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*Pioneers and Profiteers:  
Land Speculation and the Homestead  
Ethic in Frontier Kentucky*

STEPHEN ARON

For the better part of this century, what Frederick Jackson Turner categorized as “the contest between the capitalist and the democratic pioneer” dominated the interpretation of frontier land conflicts. For Turner and his many disciples, the opening of each new “West” renewed the competition between absentee speculators and actual settlers. Celebrating the heroic contributions of the pioneers who anchored American democracy, the Turner thesis disdained the role of land speculators in the winning of the West. Developed most fully in the works of Paul Gates, the Turnerian perspective cast buyers and sellers of land as shameless profiteers, whose villainy delayed settlement, inflated prices, and destroyed frontier egalitarianism.<sup>1</sup>

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<sup>1</sup> Frederick Jackson Turner, “Social Forces in American History,” in *Frontier and Section: Selected Essays of Frederick Jackson Turner*, with an introduction and notes by Ray Allen Billington (Englewood Cliffs, NJ, 1961), 164. For many years, both supporters and critics of Turner adhered to the bipolar framework that he constructed, parting primarily over who won and who lost in the struggle between settlers and speculators. In support of Turner, John Barnhart, *Valley of Democracy: The Frontier versus the Plantation in the Ohio Valley, 1775–1818* (Bloomington, IN, 1953), argued that democratic frontiersmen won significant victories in the new states of the trans-Appalachian West. Turner’s foremost critic, Thomas P. Abernethy, disputed that verdict, particularly in regards to Kentucky, where he claimed great speculators got their way. See especially his *Western Lands and the American Revolution* (New York, 1937), and *Three Virginia Frontiers* (Baton Rouge, 1940).

On the conflict in Kentucky between absentee speculators and occupying claimants, see Paul Gates, “Tenants of the Log Cabin,” *Mississippi Valley Historical Review* 49 (June 1962): 3–31. Many of his most significant essays, including “Tenants,” are collected in Paul Gates, *Landlords and Tenants on the Prairie Frontier: Studies in American Land Policy* (Ithaca, NY, 1973). For a bibliography of Gates’s writings, see David M. Ellis, ed., *The Frontier in American Development: Essays in Honor of Paul Wallace Gates* (Ithaca, NY, 1969), 407–10; and Margaret B. Bogue and Allan G. Bogue, “Paul W. Gates,” *Great Plains Journal* 18 (1979): 22–32. For a recent retrospective on the contributions of Paul Gates and the debates that his work spawned, see Jon Gjerde, “‘Roots of Maladjustment’ in the Land: Paul Wallace Gates,” *Reviews in American History* 19 (March 1991): 142–53.

Revisionism battered Turner's frontier thesis and wrecked Gatesian wisdom about the distribution of public lands. Substantially the product of research done by students of Gates, the new orthodoxy rescued the reputations of investors in frontier acreage. Backed by an array of statistics, revisionists recast speculators—resident and absentee—as developers, who promoted quick settlement by speedy resale of lands, retailed tracts at competitive prices, advanced credit that enabled tenants to become title holders, paid a reasonable share of taxes, and injected desperately needed capital into undeveloped frontier economies. The most recent review of the historiography of land speculation in the *Western Historical Quarterly*, written in 1977, triumphantly concluded with “revisionism . . . firmly entrenched, both methodologically and in interpretation of evidence.” No studies appearing in the last fifteen years have shaken the characterizations in the revisionists' script.<sup>2</sup>

Sophisticated as revisionists have become in cliometric manipulations, their economic reading of speculation corrected only part of the history of frontier land distribution. Designed to assess long-range development, the revisionists' ledger has not accounted for the immediate history of land speculation. Turner's contest between capitalists and democrats and Gates's censure of profiteers at least answered the obvious question: if speculation was so benevolent in the long run, why were speculators so unpopular in their own time?

Resentment of speculators recurred across the continent with the opening of new lands to white settlement, but the animus of pioneers arguably peaked on the Appalachian frontier in the years before and after the Revolution. From Maine to Georgia and into the Ohio Valley, backcountry residents accused gentlemen of using unfair influence to acquire immense grants. In the latter part of the eighteenth century and extending into the nineteenth, anti-speculator sentiments erupted in a series of bloody confrontations.<sup>3</sup>

<sup>2</sup> Robert P. Swierenga, “Land Speculation and Its Impact on American Economic Growth and Welfare: A Historiographical Review,” *Western Historical Quarterly* 8 (July 1977): 283–302, quotation on 302. For an example of a recent recasting of land speculation, see William Wyckoff, *The Developer's Frontier: The Making of the Western New York Landscape* (New Haven, 1988).

<sup>3</sup> In recent years, the bloody conflicts that beset the late eighteenth-century backcountry have attracted a great deal of scholarly attention. Among the more notable studies of rebellion and the Revolution in various backcountries are James P. Whittenburg, “Planters, Merchants, and Lawyers: Social Change and the Origins of the North Carolina Regulation,” *William and Mary Quarterly* 34 (April 1977): 215–38; Ronald Hoffman, Thad W. Tate, and Peter J. Albert, eds., *An Uncivil War: The Southern Backcountry during the American Revolution* (Charlottesville, VA, 1985); Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York, 1986); Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760–1820* (Chapel Hill, 1990); and Rachel N. Klein,

What historian Richard Maxwell Brown defined as the “homestead ethic” provided the ideological basis for the settler uprisings that flared up and down the backcountry. Born of the Lockean belief that the ownership of land was the guarantor of independence, the homestead ethic matured under the American colonial system of headright grants and widespread landholding. A series of Virginia laws enacted in the late seventeenth and early eighteenth centuries stimulated the developing notion of squatter rights by specifying the size of cabin and the amount of land to be cleared and planted in order to procure title to frontier lands. By the mid-eighteenth century, “the ancient cultivation law,” as the earlier acts were popularly called, attained an unchallenged status in backcountry custom. The homestead ethic, as Brown described it, emerged in the Revolutionary-Era backcountry “as a cluster of values that characterized rural life,” beginning with the deeply-held belief that by occupancy and labor a man had “the right to have and hold, incontestably, a family-size farm.”<sup>4</sup>

That aspiration for possession and ownership of “waste” lands carried backcountry folk across the mountains. Settlers who moved to Kentucky in the Revolutionary War years invoked the homestead ethic to justify their land claims. By virtue of their occupancy and improvement, these squatters sought to guarantee independence for themselves and their descendants.<sup>5</sup>

In Kentucky, as in other eighteenth-century backcountries, the hopes of homesteaders collided with the plans of great speculators. These engrossers maintained a different precedent, that of granting enormous

*Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760–1808* (Chapel Hill, 1990). For reviews of the recent literature, see Gregory Nobles, “Breaking into the Backcountry: New Approaches to the Early American Frontier, 1750–1800,” *William and Mary Quarterly* 46 (October 1989): 641–70; and Albert H. Tillson, Jr., “The Southern Backcountry: A Survey of Current Research,” *Virginia Magazine of History and Biography* 98 (July 1990): 387–422.

