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# KENTUCKY'S STRUGGLE WITH ITS LOYALIST PROPRIETORS

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## KENTUCKY'S STRUGGLE WITH ITS LOYALIST PROPRIETORS

Contrary to the traditional view, Virginia had among its people a large proportion of tories or loyalists in the revolutionary days, besides many who behaved like loyalists when the British forces were at hand. This has been fully demonstrated by Mr. John A. George in his dissertation for the master's degree submitted to the faculty of Richmond college in June, 1913, and published in part in the *Richmond college historical papers* in June, 1916. The conclusions of Mr. George are fully confirmed by Professor H. J. Eckenrode of the same institution in his volume, *The revolution in Virginia*, also published in 1916.

As Kentucky formed a part of the old dominion in those stirring times, this paper becomes supplementary to the valuable treatises just mentioned. Lord Dunmore, as is well known, was the leader of the loyalists in eastern Virginia until he and hundreds of his followers sought refuge aboard the king's ships at Norfolk on December 14, 1775. For several years before that disastrous episode his lordship had been issuing patents for more or less extensive tracts of land in the county of West Fincastle, including Kentucky, to numerous persons, among whom may easily be identified at least a few loyalists. One of these was Dr. John Connolly, who lived near Fort Pitt, where he seems to have owned a "patrimonial estate." According to his own account he sold this estate and bought land in Virginia. At any rate, he acquired 4,000 acres of land opposite the falls of the Ohio in December, 1773, and entered upon a project with Colonel John Campbell, who obtained an adjoining tract, to found a town at the falls. In fact, the plat for this town—the future city of Louisville—had been surveyed in the previous August by Captain Thomas Bullitt, and lots were first advertised for sale by the proprietors in the following April.<sup>1</sup>

<sup>1</sup> Clarence M. Burton, "John Connolly, a tory of the revolution," in *Proceedings of the American antiquarian society*, new series, 20:71 ff.; Reuben T. Durrett, *The centenary of Louisville* (Filson club publications number 8—Louisville, 1893), 23-27, 131, 133.

Other loyalists who acquired land in Kentucky about the same time were Captain Alexander McKee, the deputy superintendent of Indian affairs at Fort Pitt; Simon Girty, the interpreter to the Six nations at the same post; and Joseph Browster of Westmoreland county, Pennsylvania. McKee secured his grant of 2,000 acres on the south branch of Elkhorn creek in June, 1774; Girty became the possessor of three tracts of 300 acres each, according to his own sworn statement, but he does not mention their locations; and Browster purchased 1,000 acres of improved land on a visit to Kentucky before the revolution, but his widow, who tells of the transaction, fails to state where the purchase lay. She relates, however, that in removing to the west her family was attacked and forced to take refuge at St. Vincent, and that her husband was soon after killed by an Indian guide who was conducting him to Detroit, a fact referred to in a testimonial which she had from Dr. Connolly, who had known Browster and had on one occasion suffered imprisonment with him.<sup>2</sup>

Besides these few loyalists who held land in Kentucky but never lived there, the names are known of but two others who appear in the revolutionary annals of the state. One of these was the Reverend John Lythe, the Anglican missionary at Harrodsburg, who served as a member of the house of delegates of the Transylvania company and read the customary prayers for the king and the royal family of England on Sunday, May 27, 1775, at the end of the session of the delegates. It must be added that Lythe's loyalism was promptly dissipated within a week by the arrival of the news of the battle of Lexington. The other loyalist was Dr. John F. D. Smythe, who came on horseback to Boonesborough a few days later as an emissary of Dunmore, though he did not divulge this to his host, Judge Richard Henderson, the head of the Transylvania company. To him he explained only that he was collecting material for a book

<sup>2</sup> Durrett, *The centenary of Louisville*, 28; Reuben T. Durrett, *Bryant's station and the memorial proceedings held on its site under the auspices of the Lexington chapter, D. A. R., August the 18th, 1896, in honor of its heroic mothers and daughters* (*Filson club publications* number 12 — Louisville, 1897), 30, note; 111, note; George W. Ranek, *Boonesborough. Its founding, pioneer struggles, Indian experiences, Transylvania days, and revolutionary annals* (*Filson club publications* number 16 — Louisville, 1901), 180-183; *Report of the bureau of archives for the province of Ontario* (Toronto, 1904-1914), number 2, part 2, p. 1282; part 1, p. 477.



