assurances, showed little respect for democratic principles. Though it granted "perfect religious freedom and general toleration," it placed most of the power of government in the hands of the proprietors. It empowered them to appoint the justices of the supreme courts, the sheriff and "all other civil and military officers." It placed the executive power solely in the proprietors' hands. In addition it gave them the right to collect an annual quitrent of two shillings for every 100 acres of their claim. Indeed, they expected that they and their heirs should collect forever at that rate on 20,000,000 acres.

The legislative authority was to consist of three branches—"the delegates or representatives of the people; a council not exceeding twelve men, possessed of landed estate, who shall reside in the colony; and the proprietors." The delegates were empowered to elect a treasurer for the colony and to raise "all moneys." The document failed to state the manner in which the councilors were to be selected and the nature and extent of their duties. It was equally indefinite regarding the power of the proprietors. Presumably they were to hold absolute power of veto over all the acts passed by the councilors and the delegates save those relating to revenue and appropriations.

The delegates adopted nearly all of Henderson's suggestions. Daniel Boone introduced a bill aimed at preserving game. Too many men, he said, were wasting meat; from the three, four or five buffaloes they killed each week some of them took home scarcely a horseload. Of the two or three hundred buffaloes seen near Boonesboro when the settlers had arrived six weeks ago none was left. In consequence hunters often were obliged to travel as much as twenty or thirty miles from home once or twice a week to procure meat. Boone's bill passed without dissent. Encouraged by his success, Boone presented another bill, this one con-
cerned with improving the breed of horses. This bill also passed without dissent. Confident that the settlement could defend itself without him, he set out for the East to fetch his family to Kentucky.

The convention produced, if not complete peace of mind, at least a calming effect. The settlers temporarily gained confidence in the validity of their titles and in their security against outlawry and Indian attacks. Floyd assured Preston that the settlers had accepted Henderson as their leader. The judge himself happily informed those of his associates who remained in North Carolina that his wishes with respect to titles had succeeded remarkably well. Apparently nothing now could shake Henderson's confidence. When Governor Martin warned him that Colonel Byrd disparaged him and that Dunmore and Preston had sent to the Cherokee letters requesting them to repudiate him or run the risk of displeasing the King, Henderson made this spirited reply:

"Whether Lord Dunmore & Col Byrd have interfered with the Indians or not, Richard Henderson is equally ignorant & indifferent. The utmost result of their efforts can only serve to convince them of the futility of their scheme, and possibly frighten some faint-hearted persons."

But things were not going so well as Henderson led others to believe. How was he to maintain the food supply? The settlers, finding themselves hundreds of miles from any trading post, had little food save the meat of wild animals and corn in the summer. Henderson wrote in his journal that they had to eat meat without bread, that they almost starved and that they placed their hopes on the growing vegetables. Calk complained that, lacking bread on certain days, he was obliged to kill "a turkey and came in & got some of my breakfast & then went to set in to clearing for corn."

Food, however, was not Henderson's chief problem. Land was uppermost in his mind and in the minds of his followers. They thought of land by day; they dreamed of land by night.
Land was the most important word in their writing. It appeared more than any other word, and it was capitalized and italicized on nearly every occasion. The settlers' passion for land caused all their disputes—disputes so numerous and vehement that the advice and admonition of their leader fell on deaf ears. They wanted to own not mere ground but choice, fertile land provided with salt springs. Their scrambling for the best land resulted in overlapping claims, in countless feuds and suits, in needless bloodshed—and in fattening the lawyers' purses. Henderson had tried to appease the Transylvanians by promising them the semblance of a democratic government, but they would have none of it until the titles to their lands should be cleared.

The desire for choice land was an American characteristic found in leaders and followers alike. When Daniel Boone received 1,000 acres, Henderson took a similar amount at the mouth of Salt Lick. Encouraged by this coup, Nathaniel Hart grabbed 1,000 acres near by. Another man then demanded a similar amount, but Henderson turned him down.