<sup>4</sup> Richard Maxwell Brown, “Backcountry Rebellions and the Homestead Ethic in America, 1740–1799,” in *Tradition, Conflict, and Modernization: Perspectives on the American Revolution*, ed. Richard Maxwell Brown and Don E. Fehrenbacher (New York, 1977), 76. In defense of his choice of terms, Brown points out that “the word homestead, although associated with the rise of free-land movement in the middle of the nineteenth century, was actually in use among colonial Americans as far back as 1638 to refer to the dwelling of a rural family with its associated land plot and outbuildings.” On the “ancient cultivation” precedents in Virginia, see William Waller Hening, ed., *The Statutes at Large: Being a Collection of All the Laws of Virginia* (New York, 1809–1823) 3: 204, 206–7, 313.

<sup>5</sup> The meaning and importance of “independence” in Revolutionary Era American culture is assayed in Jack P. Greene, “Independence, Improvement, and Authority: Toward a Framework for Understanding the Histories of the Southern Backcountry during the Era of the American Revolution,” in *An Uncivil War*, ed. Hoffman, Tate, and Albert, 3–36; and Richard L. Bushman, “‘This New Man’: Dependence and Independence, 1776,” in *Uprooted Americans: Essays to Honor Oscar Handlin*, ed. Richard L. Bushman et al. (Boston, 1979), 77–96.

parcels of land to wealthy, politically-connected individuals, who in turn divided the land and marked up its resale price. On both sides of the Atlantic, ambitious gentlemen vied to grab Kentucky. Initially, great speculators paid little attention to the demands of homesteaders. Seeking to rule, as well as own, Kentucky, the most ambitious paid lipservice to the welfare of occupants. But aspirants to land empires regarded other gentlemen, not ragged pioneers, as their rivals.

By petition and extra-legal protest, Kentucky pioneers got the attention of magnates, but the history of land distribution did not become a two-sided contest of the Turnerian kind. In Kentucky and on other American frontiers, the line between pioneer and profiteer blurred. Trans-Appalachian pioneers themselves violated the principles of the homestead ethic. The scale of their real estate accumulations made apparent that backcountry men, like better-capitalized gentlemen, were susceptible to unrestrained acquisitiveness when it came to possessing land.<sup>6</sup>

To behold the complicated contest for Kentucky lands, this examination employs a wider lens than Turnerians and revisionists have typically employed. It begins with the history of land distribution as great speculators conceived it, following the efforts of Judge Richard Henderson and his partners to frustrate rival moguls and make a proprietary colony of Kentucky. With the demise of Henderson's pretensions, the inquiry shifts to the pioneers' perspective, exploring how the articulation of homestead rights influenced the debate over the parceling of Kentucky. The probe then considers the land policy of Virginia, which, true to the ideals of Governor Thomas Jefferson, contained provisions for homesteaders but ultimately played into the hands of monied speculators. Contrasting finally the words and deeds of early occupants, the history of distribution unveils the contradiction that kept settlers in Revolutionary-Era Kentucky and across the country from winning the independence for which they fought.

<sup>6</sup> Even Paul Gates recognized that "[o]n every frontier the settler-speculator was present." (Gates, "The Land Speculator in Western Development," in *Landlords and Tenants on the Prairie Frontier*, 51.) For typologies of land speculation that also emphasize the acquisitiveness of possession-speculators on frontiers across the continent, see Ray Allen Billington, "The Origin of the Land Speculator as a Frontier Type," *Agricultural History* 19 (October 1945): 204–12; Charles S. Grant, "Land Speculation and the Settlement of Kent, 1738–1760," *New England Quarterly* 27 (March 1955): 51–71; Robert D. Mitchell, *Commercialism and Frontier: Perspectives on the Early Shenandoah Valley* (Charlottesville, VA, 1977), 78–84; James T. Lemon, "Early Americans and Their Social Environment," *Journal of Historical Geography* 6 (April 1980): 115–31; Leslie E. Decker, "The Great Speculation: An Interpretation of Mid-Continent Pioneering," in *The Frontier in American Development*, ed. Ellis, 357–80; and Allan G. Bogue, "The Iowa Claim Clubs: Symbol and Substance," *Mississippi Valley Historical Review* 45 (September 1958): 231–53.

In Kentucky, the acquisitiveness of great speculators achieved a new scale, and their clashing ambitions made for a particularly intriguing drama. Beginning in the 1740s, excitement about the lands beyond the Appalachians, especially those west of Virginia and south of the Ohio River, spread among potential speculators. The Ohio and Loyal Land companies, each composed of prominent Virginia gentlemen, obtained grants from King George II to 1,300,000 acres of unspecified lands in the Ohio Valley. The outbreak of hostilities interrupted their plans to locate the lands and bring colonists to it. George III's postwar proclamation also discouraged the schemes of the two speculating concerns. But rival companies and individuals were entering the field, seeking grants of their own from the crown. Speculators who missed the "present opportunity of hunting out good lands," warned George Washington, "will never regain it."<sup>7</sup>

First to make good on the opportunity of bringing settlers to Kentucky lands was a group of North Carolina lawyers and merchants. Under the leadership of Judge Richard Henderson, the partnership styled their land speculating enterprise the Transylvania Company. Men of importance on the North Carolina piedmont, the partners lacked the high profile and imperial connections of rival speculators. Making a virtue out of necessity, Henderson and company bypassed customary channels and bargained directly with the Cherokees. Ignoring the dubious legality of a direct cession from the Indians and the fact that the Cherokees were not the only tribe claiming hunting rights in central Kentucky, Henderson "purchased" all of the lands between the Kentucky and Cumberland Rivers. Even before concluding the deal, the partners advertised terms for settlers in a Williamsburg newspaper.<sup>8</sup> With negotiations still unfinished, Henderson dispatched Daniel Boone and a party of thirty axemen to cut a road and establish a station as headquarters of the new Transylvania Colony.<sup>9</sup>

<sup>7</sup> Washington, quoted in Bernard Bailyn, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York, 1986), 23. On the various aborted, half-baked, and nearly successful land companies that vied to acquire grants and establish colonies west of the Appalachians, see Abernethy, *Western Lands and the American Revolution*; Clarence Walworth Alvord, *The Mississippi Valley in British Politics: A Study of the Trade, Land Speculation, and Experiments in Imperialism Culminating in the American Revolutions*, 2 vols. (New York, 1916).

<sup>8</sup> "Proposals for the Encouragement of settling the Lands purchased by Rich<sup>d</sup> Henderson & Co. on the Branches of the Mississippi River from the Cherokee tribe of Indians, December 25, 1774," in *The Colonial Records of North Carolina*, ed. William L. Saunders (Raleigh, 1886–1905) 9: 1129–31.