of travels. Thus he gained the opportunity during the several weeks of his sojourn to go among the Shawnee and other Ohio Indians for the purpose of securing their coöperation with the loyalists in suppressing rebellion in the west. In his notes Smythe recorded his conviction that the Kentucky woodsmen were too proud and insolent "to be styled servants even of His Majesty."<sup>3</sup>

The mission of Dr. Smythe to Boonesborough and the region north of the Ohio river was ominous for the future. Naturally, the savages resented the occupation of their favorite hunting grounds by the white men and, although a treaty of peace and neutrality was signed between the western tribes and the commissioners of congress at Pittsburgh in the autumn of 1775, "Captain" Pluggy, the Mohawk leader of a band of miscreants living on the upper Olentangy, accompanied by several braves and two Shawnee guides, appeared on the Kentucky river and fired upon three persons near Boonesborough, December 23, 1775.<sup>4</sup>

In the following May and June the inhabitants of "Transylvania" presented petitions to the Virginia convention asking that steps be taken "to prevent the inroads of Savages" and to erect West Fincaastle into a new county, despite the king's proclamation excluding settlers therefrom. The expressed fear of the petitioners was that if left under royal control the region in question might "afford a safe asylum to those whose principles are inimical to American liberty." In answer to these petitions three new counties were created in December, 1776, one of these being Kentucky county.<sup>5</sup>

Meantime, some of the Ohio Indians had been committing depredations in Kentucky to such an extent that McClelland's station, the last fort north of the Kentucky river, was aban-

<sup>3</sup> Ranck, *Boonesborough*, 28, 31-33.

<sup>4</sup> *Biennial report of the department of archives and history of the state of West Virginia, 1911-1914* (Charleston, 1914), 40; *The revolution on the upper Ohio, 1775-1777*, edited by Reuben G. Thwaites and Louise P. Kellogg (Madison, 1908), 100, 102, 143; Ranck, *Boonesborough*, 45, 46.

<sup>5</sup> *Petitions of the early inhabitants of Kentucky to the general assembly of Virginia, 1769 to 1792*, edited by James R. Robertson (*Filson club publications number 27*—Louisville, 1914), 38, 39; William W. Hening, *Statutes at large, being a collection of all the laws of Virginia, 1619 to 1792* (Richmond, 1819-1823), 9: 257; Ranck, *Boonesborough*, 48, 54.

done in the same month in which the new counties were erected. That the red men had been incited to these hostilities was not doubted by many, for the report had gained wide currency in May that the Wyandot, Ottawa, and other Indians had recently been at Detroit, where they had received presents from the British commandant, Lieutenant Governor Henry Hamilton. With the opening of the spring of 1777 the attacking war bands only increased in size and daring. Late in April Boonesborough, "the big fort," which had been left unassailed hitherto, was attacked by a party of fifty or more warriors, and early in July it was besieged during two days and nights by 200 Indians. Conditions were surely not improved by the murder late in September of the Shawnee chief, Cornstalk, and three of his tribesmen at Fort Randolph (Point Pleasant) by members of the garrison in hasty revenge for the death of a comrade stricken outside the post by the stealthy shot of lurking savages. Hamilton at Detroit was not slow in taking advantage of the outraged feelings of the Shawnee tribe. Before the winter had passed he sent two French Canadians to engage eighty or more of the Shawnee in another attempt to seize Boonesborough. They readily consented, and on their way southward, February 7, 1778, had the good fortune to capture Daniel Boone, who had a camp of salt-makers near by at the lower Blue licks. The tribesmen easily secured the rest of the campers through the intervention of Boone, who saw the folly of resistance and persuaded his men to surrender.<sup>6</sup>

The Shawnee at once gave up their expedition against Boonesborough, returned with their captives to their villages at Little Chillietho, and on March 10 started with eleven of their pris-