The settlers' land hunger cannot be regarded as an expression of greed. They had staked out claims, had made surveys, had built cabins and had cleared the land and planted corn long before Boonesboro became a town. Most of them were backwoodsmen from Virginia, Pennsylvania and North Carolina who had developed a spirit of independence which they regarded as vital as breathing. These typical Americans were not used to accepting restrictions—certainly not from a small group of men whose claims to Transylvania they knew to be shaky and who were considered outlaws by the governors of Virginia and North Carolina. The settlers had accepted Henderson's proprietary government before they realized what it entailed. Now they began to resent it as smacking strongly of the English system and as engendering more of the tyranny against which the thirteen colonies were revolting. Henderson could count on the people's allegiance only as long as they were willing to give it.

Henderson regarded the frontiersmen as nomadic as gypsies. No sooner did one stream of pioneers flow into Kentucky than another flowed out. Before the second group settled, the first unsettled. Under various pretenses they deserted their leader,
until their number dwindled from about eighty to fifty, from fifty to thirty.

At last Henderson gave way to despair. In a letter to one of his associates he said he was sorry he could not give him

...a more favorable account; but you must take it as it is and make the best of it. ... Our enterprise has now come to a crisis, and in a few weeks will determine the matter. Harrodsburg and the Boiling Spring settlements, which, some time ago, could have raised and turned out seventy or eighty men, at a short warning, are almost abandoned—on the most emergent occasion, they could not rally twenty men—the better half of them in the woods on the north side of the Kentucky, and perhaps could not be summoned to our assistance, in less than a fortnight.

Something had to be done and done quickly if Henderson wished to save his project from the possibility of collapse. To this end he returned with Luttrell to North Carolina and in the early fall of 1775 called his associates to a meeting at Oxford. All attended save the disgruntled Harts. The attending proprietors chose John Williams as general agent for the colony, with full power to transact business until April 1776. They also made many changes relative to the purchase and disposal of land.

The new regulations permitted each settler to buy 640 acres and 320 acres in addition for each taxable person whom he brought with him, instead of 500 and 250 acres respectively under the original terms. But the price for 100 acres was increased from twenty to fifty shillings with fees of four dollars for surveying, two dollars for entry and warrant of survey and two dollars for a deed. Quitrents, however, were deferred until January 1, 1780. The proprietors voted themselves 2,000 acres in equal shares. To Daniel Boone they voted 2,000 acres for his "signal services," and to Callaway the thanks of the company "for the spirited and manly behavior in behalf of the Said Colony." No grant was made to him directly, but his younger son received 640 acres.

For some time Henderson had entertained the idea of petitioning the Continental Congress to admit Transylvania into the
Transylvania

colonies. His motivation is unknown. His “stiched brown books,” in which he may have written his reasons, were unfortunately lost. But from his disappointment over his inability to solve the land-title question, from the unstable conduct of his followers and from the possible enmity of Virginia, he undoubtedly deduced that his project would have little chance of survival should he continue his policy of defying the Crown and ignoring the claims of Virginia and North Carolina. He and his associates decided, therefore, to change their stand and play the support of the Crown against that of the colonies. In a revolutionary era when either the King or the colonies might be the victor, what policy would be wiser than that of duplicity?

The judge had first mentioned his plan to his associates at their Oxford meeting when he requested them to draft the necessary memorial to the Continental Congress. The document, quickly written, enumerated the difficulties and dangers which the proprietors of Transylvania had incurred in settling the colony and asserted they had acquired it without violating either British or American laws. Yet the proprietors, though “far removed from the reach of Ministerial usurpation . . . cannot look with indifference on the late arbitrary proceedings of the British Parliament. If the united Colonies are reduced, or tamely submit to be slaves, Transylvania will have reason to fear.”

Having thus implied their sympathy for the colonists, the proprietors, despite the fact that they had defied the Proclamation of 1763, declared their allegiance “to their Sovereign, whose constitutional rights and preeminenties they will support at the risk of their lives.”

But

. . . having their hearts warmed with the same noble spirit that animates the united Colonies, and moved with indignation at the late Ministerial and Parliamentary usurpations, it is the earnest wish of the proprietors of Transylvania to be considered by the Colonies as brethren, engaged in the same great cause of liberty and mankind. And, as by reason of several circumstances, needless to be here mentioned, it is impossible for the proprietors to call a convention of the settlers in such time to have their concur-
rence laid before this Congress, they here pledge themselves for them, that they will concur in the measures now adopted by the proprietors.

From the generous plan of liberty adopted by the Congress, and that noble love of mankind which appears in all their proceedings, the memorialists please themselves that the united Colonies will take the infant Colony of Transylvania into their protection; and they, in return, will do everything in their power, and give such assistance in the general cause of America as the Congress shall judge to be suitable to their abilities.