<sup>9</sup> I have laid out the story of Richard Henderson and the Transylvania Company in greater detail in my dissertation, "How the West Was Lost: The Transformation of Kentucky from Daniel Boone to Henry Clay" (Ph.D. diss., University of California, Berkeley, 1990), 179–259. See also William Stewart Lester, *The Transylvania Colony* (Spencer, IN, 1935); and George W. Ranck, ed., *Boonesborough: Its Founding, Pioneer Struggles, Indian Experiences, Transylvania Days, and Revolutionary Annals* (Louisville, 1901).

Predictably, Henderson's bold coup worried colonial officials and their allied speculators. "There is something in that affair which I neither understand, nor like, and wish I may not have cause to dislike it worse as the mystery unfolds," wrote George Washington of the Transylvania Company's not so secret negotiations.<sup>10</sup> With their own plans for engrossing Kentucky threatened, colonial governors in Virginia and North Carolina issued proclamations denouncing Henderson's action. In his decree, Governor Josiah Martin of North Carolina warned that "Henderson and his confederates" aimed to create "an Asylum to the most abandoned Fugitives from the several Colonies."<sup>11</sup> Privately, Martin feared that the success of the company was inspiring similar conspiracies. "[I]f some effectual stop is not put to these daring usurpations," argued Martin, "such Adventurers will possess themselves soon of all the Indian Country."<sup>12</sup> Similar distress with the possibility of unregulated access to western lands spurred Governor Dunmore of Virginia to censure the piracy of "Henderson and his abettors."<sup>13</sup> But unlike his North Carolina colleague, who saw the Transylvania Colony as a refuge for "freebooters," Dunmore fretted that the generous terms advertised by Henderson would drain from Virginia "Numbers of Industrious People."<sup>14</sup>

Born in March 1775, the Transylvania Colony had a short existence. Jealous rivals and their accomplices in the Virginia Assembly quickly challenged the validity of the company's land claims. Hostile Virginia legislators appointed a commission to investigate the purchase. The appointment of the committee, oddly enough on July 4, 1776, presaged the end of independence for the Transylvania Colony. Though the committee failed to turn up evidence that Henderson had swindled the Cherokees, the legislature moved ahead with the destruction of the colony.<sup>15</sup>

Henderson continued to press his case. Anticipating the verdict of revisionist historians, Henderson asked fair compensation for the tremen-

<sup>10</sup> Washington, quoted in Lester, *The Transylvania Colony*, 41.

<sup>11</sup> "A Proclamation by Governor Martin Against Richard Henderson and the Transylvania Purchase, February 10, 1775," in *The Colonial Records*, ed. Saunders, 9: 1124.

<sup>12</sup> "Letter from Governor Martin to the Earl of Dartmouth, November 12, 1775," in *The Colonial Records*, ed. Saunders, 10: 324.

<sup>13</sup> "Proclamation of Lord Dunmore Against 'Richard Henderson and His Abettors,' March 21, 1775," in *Boonesborough*, ed. Ranck, 181–82.

<sup>14</sup> Governor Dunmore to William Preston, 21 March 1775, Lyman C. Draper Ms, 4QQ9, Wisconsin Historical Society, Madison, Wisconsin (hereafter cited as Draper Ms).

<sup>15</sup> The depositions of witnesses affirming the honesty of dealings between Henderson and the Cherokees appear in William P. Palmer, ed., *Calendar of Virginia State Papers and Other Manuscripts, 1652–1781* (Richmond, 1875–1893) 11: 282–92.



dous risks and costs incurred by the proprietors in setting up a buffer colony for Virginia. But he had already muffed the company's best chance. Back in early 1775, Governor Patrick Henry intimated that he might want in on the company's deal. The previous year, Henry admitted that he and several prominent Virginia gentlemen, including William Byrd, John Page, Ralph Wormeley, Samuel Overton, and William Christian, contemplated a similar purchase from the Cherokees. In March 1775, Christian told an associate that in "Mr. Henry's opinion" the Transylvania claim was valid, and the colony "would stand."<sup>16</sup> In April, the proprietors wrote Henry to thank him for his "noble and patriotick exertions," adding the hope "to have it in our power to give you a more substantial evidence of our gratitude."<sup>17</sup> But Henry received no presents from the company. Nor was he allowed to buy into the partnership, because (remembered the grandson of one proprietor) Henderson feared the loss of his status as "guiding spirit" to the dynamic Virginia orator.<sup>18</sup> Once snubbed, Henry became a determined opponent.<sup>19</sup>

Henderson and his fellow partners alienated potential allies in other ways as well. In September 1775, they decided to sell tracts larger than five thousand acres only to those immediately settling on the land, precluding absentee speculators from gaining a foothold. The proprietors also charged more for all quantities of land above 640 acres, diminishing the resale profits of large purchasers. To monopolize their current and future control over the land market in Transylvania, the partners resolved not to sell more than 100,000 acres to any purchaser on any terms. In addition to these discriminations against "secondary" speculation, they reserved entirely for themselves all of the choice tracts adjacent to the Falls of the Ohio, widely viewed as the site likely to become "the most considerable

<sup>16</sup> "Deposition of John Floyd, October 28, 1778" and "Deposition of Arthur Campbell, October 21, 1778," in *Calendar of Virginia*, ed. Palmer, 1: 310, 303–4.

<sup>17</sup> "Letter to Patrick Henry from Henderson and Co., April 26, 1775," in *Boonesborough*, ed. Ranck, 194–95.

<sup>18</sup> James Alves Statement, Draper Ms 2CC34.

<sup>19</sup> Henry claimed that he never solicited the proprietors directly or indirectly and that he "uniformly refused & plainly Declared his Strongest Disapproppation" of the "Distant though plain Hint" made in the letter of April 1775. ("Deposition of Patrick Henry, June 4, 1777," in *Calendar of Virginia*, ed. Palmer, 1: 289–90.) On the efforts of Henderson and partners to obtain compensation, see "Report from James Hogg, Agent for Transylvania, to Colonel Richard Henderson, January 1776," in *The Colonial Records*, ed. Saunders, 10: 373–76; "A Memorial of Richard Henderson, Thomas Hart, Nathaniel Hart, John Williams, William Johnson, John Luttrell, James Hogg, David Hart, and Leonard Hendly Bullock," in *American Archives*, ed. Peter Force, 4th ser., 6 (Washington, DC, 1846): 1574; and "Richard Henderson to Judge John Williams, October 29, 1778," in *The Colonial Records*, ed. Saunders, 13: 491.



mart in this part of the world.” The last action especially “roused the attention of a number of people of note.”<sup>20</sup>

The opposition of noteworthies sealed the fate of the Transylvania Colony. After a series of postponements, the Virginia House and Senate voided the purchase in November 1778. As consolation for services rendered, however, the Transylvania partners were awarded a 200,000 acre parcel at the mouth of the Green River, two hundred miles west of the westernmost Kentucky settlements.<sup>21</sup>

The intrigues of competing speculators in Virginia resulted in the demise of the Transylvania scheme, but the challenge to the legitimacy of the proprietors' claim also emerged from within the colony. In rising numbers, Kentucky pioneers repudiated the authority of the Transylvania partners. But instead of replacing one speculating venture with another, rebellious settlers insisted that title to parcels adequate to insure “independence” properly belonged to those who occupied and improved the land.