<sup>6</sup> *The revolution on the upper Ohio, 1775-1777* (Thwaites and Kellogg, eds.), 175, note 6; 177, note 11; 187, 188, 236, 242, 247; James G. M. Ramsey, *The annals of Tennessee, to the end of the eighteenth century: comprising its settlement, as the Watauga association, from 1769 to 1777; a part of North-Carolina, from 1777 to 1784; the state of Franklin, from 1784 to 1788; a part of North-Carolina, from 1788 to 1790; the territory of the U. States, south of the Ohio, from 1790 to 1796; the state of Tennessee, from 1796 to 1800* . . . (Philadelphia, 1853), 148 ff.; Ranek, *Boonesborough*, 49-52, 54, 56-61; Alexander S. Withers, *Chronicles of border warfare; or, a history of the settlement by the whites of northwestern Virginia, and of the Indian wars and massacres in that section of the state; with reflections, anecdotes*. . . . edited by Reuben G. Thwaites (Cincinnati, 1903), 173, 209, 211-214, 236, 266; *Frontier defense on the upper Ohio, 1777-1778*, edited by Reuben G. Thwaites and Louise P. Kellogg (Madison, 1912), 149, *passim*.

oners, including Boone, for Detroit. Here the famous Kentuckian was well received by Hamilton, to whom he told a pitiful tale of the starving and nearly naked condition of the settlers south of the Ohio, who, he added, were without the prospect of relief from congress. The commandant offered a large price for Boone and, failing to effect the purchase, sought his favor by presenting him with a horse and trappings.

On April 28, not long after the departure of Boone and the Indians, Hamilton wrote to Sir Guy Carleton in regard to the Kentuckians: "Their dilemma will probably induce them to trust to the savages, who have shown so much humanity to their prisoners, and come to this place before winter." In the following June Boone escaped from his captors upon the horse he had received from Hamilton. At the end of the same summer the British commandant undertook to win over the inhabitants of Boonesborough for the king or, if necessary, to capture them. He therefore dispatched Lieutenant Antoine de Quindre and other French Canadians, with a supply of ammunition and the English and French flags, to assist Chief Black Fish in assembling a force of over four hundred Indians, mostly Shawnee, to proceed to the big fort. On arriving there, September 7, a messenger advanced to ask a parley over letters which he had brought from Governor Hamilton to Captain Boone. The negotiations lasted three days, on the last of which the principal men of the fort signed a treaty renouncing their allegiance to the United States and renewing their fealty to the king, on condition that the Indians, who outnumbered the garrison eleven to one, would withdraw immediately. But instead, the treacherous red men attempted to seize and detain the whites, though without success. After repeated assaults on the stronghold the Indians tunneled from the bank of the Kentucky river to within twenty yards of the fort, but successive rains stopped their operations and filled their mine with sunken earth. Having failed in their nine days' siege, the Shawnee army broke into detachments, which had to content themselves with ravaging about other stations. Such was the dismal outcome of Hamilton's plan to convert the inhabitants of Boonesborough into loyalists preparatory to their reception at Detroit.<sup>7</sup>

<sup>7</sup> Ranek, *Boonesborough*, 68-104; *Petitions of the early inhabitants of Kentucky to the general assembly of Virginia, 1796 to 1798* (Robertson, ed.), 44, 45; Withers,

Captain Boone, indeed, did not escape the open accusation of being a tory and a traitor. Colonel Richard Callaway, and probably others, charged him with having sought to aid the British by favoring the peace treaty at Boonesborough and having caused the surrender of the salt-makers at the lower Blue licks. Boone was accordingly tried by court-martial at Logan's station, but maintained that these acts were stratagems dictated by military necessity and was acquitted. He was further vindicated a little later by being promoted to the rank of major.<sup>8</sup>

The years 1779 and 1780 witnessed a remarkable emigration from the communities on the upper Ohio and to the eastward into Kentucky. In May of the latter year one observer of this movement, Colonel Daniel Brodhead at Pittsburgh, estimated that the Kentucky settlements would be able to turn out 15,000 men and ventured the opinion that the villainous Shawnee and their allies would soon find troublesome neighbors in that quarter. It is not to be supposed that all these newcomers were patriots, especially as tory plots were being disclosed and suppressed from time to time in the regions from which they came. Late in 1780 one visitor to Kentucky went so far as to say in a letter to Colonel George Morgan: "Should the English go there and offer them protection from the Indians, the greatest part will join." It was not to Kentucky, however, but to Detroit that Captain McKee and Simon Girty, together with several of their fellow loyalists, fled from Fort Pitt on the night of March 28, 1778. They passed through the intervening Indian country and arrived at their destination about two months later. They thus escaped the penalties which their discovered plotting entailed and, being taken into the Indian department, they supplanted the French Canadians as leaders of loyalist and Indian war parties against the frontier. For the next seventeen months they carried on their depredations in the region they had recently left and then turned their attention to that into which the tide of settlers was now pouring.<sup>9</sup>