As their representative to Congress the proprietors, of course, chose one of themselves, James Hogg, who had long aspired to a seat in that body. Arriving in Philadelphia on October 22, 1775, Hogg became acquainted with Samuel Adams and John Adams. Both the Adamses gave him courteous consideration but warned him that, since Congress was then trying to reconcile the colonies with the mother country, “the taking under our protection a body of people who have acted in defiance of the king’s proclamation, will be looked on as a confirmation of that independent spirit with which we are daily reproached.”

In his diary John Adams confided that Hogg was one of the proprietors of Transylvania who “have no grant from the Crown, nor from any Colony; are within the limits of Virginia and North Carolina, by their charters . . . They are charged with republican notions and Utopian schemes.”

Thus John Adams had detected flaws in Henderson’s bold plans. The claims of Virginia over that part of Transylvania which lay north of 36° 30’ proved a serious snag to Hogg’s success. When he displayed a map of the colony before the two Adamses they quickly pointed out that it lay partly on territory claimed by Virginia and therefore refused to do anything without the consent of the Virginia delegates. Hogg agreed to confer with them but was unable to see them for several days. Meanwhile he learned that Virginia’s representatives were unwilling to admit Transylvania without the approval of their constituents.

Undaunted, Hogg assured Thomas Jefferson and several other
delegates from Virginia that the proprietors were sympathetic toward the American cause, but he refrained from mentioning the memorial or his desire to obtain a seat in Congress. The delegates, too, were discreet, though they asked many questions and insisted that much of Transylvania lay within the Virginia charter and that, if they wished, they could claim the entire colony. Hogg countered by stating that Great Britain and Virginia had recognized by the Treaty of Lochaber the rightful claim of the Cherokee to the region. He also made a bid for Jefferson's support by arguing that Transylvania would serve Virginia as a barrier against Indian depredations. To which Jefferson replied that, though he favored the establishment of a free government in the back country, he would not consent to Transylvania's being recognized by Congress without the approval of Virginia. Jefferson therefore recommended that Hogg request the proprietors to send a delegate to the next Virginia assembly.

Hogg failed to press the matter further; during the remainder of his sojourn in Philadelphia he remained inactive. Despite his failure, he wrote Henderson in January 1776, stating that some members of Congress favored the Transylvania project and that they were convinced of its validity. The truth was that in assembly they denounced the company's quitrents and that some of the delegates advised a law against the employment of Negroes in the colony.

Hogg eventually had to admit to Henderson that most of the delegates had threatened to oppose the project "if we do not act upon liberal principles when we have it so much in our power to make ourselves immortal." In thus denouncing quitrents and objecting to slavery on the frontier, the Continental Congress at this early date expressed the western principle of social equality which forms the foundation of American life.

Soon after returning to Boonesboro late in November 1775 John Williams, as agent of the Transylvania Company, issued an advertisement disclosing the new regulations for the purchase of land. At the same time he requested the four settlements to elect delegates to a new convention at Boonesboro on December 21.
for the purpose of making and ordering such Laws Rules and Regulations as may be thought Expedient and applicable to our present circumstances."

The delegates were duly elected, but bad weather and their resentment over the increase in the price of land kept most of them away. Nevertheless, Williams, hoping to realize his aims, asked the attending delegates for advice. They unanimously recommended that John Floyd be made surveyor and Nathaniel Hart entry taker of the colony. Williams promptly appointed the two men.

This availed nothing. Harrodsburg and Boiling Springs were already seething with discontent. James Harrod, who until now had supported Henderson in the hope of securing political privileges and large tracts of land for himself and his friends, flew into one of his customary rages and induced his supporters to send Williams a letter of protest. This letter bitterly assailed the proprietors for increasing the price of land and for engrossing for themselves and their friends the choice lands at and near the Falls of the Ohio. Williams replied that the proprietors were selling land as cheaply and on terms as generous as they could afford and that dissension in the colony should be eliminated in favor of a united front against the Indians who were threatening to go on the warpath. At the same time he endeavored to appease the grumblers by assuring them that he had orders to grant no more large tracts of land which lay contiguous to the Falls.