More than the self-promoted contributions of absentee investors, the idea of what borderers called “getting land for taking it up” pushed the boundaries of white settlement across the Appalachians.<sup>22</sup> Soldiers, who glimpsed the Ohio Valley during the wars of the late colonial period and received land bonuses for their services, spread the word about the expanse of good land in Kentucky. Even without military bounties, reported William Christian, the troops fully expected that migrants to Kentucky “would be deemed proprietors by occupancy of at least some valuable tracts.”<sup>23</sup> Hunters, who explored the game-rich district after the war, disseminated more news of fertile lands, “unoccupied” by Indians, waiting to be claimed by possession and cultivation. At least three parties—from Pennsylvania led by James Harrod, from Virginia led by James and Robert McAfee, and from North Carolina led by William Russell and Daniel Boone—initiated settlement plans in central Kentucky in 1773. Displaying no regard for the rights of Indian tribes, which had long claimed Ken-

<sup>20</sup> “Letter from Colonel Williams, at Boonesborough, to Proprietors, in regard to the Colony of Transylvania, January 3, 1776” and “Minutes of a Meeting of the Proprietors of Transylvania, September 25, 1775,” in *The Colonial Records*, ed. Saunders, 10: 383–84, 256–61; and “Deposition of James Douglas, October 28, 1778,” in *Calendar of Virginia*, ed. Palmer, 1: 307–9.

<sup>21</sup> Henderson and his partners expressed no thanks for the restitution offered by Virginia. See “Richard Henderson (?) to Judge John Williams, October 29, 1778,” in *The Colonial Records*, ed. Walter Clark, 13: 491.

<sup>22</sup> Joseph Doddridge, *Notes on the Settlement and Indian Wars of the Western Parts of Virginia and Pennsylvania from 1763 to 1783* (1824; Pittsburgh, 1912), 85.

<sup>23</sup> William Christian to William Preston, 12 July 1774, Draper Ms. 3QQ63.

tucky and improved it as a hunting ground, these squatters hoped that tomahawk blazes on corner trees would establish their prior right to unofficially surveyed tracts.<sup>24</sup>

While Boone abandoned his squatting ambitions and became a faithful employee of Henderson and partners, the Harrods and McAfees, together with new land prospectors, returned in 1774 and 1775 to build cabins and plant corn, thus fulfilling what they deemed the customary prerequisites of occupancy and improvement. According to John Floyd, an agent of would-be land magnate William Preston, the majority of borderers who relocated to Kentucky in the spring of 1775 preferred squatting to other methods of obtaining ownership. "The people in general seem not to approve of the governor's instruction with regard to settling the land; nor will any that I have seen purchase from Henderson, they rather choose to settle, as they have done on Holston," by cabin and cultivation rights.<sup>25</sup>

From his own and other's testimony, Henderson scored some initial successes in reconciling squatters to the rule of the Transylvania Company. At a convention of delegates from the four stations established in central Kentucky in the spring of 1775, Henderson seemingly turned the people towards him. With a bow to the "perfect balance" of the English constitution, Henderson outlined a government for the Transylvania Colony consisting of three branches: a lower house with representatives chosen by the people, a council of up to twelve men possessed of landed estate, and the proprietors. As far as the character of land holding was concerned, the proprietors reaffirmed the power to sell land on their own terms and to collect quitrents not exceeding two shillings per hundred acres. While the assembly did not assent to the proprietors' division of powers and land distribution system, the delegates did not reject the plan either.<sup>26</sup> Prior to the assembly, Henderson had worried about the insolence of squatters, especially James Harrod's affiliates, who he dismissed as "a body of lawless people from habit and education."<sup>27</sup> Afterwards, he

<sup>24</sup> James McAfee Journal, 1773, Draper Ms, 4CC1-12; Virginius C. Hall, ed., "Journal of Isaac Hite, 1773," *Bulletin of the Historical and Philosophical Society of Ohio* 12 (October 1954): 262-81; James William Hagy, "The First Attempt to Settle Kentucky: Boone in Virginia," *Filson Club History Quarterly* 44 (July 1970): 227-34; Neal O. Hammon, "Land Acquisition on the Kentucky Frontier," *Register of the Kentucky Historical Society* 78 (Autumn 1980): 297-301; and Neal O. Hammon, "Captain Harrod's Company, 1774: A Reappraisal," *Register of the Kentucky Historical Society* 72 (July 1974): 224-42.

<sup>25</sup> John Floyd to William Preston, 21 April 1775; quoted in Neal O. Hammon and James R. Harris, "'In a dangerous situation': Letters of Col. John Floyd, 1774-1783," *Register of the Kentucky Historical Society* 83 (Summer 1985): 210.

<sup>26</sup> "Journal of the Proceedings of the House of Delegates or Representatives of the Colony of Transylvania," in *Boonesborough*, ed. Ranck, 196-210.

<sup>27</sup> Henderson, quoted in George Morgan Chinn, *Kentucky: Settlement and Statehood, 1750-1800* (Frankfort, KY, 1975), 112.

confided in his journal that the results of the convention left “Everybody pleas’d,” including Harrod, now favorably described as “a very good man for our purpose.”<sup>28</sup> In his report on the results of the convention, John Floyd concurred with Henderson’s prognosis. “All the settlers have received Col. Henderson as proprietor of that side of the Kentucky [River] which is called Transylvania Colony,” Floyd informed Preston.<sup>29</sup>

Henderson and Floyd overestimated the allegiance of residents to the proprietors’ cause. The miscalculation induced the proprietors to double the price of land in September 1775 to all buyers who had not planted corn the previous spring, an action that outraged many recent immigrants to Kentucky. Settlers began to agitate against the excesses of the proprietors. In his year-end account of the state of the Transylvania Colony, the company’s agent related that a conspiracy had started about Harrodsburg among settlers who refused to “hold lands on any other terms than those of the first year.”<sup>30</sup>

The disaffected did not as yet assert their right to have and hold lands by simple occupancy and improvement. Their commitment to the homestead ethic was still tentative. Judging by the reports of Henderson and Floyd, Kentucky pioneers appeared ready to abide by the authority of the Transylvania proprietors. But in passing the obnoxious land rules, the proprietors crossed a line between acceptable and illegitimate exercise of authority. Only when land distribution and governing policies became viewed as extra-objectionable did disaffection spread. By what was perceived as brazen profiteering and contempt for the limits of authority, the partners, as George Rogers Clark put it, “work[ed] there [sic] own Ruin.”<sup>31</sup>

Of all people, Henderson and his North Carolina partners should have been more sensitive to the limited deference of backcountry residents. Back on the Carolina piedmont, Henderson and his associates witnessed first hand the wrath of residents against the agents of oppressive authority. In the Regulator uprising, several of the Transylvania partners found themselves targeted by angry crowds. As a judge on the North Car-

<sup>28</sup> “Judge Richard Henderson’s Journal of a Trip to ‘Cantuckey’ and of Events at Boonesborough in 1775,” in *Boonesborough*, ed. Ranck, 178; “Letter of Judge Richard Henderson to Proprietors Remaining in North Carolina, June 12, 1775,” in *Boonesborough*, ed. Ranck, 190.