*Chronicles of border warfare* (Thwaites, ed.), 268-270; *Frontier defense on the upper Ohio, 1777-1778* (Thwaites and Kellogg, eds.), 283, 284.

<sup>8</sup> Ranck, *Boonesborough*, 104, 105.

<sup>9</sup> *Frontier retreat on the upper Ohio, 1779-1781*, edited by Louise P. Kellogg (*Wisconsin historical collections*, volume 24 — Madison, 1917), 21, 22, 41, 149, 163, 164,



The first report that Simon Girty was with the Indians on the Kentucky border gained credence in the latter part of May, when John Bowman, lieutenant of Kentucky county, led 250 volunteers against the Shawnee town of Little Chillicothe on the Little Miami river. The rumor that Girty was approaching at the head of 100 Shawnee threw Bowman's men into general disorder for a brief time, but they recovered themselves, defeated the enemy, and burned most of the village and crops. In the following autumn Simon Girty's brothers, James and George, advanced with about 170 Wyandot warriors down the Little Miami to the spot where Cincinnati now stands and there, on October 4, engaged Colonel David Rogers' flotilla of five boats, which was on its way from St. Louis up the Ohio with a store of goods and ammunition. The Indians killed some forty of the whites, took a few prisoners, and carried off much booty. Thereafter small skirmishes with the Indians appear to have become more common on the border than ever.<sup>19</sup>

The capture of Hamilton by Colonel George Rogers Clark at Vincennes in February, 1779, and the appointment of Major A. S. de Peyster as the former's successor at Detroit did not change the policy of employing loyalists to lead the expeditions against Kentucky. In the early summer of that year De Peyster sent from his post a force of 150 Tories and Canadians with two cannon and 100 tribesmen from the upper lakes under the command of Captain Henry Bird, a Virginian, with the three Girtys as aides. On the Miami they were joined by Captain McKee and 600 more Indians. These combined forces were to proceed against Clark, who was now stationed at the falls of the Ohio. The Indians, however, refused to go and confront the victor of Hamilton, choosing rather to attack the forts up the Licking. On June 22, Ruddle's station, with its 300 inmates, surrendered at the sound of the enemy's fieldpieces. Fifty more prisoners

168, 176, 209, note 1; 277; Wilbur H. Siebert, "The tory proprietors of Kentucky lands," in *Ohio archaeological and historical quarterly*, 28: 48-71.

<sup>19</sup> Withers, *Chronicles of border warfare* (Thwaites, ed.), 271-273; Consul W. Butterfield, *History of the Girtys; being a concise account of the Girty brothers—Thomas, Simon, James and George, and of their half-brother John Turner—also of the part taken by them in Lord Dunmore's war, in the western border war of the revolution, and in the Indian war of 1790-95: with a recital of the principal events in the west during these wars . . .* (Cincinnati, 1890), 113; *Frontier retreat on the upper Ohio, 1779-1781* (Kellogg, ed.), 17, 79-94, 105, 123.

were secured at Martin's station five miles farther on. Famine now ensued and drove the invaders home. Captain Bird took with his contingent Captain Isaac Ruddle and his company, all of whom remained in captivity at Detroit until November 3, 1782. The Indians, with their share of the prisoners, scattered to their several villages. There may be some justice in the criticism made at the time that widespread disaffection among the settlers was responsible for the surrender of the two stations. At any rate, many of the pioneers are said to have moved into the interior rather than volunteer for offensive operations against the Indians and the tories.<sup>11</sup>

During the first week of August, 1780, Colonels Clark, Slaughter, and Logan led forth their respective divisions, which together numbered about one thousand men, to take vengeance on the Shawnee for the descent upon the two Licking stations. They found Little Chillicothe partly deserted and still burning, the Indians having been forewarned by a deserter from Logan's division. James Girty and 300 warriors made more than a show of defense, but could not withstand the determined fighting of the borderers and retreated.<sup>12</sup>