Williams' efforts at conciliation proved vain. Harrodsburg and Boiling Springs passed from discontent to open revolt. Harrod and his friend, Abraham Hite, obtained the services of a skilled lawyer, Peter Hogg, to draft a petition to the Virginia assembly. James Harrod signed it first, producing a large scrawl in an audacious hand which recalls that of John Hancock on the Declaration of Independence published a few months later. The names of Hite and eighty-six others followed.

The petitioners stated that they had settled in Transylvania "at great expense and many hardships ... under the faith of holding the lands by indefeasible title, which [the proprietors] assured them they were capable of making." But the proprietors had "alarmed" them greatly: they had advanced the price of pur-
chase from twenty to fifty shillings for 100 acres; they had "increased the fees of entry and surveying to a most exorbitant rate"; and, by fixing short periods for taking up the land, they had indicated that they intended to stiffen their "demands" as the number of settlers increased.

These offenses troubled the settlers enough, but they only began the list of grievances. The petitioners asserted that they had discovered that the land which Henderson and his associates were selling them had been granted to the Crown as far as the Tennessee River by the Treaty of Fort Stanwix and that, therefore, the proprietors had no valid claim to it. In view of these discoveries the settlers requested that they be taken under the jurisdiction and protection of Virginia "of which we cannot help thinking ourselves still a part." They therefore begged

... your kind interposition in our behalf, that we may not suffer under the rigorous demands and imposition of the gentlemen styling themselves proprietors, who, the better to effect their oppressive designs, have given them the colour of a law, enacted by a score of men, artfully picked from the few adventurers who went to see the country last summer, overawed by the presence of Mr. Henderson.

And that you would take such measures as your honours in your wisdom shall judge most expedient for the restoring peace and harmony to our divided settlement; or, if your honours apprehend that our case comes more properly before the honourable the General Congress, that you would in your goodness recommend the same to your worthy delegates, to espouse it as the cause of the Colony.

The general spirit of revolt soon spread to Boonesboro where some of the settlers had reasons of their own for resenting the proprietors. They, too, addressed a petition to the Virginia assembly:

... sd Colo. Richard Henderson had the fence that was made by the people broke and took the rails and fenced in betwixt twenty and thirty acres of the most convenient ground next to the fort which has been held under sd Henderson ever since
except the value of one or two acres was taken for gardens for people in sd fort, we your petitioners think it a grand Imposition that sd Henderson should hold a quantity of Ground whilst some of your petitioners have been under the necessity of clearing ground at the risk of our lives and tending our crops around sd Henderson’s slaves. In the second place John Luttrell one of the Gent. proprietors entered on S.W. side of sd Township and improved on the Land first allowed by sd proprietors for a Town. In the third place Nathaniel Heart [sic] another of the sd proprietors entered the upper half of the Town Land which was cleared and fenced by the people who tended corn the first year. . . .

Such was the general mood of many Transylvanians when in the spring of 1776 they found a new and vigorous champion in young George Rogers Clark. While in Kentucky during the previous year Clark had made himself thoroughly acquainted with the extent and nature of the discord and had given considerable thought to what he should do to remove it. Going to Virginia in the fall, he had found that her leading citizens, including Thomas Jefferson and Patrick Henry, were divided in their opinions of Henderson’s claim. Some had thought it good, others had doubted its validity. This incertitude sufficed to convince Clark that Henderson and his associates had worked their own ruin by increasing the price of land and by engrossing choice and large tracts for themselves. The time was therefore ripe to oust them from the colony.

Returning to Kentucky in the spring of 1776, Clark formulated plans which called for a meeting of the settlers on June 6 to elect deputies who should attempt to effect a more definite connection with Virginia. If they failed in this endeavor, he planned to advocate the establishment of an independent state. He reasoned that by giving away a great part of the land and selling what remained he would not only attract a large number of people to the colony but would also command a position to persuade Virginia to supply the means to protect them. Clark naturally chose Harrodsburg as the place for his meeting. To prevent the settlers from splitting into factions, he refrained from divulging his plans
in his printed summons. Instead, he endeavored to arouse their curiosity to attend the meeting by simply stating that he wished to discuss with them a matter in which they were vitally interested.