<sup>29</sup> John Floyd to William Preston, 30 May 1775, Draper Ms, 17CC180.

<sup>30</sup> “Colonel Williams to Proprietors, January 3, 1776” and “Minutes of a Meeting of the Proprietors,” in *The Colonial Records*, ed. Saunders, 10: 383, 256–61; and “Deposition of Abraham Hite, October 23, 1778,” in *Calendar of Virginia*, ed. Palmer, 1: 304–5.

<sup>31</sup> “George Rogers Clark to John Brown,” in *George Rogers Clark Papers, 1771–1781*, ed. James Alton James (Springfield, IL, 1912), 209.

olina Supreme Court, who was particularly callous to the sufferings of settlers unable to obtain and maintain land, Henderson was prominent among those singled out for retribution. In October 1770, a band of Regulators invaded Henderson's court. Ignoring the Regulators' demands for justice, Henderson dismissed the crowd as "abandoned to every principle of virtue." A few weeks later, Regulators took revenge, setting fire to Henderson's barn and stables. Two nights later, they burned down his house.<sup>32</sup>

Apparently, Henderson did not learn his lesson, for in Kentucky he overstepped acceptable authority again and sparked a new squatters' rebellion. As in North Carolina, popular disaffection in Kentucky began as an outcry against the excesses of rulers, in this case the "Exorbitant price" charged by the proprietors. By June 1776, however, revolt against the proprietors had ripened, and the homestead ethic guiding pioneers had matured. At a gathering near Harrodsburg, an impromptu assembly petitioned the Virginia Convention to "claim this country" and immediately confirm the titles of those who "by Preoccupancy, agreeable to the Entry Laws of Virginia" had inhabited "the Western parts of Fincastle County."<sup>33</sup>

The Harrodsburg petition took up the line of squatter privilege laid out a decade earlier by the Regulator leader Hermon Husband. "[The] peaceable Possession, especially of back waste vacant Lands," declared Husband, "is a Kind of Right." By engrossing land and evicting squatters, land speculators interfered with the customary right of the poor from "time out of Mind" to "move out, from the interior Parts to the back Lands, with their Families, and find a Spot, whereon they built a Hut, and made some improvements."<sup>34</sup> The Harrodsburg petitioners now demanded these same homesteader rights: to occupy vacant lands and obtain ownership of sufficient property "to provide a subsistence for themselves and their Posterity."<sup>35</sup>

This concern for land and lineage was also uppermost on the minds of later migrants to Kentucky.<sup>36</sup> When pressed to explain the decision to pack up belongings and remove families to dangerous, distant Kentucky,

<sup>32</sup> "Letter from Richard Henderson to Governor Tryon, September 29, 1770" and "Council Journals," in *The Colonial Records*, ed. Saunders, 8: 241–44, 258–59.

<sup>33</sup> James Rood Robertson, ed., *Petitions of the Early Inhabitants of Kentucky to the General Assembly of Virginia, 1769–1792* (Louisville, 1914), 36–37.

<sup>34</sup> Hermon Husband, "An Impartial Relation of the First Rise and Cause of the Present Differences in Publick Affairs in the Province of North Carolina," in *Some Eighteenth-Century Tracts Concerning North Carolina & c.*, with an introduction and notes by William K. Boyd (Raleigh, 1927), 309.

<sup>35</sup> Robertson, ed., *Petitions*, 36.

<sup>36</sup> The foremost explanation of this concern with land for subsistence and familial continuity is drawn in James A. Henretta, "Families and Farms: *Mentalité* in Pre-Industrial America," *William and Mary Quarterly* 35 (January 1978): 3–32.

migrants referred to the same hopes as the Harrodsburg petitioners. They invariably cited the fertility of the soil, especially the extraordinary yields of corn, which they expected would ease burdens of subsistence. As important as quality was quantity, for it was the dream of Kentucky-bound husbandmen to “give each of his children a sufficient portion.”<sup>37</sup> “The prospect of seeing all his Children settled Comfortably in one Neighborhood[,] their Arms open at any time to receive and assist,” afforded migrating fathers “a greater degree of Happiness than any other situation.”<sup>38</sup>

The overthrow of the Transylvania Colony was a victory for the squatters who had rebelled against the authority of the proprietors, but the cause of squatting did not triumph by the substitution of the rule of Virginia gentlemen. As Whig pamphleteer, Thomas Jefferson had affirmed that a settler “may appropriate to himself such lands as he finds vacant, and occupancy will give him title.”<sup>39</sup> As governor of Virginia, however, Jefferson disclaimed his previous endorsement of squatting rights. Drafted by George Mason with Jefferson’s assistance, the 1779 Virginia law to distribute Kentucky lands thwarted the hopes of homesteaders while abetting the designs of speculators. Instead of one company monopolizing speculation, the law encouraged scores of big players, almost all of whom did not reside in Kentucky, to engross the land. Through the sale of treasury warrants, the law provided monied Virginians an excellent opportunity to buy immense parcels of Kentucky land. Under Virginia’s parceling of Kentucky, twenty-one individuals or partnerships each held grants in excess of one hundred thousand acres. By the time Kentucky became independent from Virginia, the grants of the lucky twenty-one covered a quarter of the new state. The concentration of land, often in non-residents’ hands, meant that a sizable percentage of actual settlers did not realize their dreams of land sufficient to insure independence for their families and their descendents.<sup>40</sup>

<sup>37</sup> Johann David Schoepf, *Travels in the Confederation, 1783–1784*, ed. and trans. Alfred J. Morrison (Cleveland, 1911) 2: 36.

<sup>38</sup> Levi Todd to J. McColloh, 15 February 1784, in “A touch of Kentucky News & State of Politicks’: Two Letters of Levi Todd, 1784 and 1788,” ed. Richard J. Cox, *Register of the Kentucky Historical Society* 76 (July 1978): 220; see also William Hickman, “A Short Account of My Life and Travels,” p. 8, Tms, Kentucky Historical Society, Frankfort, Kentucky; Robert B. McAfee, “The Life and Times of Robert B. McAfee and His Family and Connections,” *Register of the Kentucky Historical Society* 25 (September 1927): 220–21; and John Taylor, “Extracts from the History of Ten Baptist Churches,” in *Religion on the American Frontier: The Baptists, 1783–1830: A Collection of Source Material*, ed. William Warren Sweet (New York, 1931), 123.