We may pass over the numerous raids into Kentucky during the next twelvemonth or more. One only, about the middle of September, 1781, was conducted by a loyalist, namely, Captain McKee, who was accompanied by Chief Brant, head of the Six nations. With a large following of Hurons and Miami these experienced fighters appeared at Boone's station and there defeated Colonel John Floyd and a company of men from the stations on Bear Grass creek.<sup>13</sup>

Under tory leadership the savages had thus far won an almost unbroken series of successes over the Kentuckians. If they had obeyed the orders of their white captains, they might no doubt have gained more sweeping victories, but again and

<sup>11</sup> Withers, *Chronicles of border warfare* (Thwaites, ed.), 254, note; 285, 286, 294-299; Ranck, *Boonesborough*, 118, 119; *Petitions of the early inhabitants of Kentucky to the general assembly of Virginia, 1769 to 1792*, p. 168; *Frontier retreat on the upper Ohio, 1779-1781* (Kellogg, ed.), 22, 186, 187, 192, 265, 266.

<sup>12</sup> Withers, *Chronicles of border warfare* (Thwaites, ed.), 305-308; *Frontier retreat on the upper Ohio, 1779-1781* (Kellogg, ed.), 374, 375.

<sup>13</sup> Durrett, *The centenary of Louisville*, 57-59; Durrett, *Bryant's station and the memorial proceedings held on its site*, 84; *Frontier retreat on the upper Ohio, 1779-1781* (Kellogg, ed.), 374, 375.



again they had willfully turned back when their campaign was but half finished. At length, in June, 1782, they threw away their final chance of spreading desolation among the settlements south of the Ohio. At that time 1,100 Indians of eight different nations were assembled at Wakitamiki—now Zanesfield, Logan county, Ohio—under the command of Captain William Caldwell and were there joined by Captain Andrew Bradt and sixty loyalist rangers from Detroit, Captain McKee, Simon and George Girty, and Matthew Elliott of the Indian department at the northern post. This host is said to have outnumbered the whole force of fighting men in Kentucky at the time. Its size is doubtless explained by the fact that it was to be employed in destroying an invading force led by George Rogers Clark. When intelligence was brought in that Clark's army was nowhere about, three-fourths of the tribesmen returned to their towns and villages. The other fourth and the loyalist rangers crossed the Ohio river with Simon Girty, defeated Captain John Holder and his men at the upper Blue licks on August 15, and then laid siege to Bryant's station. While the Indians occupied themselves with burning several cabins, killing cattle, and destroying crops, Girty proclaimed pardon and protection to all inmates of the fort who would swear allegiance to the king, on condition that they would capitulate. Unlike the garrison of Boonesborough, which had been offered similar terms nearly four years before, the men at Bryant's flatly refused the offer, and Girty with his Tories and Indians took the trail back to the Blue licks on the night of August 16. At this time, according to Girty, nearly 100 warriors left him. On August 19 about 180 Kentuckians crossed the Licking river in pursuit of the invaders, who were now lying in ambush in the wooded ravines surrounding the open ridge in front. Most of the advancing party had dismounted and were ascending the ridge on foot, when they received a volley which killed perhaps forty of them. The savages then threw themselves upon the Kentuckians' animals and succeeded in cutting down thirty more victims and capturing others. The rest of the borderers fled back across the river, those in the lead being halted by Major Benjamin Netherland long enough to turn and fire on the pursuing Indians, who were thus driven to cover for a brief interval, while the fugitives es-

caped into the woods and so to their several stations. On the next day the loyalists and Indians crossed the Ohio, the latter going on to their camps and the former to Wakitamiki. A few days later Caldwell and McKee sent reports to Detroit in which the number of Kentuckians killed and captured was doubled. In reply came an order from De Peyster, in conformity with the recent manifesto of the commander in chief of the British forces, Sir Guy Carleton, to make no more incursions into the enemy's country. Nevertheless, during the next fourteen years, or as long as the northern posts remained in British hands, Kentucky suffered from occasional forays and outrages at the hands of the savages. The sequel of the massacre at the Blue licks was enacted in the early days of November, 1782, when George Rogers Clark with 1,050 men destroyed the town and the winter stores of the Miami, while the Indians took to their heels despite Captain McKee's efforts to persuade them to stay and fight.<sup>14</sup>