This bit of psychology was needless; his summons sufficed. During his sojourn in Kentucky, Clark had endeared himself to the settlers by his attractive manners, his ready wit, his wealth of information and his lively intelligence. On the day of the meeting, therefore, they responded with enthusiasm. Indeed, they did not wait for Clark to arrive in Harrodsburg with instructions. Surmising his wishes, they began to vote for two delegates to the Virginia assembly. Instead, Clark wanted them to elect deputies who, as diplomatic agents of the people, would be empowered to negotiate with Virginia for satisfactory terms before they acknowledged her jurisdiction over the region. But when he arrived late in the evening, the people had already decided on their delegates, and, not wishing to embarrass or disparage them, he made little effort to change their principle. At the end of the week they elected Clark and a lawyer named John Gabriel Jones.

On June 15 the settlers in and around Harrodsburg drafted a petition which Clark and Jones were to carry to the Virginia assembly. The petitioners charged that Henderson and his associates sold land at exorbitant prices and that the proprietors had introduced a system of policy which "does not at all harmonize with that lately adopted by the United Colonies; but on the contrary, for aught yet appears, this fertile country will afford a safe asylum to those whose principles are inimical to American freedom."

The petitioners further stated that, since the Cherokee had never claimed the land north of the Cumberland River and since it had been ceded by the Six Nations to the Crown, they doubted the validity of Henderson's purchase. They were therefore unwilling to acknowledge the authority of the proprietors, who had little or no power to protect them against the Indians in a region so remote from the colonies. For this reason they prayed for union with Virginia, which held the region by right of charter and of conquest and which had the power to protect, nourish
and guide them until they should flourish in trade, navigation, population and wealth.

The Transylvanians assured the assembly that they, as sympathizers with its work and that of the Continental Congress, could be expected to support the revolution with men and money. And they informed the assembly that in order to bring harmony to the region and to justify their position before the world they had established a Committee of Twenty-One which would function as a provisional government until Virginia should constitute adequate government for them. They ended the petition by placing themselves under the authority and jurisdiction of the assembly and by expressing confidence that it would give them such advice as should redound to their best interests.

Five days later the Committee of Twenty-One, with John Gabriel Jones as chairman, addressed to the assembly another petition expressing the desire of the settlers to support the revolution and their contempt for the British Ministry for passing laws forbidding the settling of western lands and the formation of new western counties. The Committee complained that Virginia’s westernmost county, Fincastle, which had been declared to extend to the utmost limits of the colony and therefore to embrace Kentucky, was so large—300 miles in length—that the two delegates could not adequately represent the region from which they had been sent. As crack riflemen they proudly offered their military services to Virginia.

In regard to the proprietors, the Committee repeated what had been said in the general petition, adding that the proprietors’ action had disturbed those settlers who were sympathetic toward Virginia and had created factions and divisions among them. The Committee reminded the assembly of their defenselessness in case of an Indian attack. The Delawares had notified the settlers of an impending treaty between the English and the Kickapoo and had asked the whites to send representatives to their tribe for further information about that treaty. The Committee reported that James Harrod and Garret Pendergras had been chosen for this mission. The Committee also announced that it had selected a number of desirable men to act as civil magistrates and listed their names. The petition ended by requesting the
assembly again to extend its jurisdiction over the Kentucky settlements.

A few days after the petition was written Clark and Jones departed for Williamsburg.

Henderson, who had returned to Boonesboro perhaps early in 1776, was distressed but not discouraged by the Harrodsburg revolt. When he learned that Clark had summoned the people of that settlement to a meeting, he readily understood its significance and resolved to meet the challenge with all the strength of his character. Early in May he journeyed with John Williams to Williamsburg, intending to present his case before the Virginia assembly. He arrived in Williamsburg to learn that on May 18 the assembly had presented the petitions drafted the preceding December in Harrodsburg.

Henderson countered the petitions with a memorial. Presented on June 15, Henderson's response conceived that the right of disposal was incident to property. Henderson and his associates claimed that no existing laws prohibited them from purchasing the land, and that, therefore, they considered themselves sole owners and proprietors of Transylvania, "without incurring any penalty or forfeiture whatsoever." Their sole intention, the memorial declared, was to give "every well-disposed person" an opportunity to settle in the region. In so doing they had incurred considerable expense and had seen several of their friends killed. Further, with many hardships, difficulties and dangers, they had remained actual possessors and, they believed, rightful claimants of the land, never "doubting the equity or legality of their title."