<sup>39</sup> Thomas Jefferson, “A Summary View of the Rights of British America,” in *The Writings of Thomas Jefferson*, ed. Paul Leicester Ford (New York, 1892) 1: 445.

<sup>40</sup> The text of the law appears in Hening, ed., *The Statutes at Large*, 10: 39–41. Figures on speculator engrossments calculated from Joan E. Brookes-Smith, comp., *Master Index Virginia*

Although the law did not answer settler prayers for free land, it did provide, as Jefferson desired, a seemingly ordered process by which squatters could turn their “right” of occupancy into legal titles to fair-sized tracts.<sup>41</sup> A complicated statute, which confused an already chaotic situation, the May 1779 act offered “actual settlers” the right to purchase 400 acres at a price below that available to non-residents, with the lowest charge made to the earliest occupants. Those who had made improvements, which entailed the building of a regulation-size cabin, were entitled to “preempt” an additional thousand acres at a slightly higher rate than settlement rights. While the selling of unlocated treasury warrants commenced before the issuing of settlement and preemption warrants, the Virginia land act awarded preference of claim to earliest occupiers and improvers.

Rather than a boon to actual settlers, the introduction of improvement rights spurred speculation. In determining the priority of claims, the 1779 act assigned preference of location to the earliest occupant. In defining the maximum size of settlement and the extent of preemption rights, however, the law reversed itself, providing 400 acres for occupancy and 1,000 acres for improvement. The discrepancy, as an October 1779 petition from the inhabitants around Boonesborough bitterly complained, let men who “only raised a small cabbin [and] perhaps never stayed three weeks in the country” claim 1,000 acres. Meanwhile, those coming to Kentucky after the deadline for preemption rights, “who have suffered equally as much as they that first settled [sic],” were restricted to 400 acres, and that at a higher price. “[I]t had been well for us,” lamented the Boonesborough petitioners, “if we had all been such cultivators and never come to settle in the country untill [sic] there had been a peace.”<sup>42</sup> Indeed, many of those pioneer cabin builders never intended to occupy their improvements on a permanent or even temporary basis. Already in the summer of 1775, John Floyd reported that the best Kentucky lands were being preempted by “land jobbers,” who “go about in companies and build 40 or 50 cabins” on vacant tracts.<sup>43</sup> Floyd later warned his Virginia connections

*Surveys and Grants, 1774–1791* (Frankfort, KY, 1976); and Gates, “Tenants of the Log Cabin,” 6. For an excellent analysis of the politics of land distribution during Kentucky’s Virginia period, see Patricia Watlington, *The Partisan Spirit: Kentucky Politics, 1779–1792* (New York, 1972).

<sup>41</sup> For a fuller discussion of Jefferson’s evolving intentions regarding western lands and the derivation of titles to them, see Anthony Marc Lewis, “Jefferson and Virginia Pioneers, 1774–1781,” *Mississippi Valley Historical Review* 34 (March 1948): 551–88; and Stanley N. Katz, “Thomas Jefferson and the Right to Property in Revolutionary America,” *Journal of Law and Economics* 19 (October 1976): 467–88.

<sup>42</sup> Robertson, ed., *Petitions*, 47.

<sup>43</sup> John Floyd to William Preston, 1 September 1775, in “Letters of Col. John Floyd,” ed. Hammon and Harris, 212.

against rewarding these invisible improvers, lest they expect “bloodshead [sic] soon.”<sup>44</sup>

Yet Virginia lawmakers rewarded rather than restrained land jobbers. Although the land bill theoretically restricted individuals to a single preemption warrant, land jobbers easily evaded that limitation. To escape notice, crafty cabin builders disguised their handiwork by blazing the initials of friends on their improvements. In time, they assigned the improvements to these fronts and sold their preemption certificates to migrating settlers or absentee speculators.<sup>45</sup>

The Virginia law obviously was not the realization of the homestead ethic. As such, its implementation encountered opposition from occupants. The commissioners sent by Virginia to sort out conflicting claims and issue settlement and preemption certificates “[r]eceived several Letters intimating that a Combination of People were formed at the Falls to seize the Commissioners['] books and burn them.”<sup>46</sup> That extralegal conspiracy did not materialize, but the law’s inequities continued to incite protests. Land jobbers especially found themselves targeted in the remonstrances of residents. The invective aimed at absentee speculators and barely-present land jobbers occasionally boiled over into physical abuse. At one public meeting in Harrodsburg in 1781, the assembly dispersed a group of land-jobbers in a forcible manner.<sup>47</sup>

Animosity towards legal injustices and speculator predations, however, did not lead to a bloody insurrection in Kentucky as it had on the other side of the Appalachians. The threat of violent confrontation loomed during and after the Revolution, but extralegal intimidation remained on a relatively small scale. Some of the anger of Kentucky residents against the rule of Virginia was channelled into the statehood movement. As Fredrika Teute has deftly argued, the willingness of Kentucky’s gentry rulers to incorporate “the unpropertied into the body politic . . . divert[ed] conflict away from radical action over economic inequalities.”<sup>48</sup>

<sup>44</sup> John Floyd to [?], 27 May 1776, in “Letters of Col. John Floyd,” ed. Hammon and Harris, 215; see also William Tyler, interview by John D. Shane, Draper Ms, 11CC130.

<sup>45</sup> John Floyd to Martin [?], 19 May 1776, in “Letters of Col. John Floyd,” ed. Hammon and Harris, 213–14.

<sup>46</sup> “Colonel William Fleming’s Journal of Travels in Kentucky, 1779–1780,” in *Travels in the American Colonies*, ed. Newton D. Mereness (New York, 1916), 644.

<sup>47</sup> James Ray to Levi Todd, 26 August 1806, Draper Ms 16CC43; Caleb Wallace to William Fleming, 30 March 1784, Hugh Blair Grigsby Papers, Virginia Historical Society, Richmond, Virginia; and Caleb Wallace (Lincoln County) to James Madison, 12 July 1785, Caleb Wallace Letters, Kentucky Historical Society, Frankfort, Kentucky.

<sup>48</sup> Fredrika Johanna Teute, “Land, Liberty, and Labor in the Post-Revolutionary Era: Kentucky as the Promised Land” (Ph.D. diss., The Johns Hopkins University, 1988), 4–5.



As important as the inversion of classical republican theory, interference with the homestead ethic came from inside as well as outside Kentucky. The rhetoric of squatting rights did not reflect the reality of pioneer behavior. The patterns of land acquisitions of early pioneers instead showed the contagion of the ethic of speculation.