It has been seen above that the Kentuckians suffered the cruelties of border warfare in greater degree than before, after the leadership of the tribes to the northward passed to those loyalists who owned lands in "Transylvania." In May, 1779, the Virginia assembly enacted the law of escheats and forfeitures, under which such estates were liable to confiscation and sale for the profit of the state. This policy might easily work out in such a way as to yield no benefit, if it did not do actual injustice, to some of the inhabitants of Kentucky. Representative Kentuckians, however, were alive to their local interests and, through their skillful advocacy of those interests, were able to gain immediate or prospective advantages at the expense of the loyalist proprietors, whose destruction in battle would have been a more welcome recompense.

It was not until a year after the passage of the act of escheats and forfeitures that the inhabitants of Kentucky took measures to secure to themselves the estates in question. The land at the falls of the Ohio surveyed and patented for Dr. Connolly, who had been Lord Dunmore's chief ally at Pittsburgh and a prisoner in the hands of the Americans from November, 1775, until

<sup>14</sup> Durrett, *Bryant's station and the memorial proceedings held on its site*, 87-90, 91-123, 134-209, 211-215; George W. Ranek, "Girty, the white Indian; a study in early western history," in *Magazine of American history*, 15:256-277; Butterfield, *History of the Girtys*, 193, 194, 198, 200, 205, 208.

his exchange in October, 1780, was brought to the attention of the Virginia assembly by a petition on May 1 of the latter year. This petition came from the settlers at the falls, who desired an act establishing their town as planned by them and validating the titles to their lots, which would otherwise be liable to confiscation and sale under the act of escheats and forfeitures passed in May, 1779. Accordingly, the assembly enacted a law one year later, vesting 1,000 acres of Connolly's survey in a board of trustees for the town of Louisville, and authorizing the sale of lots at auction. Curiously enough, an escheating jury, of which Daniel Boone was a member, met at Lexington on the same day and rendered a verdict of forfeiture against Connolly for joining the subjects of the king of his own free will.<sup>15</sup>

In December, 1780, Lieutenant Colonel Connolly had sailed from New York with the Queen's rangers, a well-known tory corps, for Yorktown, and soon after had been placed in command of the loyalists of Virginia and North Carolina on the peninsula formed by the James river and the Chesapeake bay. In September, 1781, he had again been taken prisoner and had been sent to Philadelphia three months later. In the following March he had been paroled and sent to New York, on condition that he would depart for England. He appears to have spent the next five years in Great Britain, but by 1788 he was in Detroit, having returned by way of Quebec. He had not yet given up hope of recovering the west for the English crown, and was therefore ready to believe the tale that the people of Kentucky wished to free themselves from the United States government. Under the pretext that he had come to look after his confiscated estate, Connolly appeared at Louisville on October 25, 1788. He revealed the real object of his visit a day or two later in a joint interview with Colonel Thomas Marshall and Judge George Muter. He told these two men in substance that the Canadian governor-general, Lord Dorchester, formerly Sir Guy Carleton, was ready to aid the westerners by arming and paying any force they might raise for the purpose of wresting the control of the Mississippi and of New Orleans from the Spaniards, that he would send from 5,000 to 10,000 men to join them, and that he

<sup>15</sup> Durrett, *The centenary of Louisville*, 50-56, 149-154; *Petitions of the early inhabitants of Kentucky to the general assembly of Virginia, 1769 to 1792* (Robertson, ed.), 53-55; Hening, *Statutes at large*, 10: 293-295.

would dispatch a fleet to coöperate with this land force in the conquest of New Orleans. Colonel Marshall states that he informed Connolly that as long as the savages continued to commit cruelties on the defenseless frontier of Kentucky and to be "received as friends and allies by the British at Detroit," it would be impossible to convince the people of the good intentions of Lord Dorehester. From General James Wilkinson, with whom Connolly conversed on November 8, the latter learned not only that "the British were greatly disliked in Kentucky," but also that he might be killed if his mission were discovered. The emissary from Detroit now begged for an escort, which was provided, and he recrossed the Ohio river, November 20, on his return journey.<sup>16</sup>