The proprietors averred that the numerous persons who had come to settle in Transylvania had been perfectly satisfied until "artful and designing persons, by cunning, specious and false suggestions, with intent to injure and oppress them, have raised doubts in the minds of some few with respect to the justice and validity of the title, and consequently of the propriety of making payment, according to their original contract and agreement, until some objections be removed, or themselves better satisfied." They declared "with great deference" that matters or disputes pertaining to private property did not concern the Virginia as-
The assembly or any other assembly or even Congress. After hurling this defiance the Transylvania proprietors denied that they had taken any arbitrary or exorbitant measures against the settlers. Indeed, they had not even entertained such thoughts. The laws and regulations passed by the Transylvania convention were merely temporary; necessity had justified them. The proprietors concluded by claiming that they always tried to make the benefits of their lands as widespread as possible and that they were ready now and at all times to submit to the authority of Virginia or to that of the United States.

In reviewing these arguments William Lester, one of the best authorities on Transylvania, found that the proprietors sometimes fell into false assumption and specious reasoning. Never in English law, he explained, had the disposal of property been incident to its possession. As for the statement that no decrees and laws existed to prohibit the purchase of Transylvania from the Chero­kee, it is easily controverted. In taking possession of the colony the proprietors had defied the Proclamation of 1763. And even if this had not existed, they still had broken an earlier law which forbade the purchase of land already claimed or possessed by “any Indian or Indians whatsoever.”

No less untenable was the assurance of the proprietors that they were ready to submit to Virginia or to the United States. They had formed a constitution for Transylvania, and Henderson in his opening speech before the Boonesboro convention had asserted “the right to make such laws without giving offense to Great Britain, or any of the American colonies, without disturbing the repose of any society or community under heaven.” Henderson had boasted of the sovereignty of Transylvania, had denied surveys conducted by officers of Virginia, had spoken of himself and his associates as “true and absolute proprietors,” and had conducted elections, called a legislature, made a treaty and appointed officers.

No doubt the assembly detected these inconsistencies in Henderson’s arguments, for it soon took favorable action on the Harrodsburg petitions. On June 24 the assembly passed a resolution permitting all persons who held lands in Transylvania to retain them “without paying any pecuniary or other consideration
whatever to any private person or persons” until it should reach a decision regarding the validity of the titles granted by Henderson and his associates. The resolution also forbade the purchase of any land within the chartered limits of Virginia “under any pretense whatever, from any Indian tribe or nation, without the approbation of the Virginia Legislature.” A few days later the assembly appointed sixteen commissioners to study the claims of the proprietors. After conducting other business it adjourned until October.

Clark and Jones had not yet arrived to throw their support to the side of Virginia in the hope of swaying that colony to take in the Kentucky region. When after experiencing many inconveniences of travel they arrived in Williamsburg to find that the assembly had adjourned, they decided to wait until the fall session. They separated, however, with Jones going to Holston while Clark went to interview Governor Patrick Henry. The governor was ill but he welcomed Clark and expressed sympathy for his party in Kentucky. Henry sent Clark to the Council with a favorable letter of introduction. Clark forthwith requested 500 pounds of powder which, he explained, was sorely needed for the defense of Kentucky.

Clark knew that if he could get the government to commit itself by granting the supply, it would soon have to assert control over the region. After some hesitation the Council agreed to furnish the ammunition but explained that since Kentucky was not as yet a part of Virginia they would lend it only as to friends in distress, and that Clark must assume responsibility for it in case the assembly did not receive the settlers as citizens of the state. Clark replied that he did not have the money to pay for the cost of transporting the powder and the guards necessary to protect it. The Council, feeling they had already stretched their power, would go no further without the consent of the assembly and issued an order to the keeper of the magazine to deliver the ammunition to Clark.

The young Virginian took his leave with some disappointment, but increased determination to succeed in his mission. Concluding after some reflection that Virginia would be reluctant to
lose the coveted region of Kentucky and with it perhaps all the chartered territory in the west, he resolved on a bold stroke of psychology. He returned the order for the ammunition and writing to the Council, reiterated his inability to meet the cost of transporting it. He was sorry, he said, that the settlers of Kentucky would have to obtain protection elsewhere; then he added, “if a country is not worth protecting it is not worth claiming.” This statement had the desired result; the Council, fearing that the Kentuckians would do as Clark threatened, sent for Clark and placed the powder at his disposal.