At what point settlers breached the homestead ethic depended on imprecise notions of the meaning of independence and the size of an appropriate family farm. Neither the 1776 petition from Harrodsburg squatters nor later entreaties praying revival of the "ancient cultivation law" specified how much land pioneers deemed sufficient to fulfill homesteading dreams. At the very least, independence implied possession of enough land to produce a "competence" for the present generation and an equal status and standard of living for posterity.<sup>49</sup>

To judge by the extravagant praise lavished on Kentucky soil, a viable family farm required less land than ever before. True, much of the testimony to extraordinary yields was mistakenly generalized on the basis of the best lands, which actually covered only a fraction of Kentucky. Other exaggerations were pure fabrications concocted by speculators and their literary mouthpieces. But, if Kentucky was not the Eden it was made out to be by real estate promoters, the soil was genuinely special. Reliable reporters verified corn yields double and triple that of the most productive lands in Pennsylvania, Virginia, and North Carolina. Half as much land might furnish as ample a subsistence. No Kentucky pioneer, though, expected to settle for less land, regardless of how many acres were actually cultivated.<sup>50</sup>

Informal ceilings on the amount of land occupants wanted fell away in Kentucky. By the latter part of the eighteenth century, the tradition accepted by many western Virginians set the proper size of a homestead at 400 acres. When his family moved with other squatters to the Monongahela Valley in 1772, Joseph Doddridge recalled that people considered

<sup>49</sup> On the meaning of a "competence," see Daniel Vickers, "Competency and Competition: Economic Culture in Early America," *William and Mary Quarterly* 47 (January 1990): 3–29.

<sup>50</sup> On crop yields in frontier Kentucky, see William Christian to Elizabeth Christian, 17 August 1785, Hugh Blair Grigsby Papers; "Some Particulars Relative to Kentucky," in *Travels in the Old South: Selected from Periodicals of the Times*, Eugene L. Schwaab (Lexington, KY, 1973), 58; Daniel Drake, *Pioneer Life in Kentucky*, ed. Emmet Field Horine (New York, 1948), 49; Gilbert Imlay, *A Topographical Description of the Western Territory of North America* (London, 1793), 168–69; and Harry Toulmin, *The Western Country in 1793: Reports on Kentucky and Virginia*, ed. Marion Tinling and Godfrey Davies (San Marino, CA, 1948), 74–77. The pervasiveness of Edenic metaphors in the early literature about Kentucky, much of it written by those with heavy financial interests in land, is ably pursued in Arthur K. Moore, *The Frontier Mind: A Cultural Analysis of the Kentucky Frontiersman* (Lexington, 1957).

private holdings above 400 acres to be a wrongful expropriation of land. "My father, like many others, believed that having secured his legal allotment, the rest of the country belonged of right to those who chose to settle in it," remembered Doddridge. Presented the opportunity to add two hundred adjoining acres to his farmstead, Doddridge's father secured a patent. "But his conscience would not permit him to retain it in his family; he therefore gave it to an apprentice lad whom he had raised in his house."<sup>51</sup> The self-restraint of Monongahela Valley residents was not commonplace in Kentucky. The October 1779 petitioners from Boonesborough complained that the 400 acre settlement right, approved on the Monongahela, was "two small a compensation" for the "loss[,] trouble[,] and risk" of moving to Kentucky.<sup>52</sup>

TABLE 1: LAND ACQUISITION OF BOONESBOROUGH PETITIONERS, 1779

	NUMBER
RECIPIENTS OF S+P WARRANTS (1,400 acres)	12
Received no grant	3
Received grants for less than 1,400 acres	5
Received grants for 1,400 acres	1
Received grants for more than 1,400 acres	3
RECIPIENTS OF P WARRANT ONLY (1,000 acres)	3
Received no grant	0
Received grants for less than 1,000 acres	0
Received grants for 1,000 acres	1
Received grants for more than 1,000 acres	2
RECIPIENTS OF S WARRANT ONLY (400 acres)	14
Received no grant	6
Received grants for less than 400 acres	0
Received grants for 400 acres	3
Received grants for more than 400 acres	4
PETITION SIGNERS RECEIVING NO WARRANT	17

Sources: Katherine Phelps, comp., "A Partial List of Those at Fort Boonesborough," *Register of the Kentucky Historical Society* 23 (May 1925): 155; "Certificate Book of the Virginia Land Commission," *Register of the Kentucky Historical Society* 21 (1923); Joan E. Brookes-Smith, *Master Index Virginia Surveys and Grants, 1774-1791* (Frankfort, KY, 1976).

<sup>51</sup> Doddridge, *Notes on the Early Settlement of Western Virginia*, 84.

<sup>52</sup> Robertson, ed., *Petitions*, 47.

Of the forty-six Boonesborough petitioners, twelve men and two women received a settlement warrant for 400 acres each. Only three carried their warrants through to grant. The rest sold out or acquired more than the 400 acre standard. Overall, as Table 1 details, twenty-nine of the petitioners received a certificate for 400 (S), 1,000 (P), or 1,400 (S+P) acres. Just five kept possession of their warrant through the next stages—survey and grant. Fourteen sold all or part of the lands to which they were entitled, while nine purchased additional holdings.

For certificate holders, the buying and selling of land claims began immediately. Hardly had John Floyd procured a certificate from the commission for a 1,400 acre tract before he “was immediately offered six fine young Virginia born negroes for it.” Given the “keenness” of the market in settlement and preemption warrants, Floyd expected to obtain plenty of warrants for William Preston and other Virginia gentlemen who employed his land locating services.<sup>53</sup>

The keenness to which Floyd referred came from internal as well as external sources. The money of non-resident speculators backed Floyd and accounted for much of the booming market in settlement and preemption warrants. The market was also driven by residents. As with the Boonesborough petitioners, a significant number of those pioneers who received warrants on the basis of having actually settled or improved Kentucky lands purchased additional claims. Of the 138 pioneers issued preemption warrants for having raised a cabin in Kentucky between 1773 and 1775, 43 (31.2 percent) eventually acquired grants for more than 1,000 acres. Recipients of certificates for improvements without actual settlement were widely accused of land jobbing, so it was not surprising that only about one in six qualifying cabin builders maintained their land claims at 1,000 acres. Yet the percentage of preemption warrant holders who bought additional tracts was essentially the same as the proportion of actual, corn-raising occupants falling into that category. As Table 2 shows, 56 of the 176 pioneers (31.8 percent) receiving settlement and preemption warrants engaged in land acquisitions that ran counter to the restraints of Monongahela homesteaders.

<sup>53</sup> John Floyd to William Preston, 30 October 1779, Draper Ms 17CC184–185; see also Neal O. Hammon, “Settlers, Land Jobbers, and Outlyers: A Quantitative Analysis of Land Acquisition on the Kentucky Frontier,” *Register of the Kentucky Historical Society* 84 (Summer 1986): 241–62.