The clearing of the titles of the early settlers of Louisville was accomplished at the expense of Dr. Connolly, as already noted. This was a simple act of justice to those who had bought their lots in good faith from an original proprietor. At almost the same moment that these purchasers were presenting their petition for relief to the Virginia assembly—a petition in which they stated with clearness and force the commercial and other benefits to be secured by the establishment of their town—the Reverend John Todd of Virginia and his nephew, Colonel John Todd of Kentucky, persuaded the assembly to set aside other loyalist estates for the cause of public education. It was in May, 1780, that the assembly passed the "act to vest certain escheated lands in the County of Kentucke in trustees for a Publick School." The lands thus applied were Captain Alexander McKee's 2,000 acres on the south branch of Elkhorn creek, Henry Collins' 3,000 acres near Lexington, and Robert McKenzie's 3,000 acres, called the military survey, at the mouth of Harrod's creek. McKenzie was an officer of the Forty-third

<sup>16</sup> Burton, "John Connolly, a tory of the revolution," in *Proceedings of the American antiquarian society*, new series, 20: 71 ff.; Siebert, "The tory proprietors of Kentucky lands," in *Ohio archaeological and historical quarterly*, 28:48-71; John M. Brown, *The political beginnings of Kentucky* (Filson club publications number 6—Louisville, 1889), 182-184; Mann Butler, *A history of the commonwealth of Kentucky, from its exploration and settlement by the whites, to the close of the north-western campaign, in 1813; with an introduction exhibiting the settlement of western Virginia . . . in 1736, to the treaty of Camp Charlotte . . . in 1774* (Cincinnati and Louisville, 1836), 184.



regiment of foot in the British army when he was wounded at Bunker hill.<sup>17</sup>

Even at the end of the revolution not all the confiscated estates in Kentucky had been disposed of and, although the school had not yet been started, there was still opportunity to increase its endowment from this source. Colonel Caleb Wallace, a Kentuckian in the assembly, saw the opportunity, and in 1783 secured the passage of an act granting all escheated lands in the district of Kentucky "not to exceed twenty thousand acres" to the proposed school, thus adding 12,000 acres to the earlier grant of 8,000 acres. The new act conferred by regular charter upon an enlarged board of trustees "all the powers and privileges that are now enjoyed by the visitors or governors of any college or university within the State." The school when established was to bear the name "Transylvania seminary" and, evidently in view of the fact that Indian hostilities had not ceased, both teachers and students were to be exempt from militia duties. Another reminder of the subsiding struggle is to be found in the presence on the board of trustees of Colonel George Rogers Clark.<sup>18</sup>

Something more than the "guarantee of permanency" furnished by the land grants was needed before Transylvania seminary could be opened to students. The trustees found it necessary, therefore, to appoint a committee to solicit funds, books, and apparatus, and they also received one-sixth of all surveyor's fees collected in the Kentucky district. They were thus enabled to employ a master and open the seminary in a private house near Danville, February 1, 1785. Several years later the trustees decided to remove the school to Lexington, where it first received students June 1, 1789. Here in Lexington the institution was to find its abiding place, erect buildings to meet its growing needs, develop new departments, combine with other institutions, graduate thousands of students, become almost dormant during the civil war, and, after discontinuing its several

<sup>17</sup> *Transylvania college bulletin*, 40: 16, 17; Robert and Johanna Peter, *Transylvania university. Its origin, rise, decline, and fall* (Filson club publications number 11 — Louisville, 1896), 20-22, 38-41.

<sup>18</sup> *Transylvania college bulletin*, 40: 17-20, 22-25; *Kentucky Gazette*, June 6, 1789, April 26, 1790; Peter, *Transylvania university*, 49-52, 64, 66-71, 175-177.

departments, survive as Transylvania college. Thus the beginnings of the city of Louisville and of the famous old college at Lexington, "the oldest permanent institution of learning west of the Alleghenies," may be ascribed to the struggle of Kentucky with its loyalist proprietors. The lands confiscated from these proprietors by the Virginia assembly were in both cases, chiefly through the efforts of Kentuckians, turned to excellent and enduring uses.

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