The contest, which began with the opening of the assembly on October 8, proved long and bitter. Henderson and Williams were there with the best legal advisers of North Carolina. Clark and Jones were there with such friends as George Mason, Thomas Jefferson and other delegates likely to influence the assembly in reaching its final verdict. Clark had an enemy in Colonel Arthur Campbell, known as Long Jaw because of his irascible garrulity. As a delegate from Fincastle and county lieutenant, Campbell was bitterly opposed to the creation of a new county, for such action would deprive him of authority over the rich region of Kentucky and limit his power to a comparatively small mountain county.

Clark and Jones presented themselves as delegates from the “Western Part of Fincastle County.” Despite the petitions they had brought with them they were denied seats on legal grounds while Henderson and Campbell, by a display of their best eloquence and persuasive powers, gave them much trouble. But a petition which was presented to the House by Thomas Slaughter saved the day. Slaughter, on behalf of himself and other settlers of Kentucky, stated that they were exposed to the incursions and depredations of Indians and were incapable of protecting themselves with their small numbers. He therefore prayed that Virginia would extend them the benefit of defending themselves by permitting them to organize themselves into a militia.

The House responded by resolving itself into a committee of the whole to consider the new petition as well as those presented by Clark and Jones. It soon brought in a report stating that “the settlers ought to be formed into a distinct county, in order to
entitle them to such representation, and other benefits of government." The bill calling for a division of Fincastle County into two distinct counties made headway for several days. Jefferson, admirably envisioning the future of Kentucky, did everything he could to help Clark. He championed the bill and it passed two readings. But Henderson and Williams and Campbell were equally determined; with legal knowledge, eloquence and force of character, they succeeded in persuading the House to postpone the measure for a week, an action practically foreshadowing its ultimate defeat.

Clark, however, never knew defeat; he merely saw that the time had come for him to make another psychological move such as that which a few months before had won him the ammunition from the Council. He took up his unpracticed but nonetheless persuasive pen to address a short petition to the assembly. Pretending that he and Jones were preparing to return to Kentucky, he reminded the assembly of the distressed and defenseless state of the Kentucky settlers and implored it to send forces for their relief and protection. He added that the interest of Virginia demanded that it prevent the "Inhabitants from abandoning" Kentucky which he pictured as necessary and advantageous to the United States "in Case of an Indian War, an event much to be feared." He concluded by saying that the services of the settlers would save the United States "at least one-half of what an Army must Cost to be levyed anywhere else on the Frontier Counties, or any part of America."

With these arguments Clark succeeded in having himself and his colleague presented again to the House, but Henderson and his friends were prepared for them and repulsed the bill. A third reading, which was necessary to secure a vote, was denied. The bill was taken from its place on the calendar and "directed to be read in the usual course of proceedings." Once more Jefferson rushed to the bill's defense, rescued it from possible oblivion, and had it referred to a special committee with himself as chairman. Thenceforth the bill marched to victory.

By this time Virginia had declared herself a free and independent state, both alone and in conjunction with the other colonies; she had published a constitution which had declared her
complete independence from Great Britain. Her sovereignty gave her the right to assume full ownership of all lands that she had held and claimed as a dependent colony. Nothing in her original charter could now stop her at the Alleghenies. Nothing in the Proclamation of 1763 could now prohibit her from exercising the sovereignty over the western country. The rights she had enjoyed over it as a colony she now enjoyed as a commonwealth. Her claim over Transylvania was perfectly clear and she resolved to assert it.

Henderson’s further efforts were, therefore, useless. On November 25 the House passed the bill and resolved that Fincastle County be divided into Washington, Montgomery and Kentucky counties. The Senate eventually concurred, and on December 7, 1776, most of Transylvania became Kentucky County, Virginia, with an area about the same as the present state of Kentucky.

So ended the revolt against the proprietors of Transylvania, first under the leadership of James Harrod and Abraham Hite and then under that of George Rogers Clark and John Gabriel Jones. Clark returned to Kentucky with the ammunition he had secured from the Council and was hailed as a hero. Henderson’s fantastic dream of “true and absolute proprietors” faded, but it did not mean the end of his career. His greatest achievement still lay before him. That is another story and is told elsewhere.