TABLE 2: LAND ACQUISITION OF PIONEERS, 1773-1775

	NUMBER	PERCENT
RECIPIENTS OF S+P WARRANTS (1,400 acres)	176	—
Received no grant	80	45.5
Received grants for less than 1,400 acres	24	13.6
Received grants for 1,400 acres	16	9.1
Received grants for more than 1,400 acres	56	31.8
RECIPIENTS OF P WARRANT ONLY (1,000 acres)	138	—
Received no grant	63	45.7
Received grants for less than 1,000 acres	9	6.5
Received grants for 1,000 acres	23	16.7
Received grants for more than 1,000 acres	43	31.2

Sources: Neal O. Hammon, comp., "Pioneers in Kentucky, 1773-1775," *Filson Club History Quarterly* 55 (July 1981): 275-83; "Certificate Book of the Virginia Land Commission," *Register of the Kentucky Historical Society* 21 (1923); Joan E. Brookes-Smith, *Master Index Virginia Surveys and Grants, 1774-1791* (Frankfort, KY, 1976).

Table 3, which summarizes the land transactions and holdings of the thirty-six men who built cabins at Harrodsburg in 1774, further illustrates the departure of Kentucky pioneers from the self-imposed lids of the homestead ethic. This first squatting company included at least three men who acted as land jobbers, erecting cabins and choosing lots on behalf of absent persons. Fourteen of the cabin-builders eventually received settlement and preemption warrants. Among this group of actual settlers, nine obtained grants for more than 1,400 acres.

TABLE 3: LAND ACQUISITION OF 1774 HARROD PARTY

MEMBERS OF COMPANY	NUMBER
	36
RECIPIENTS OF S+P WARRANT (1,400 acres)	14
Received no grant	2
Received grants for less than 1,400 acres	0
Received grants for 1,400 acres	3
Received grants for more than 1,400 acres	9
RECIPIENTS OF P WARRANT ONLY (1,000 acres)	10
Received no grant	5
Received grants for less than 1,000 acres	1
Received grants for 1,000 acres	1
Received grants for more than 1,000 acres	3
RECIPIENTS OF S WARRANT ONLY (400 acres)	1
Received no grant	1
RECIPIENTS OF NO WARRANT	11

Sources: Neal O. Hammon, comp., "Pioneers in Kentucky, 1773-1775," *Filson Club History Quarterly* 55 (July 1981): 271; "Certificate Book of the Virginia Land Commission," *Register of the Kentucky Historical Society* 21 (1923); Joan E. Brookes-Smith, *Master Index Virginia Surveys and Grants, 1774-1791* (Frankfort, KY, 1976.)

The acquisitiveness of Harrodsburg squatters exhibited considerable range. For three of the settlement and preemption warrant holders, the increase in land holdings amounted to only a few hundred acres apiece. The other six settlement and preemption warrant holders who enlarged their holdings did so significantly. Their grants at least tripled the original 1,400 acre certificate. While these half dozen occupants did not approach the one hundred thousand-plus acre holdings of the twenty-one biggest non-resident speculators, their grants, ranging between 4,200 and 12,200 acres, far exceeded the most loosely constructed definition of subsistence requirements.<sup>54</sup>

The distribution of land betrayed the expectations of most Kentucky settlers. It reflected the stranglehold of landlords, primarily absentee, over Kentucky. The fall of the Transylvania Company rid Kentucky of the intolerable governance of Richard Henderson and his partners. The removal of one enemy to the homestead ethic, however, did not clear the field of land engrossers. How could it have when it was rival speculators who engineered the fall of the Transylvania Colony? The rule of Virginia opened the way for fee-simple titles, but it also promoted confusion, litigiousness, and enormous landholdings by non-residents. At the time Kentucky achieved independence from Virginia, nine of ten adult white male residents owned fewer than 500 acres of land. Half owned no land at all. The majority, in the words of Moses Austin, were "at last Oblig.d to become hewers of wood and Drawers of water," to live as squatters and tenants.<sup>55</sup>

Frustrated in their efforts to have and hold land enough for personal independence, Kentuckians identified speculators and land jobbers as the cause of their distress. In the name of the homestead ethic, trans-Appalachian pioneers lashed out at engrossments that blocked access to land for occupancy and improvement. Squatters, tenants, and small land owners with uncertain holds on independence screamed loudest about the vast uncultivated tracts in the hands of cowardly non-residents.

<sup>54</sup> To be fair to pioneers, their engrossments were not simply evidence of a profiteering spirit. Part of their acquisitiveness, at least, was a reasonable response to the chaotic situation in Kentucky. Overlapping claims created endless and expensive litigation. It also made likely the loss of some or all of one's land grants. So acquiring "surplus" lands was a smart way to guard against legal reversals. In addition, independence was conceived in multi-generational terms. Providing land for posterity certainly raised requirements, especially since pioneer families were typically quite large. Neither the uncertainties of law nor the independence of dozens of grandchildren, however, warranted homestead rights of several thousand acres.

<sup>55</sup> Moses Austin, "A Memorandum of M. Austin's Journey from the Lead Mines in the County of Wythe in the State of Virginia to the Province of Louisiana West of the Mississippi, 1796-1797," *American Historical Review* 5 (April 1900): 526. For land distribution figures, see Aron, "How the West Was Lost," 496, 504; Teute, "Land, Liberty, and Labor," 404-11; Joan Wells Coward, *Kentucky in the New Republic: The Process of Constitution Making* (Lexington, 1979), 55.

Appealing as this vision of absentee capitalists versus indigeneous democrats seemed to pioneers and Turnerians, outside engrossers were not the only check on the realization of independence for all white men. The land claims of pioneers also impeded the rights of later migrants to acquire title to "family-sized" farms, free for occupancy and improvement. The cause of squatting suffered not only from the engrossment of speculators, but also from the acquisitiveness of early squatters. In Kentucky, the grants of pioneers occupied more than their family-sized shares of the land.

Pivoting the colonial and national eras, the allocation of Kentucky lands initiated a significant expansion of settlement and preemption rights. The sympathetic rhetoric of pamphleteer Thomas Jefferson gradually evolved into the distribution policy of the United States. What began in Kentucky as a nod to the homestead ethic eventually translated into the Homestead Act. Liberalization of land laws reduced the insurrectionary fury of trans-Appalachian pioneers. Compared with colonial backcountries, the distribution of Kentucky and of succeeding frontiers aroused less violence between settlers and speculators.<sup>56</sup>

And yet, in other respects the passage through the Cumberland Gap and to republican government did not create so sharp a break with the colonial past. The independence of the United States did not mean independence for most Kentuckians, or for pioneer successors to the west. Although the U. S. developed its own distinct land policies, British-American precedents figured in the history whenever new lands came up for distribution. Good lands always invited competition among great speculators. Across the continent, pioneers continued to profess allegiance to the homestead ethic, while treating land as something more than the guarantor of independence. Liberalized distribution policies made only a limited difference as long as the actions of homesteaders contradicted the ideals of the homestead ethic. The enemies of the homestead ethic, it turned out again and again, included those who once invoked it.

<sup>56</sup> On the importance of Kentucky to the evolution of national land policy, see Gates, "Tenants of the Log Cabin," 25–31.