

19. "Elbow-Room"

KENTUCKY was a confused and puzzled part of the world in the period immediately after the Revolution. In ten breathless bloody years the country had been wrested from the Indians, while the thirteen Colonies were winning their independence from the British. Kentucky had been a wilderness in 1774, with nothing in it but game, wandering Indian hunters, and a few white surveyors. It was still backwoods in the 1790's; but each ship that docked in Philadelphia and Baltimore sent the ripple of white settlement just a little farther into the western wilderness. As the settled portion of new states grew more crowded, men pushed west toward new country that offered land and fortune and that was now safe from the Indians—well, pretty safe.

Backwoods and settlements have never loved each other. Friction between them had helped send Daniel Boone westward into the Dark and Bloody Ground. Now the settled East seemed more preoccupied with its own interests than ever. Was the American government forgetting its western settlements? Why didn't it protect their interests? The British at Detroit clung silently to the fur country which (on paper) they had ceded long ago. The King of Spain closed the Mississippi at New Orleans. What good was the United States government to Kentucky if it let Kentucky be cut off from the sea?

Just what was Kentucky, anyhow? Part of the United States?

It didn't look as if there was going to be a United States very long. The Articles of Confederation hadn't worked. No one knew whether the new Constitution was going to work any better. The states were still jealous of each other. Connecticut and Pennsylvania had fought an unofficial but very lively war for years over the Wyoming Valley around Wilkes-Barre. Hostilities had been suspended during the Revolution but would have broken out again if in 1782 a federal commission had not handed the country back to the Pennsylvanians. Most of the states had waged tariff wars with other states.

From beyond the Mississippi, the Spaniards watched all this and waited. Monarchists, they did not trust these rough-and-ready Republicans. Catholics, they had their doubts about this predominantly Protestant young power. Absolutists, they were disturbed by these turbulent devotees of freedom.

The Americans had driven the British out, most conveniently for Spain. Spanish dominion now ran (in theory) from St. Louis to Cape Horn, from the Mississippi to California. The Mississippi was a wide, wide river; but already these strange, young, new people, these Americans, were part way along one bank.

Americans had a way of spreading out. Suppose they did become a nation. Then what? Louisiana? Florida? Texas? California? Mexico? Panama, perhaps? All Spanish territory now, but all dangerously empty. A standing temptation to these lean stalwart pioneers who spread, and spread, and spread—always a little farther westward.

In Havana, his Excellency, Señor Don Esteban Miró, Governor and Intendant of the Provinces of Louisiana and West Florida for his Catholic Majesty, shook his head.

Into this situation came a man of large ideas, extravagant habits, and elastic honor, one James Wilkinson, late brigadier in George Washington's army. He had soldiered with Benedict

Arnold; but so far—at least no one knows anything to the contrary—he had been loyal. The war over, he had come to Kentucky in 1784 to make a fortune. The fortune proved harder to achieve than the brigadier had anticipated.

He looked around for easy money. Arnold had done that, too, years before.

The British were gone.

The Spaniards?

Brigadier-General Wilkinson took a boat for New Orleans. He had a long and very private conference with Spanish officials there. When he came back, the brigadier had found his easy money. He rejoined the United States Army later; but still he kept that easy money.

Eventually he went before a court-martial. His enemies were entirely correct in suspecting unutterable treason. Wilkinson had actually asked the Spaniards for arms to use against the United States. The trouble was that, though his accusers knew they were correct, they could not prove it. All the evidence was neatly tucked away in the Spanish government's archives in Havana. It was a hundred years before historians dug the incriminating documents out, and by that time even the Judge Advocate General himself could not reach this slightly mercenary brigadier.

The Spaniards paid Wilkinson for two plans. In his first scheme he undertook simply to encourage the immigration of Kentuckians to the Spanish dominions. It had a flavor of legitimacy unusual in Wilkinson's schemes; but he made up for this bit of respectability in the second part of his design, which was treason, pure and simple. The Kentucky settlers were discontented. Some merely wanted to break loose from Virginia and become a fifteenth state—as they actually did in 1792. Others wanted to leave the United States entirely—or so Wilkinson, in a highly confidential memorandum, told his Spanish

friends. If the Spaniards would supply the necessary arms, the general offered to separate Kentucky from the United States by force and bring it over to Spanish rule.

Brigadier-General Wilkinson thought also that it might be possible to assist nature with a few bribes. He made a little list—a beautifully cynical little list—of some leading men with notes on their qualifications, and prices. United States judges were getting one thousand dollars a year. The brigadier suggested that two thousand dollars apiece to a few of them would help matters enormously. His list also contained Boone's old fellow Indian-fighter, Benjamin Logan, and a good many other names. It was, in short, a list which several eminent American families would find distinctly embarrassing today.

But why waste time proving that somebody's distinguished great-great-grandfather was not all he might have been? The curious may go to the Archiva Histórico-Nacional in Spain. And there, in Estado Legajo No. 3898 B, they will find the whole treasonable scheme writ large.

There is actually no real evidence that Logan or several others on Wilkinson's list had any idea of his schemes. Wilkinson may just have used their names for what they were worth to him. He may have done so without the least authority—Wilkinson was that sort of man.

Now the dons of the Supreme Council of State in Havana were wily old gentlemen. It was not hard to see that Wilkinson was something of a scoundrel. One step at a time was quite fast enough for the Supreme Council of State in any dealings with him. Even before Wilkinson had presented his list of proposed bribes they had, in 1788, decided to wait until Kentucky, on its own impulse, broke away from the United States. Then, perhaps . . .

Wilkinson had asked for arms to speed the process. That would hardly do. But in the meantime they recommended "that

all be allowed to enter as settlers who might come of their own accord, or might be brought by the brigadier aforementioned, with their families, property, and cattle, exclusive of mere vagabonds, and granting to the settlers the private enjoyment of the religious faith they profess, though not the public observance of it, for the churches must be Catholic.”

Wilkinson planned a “whispering campaign.” He proposed to send confidential agents around to arouse Kentucky interest, praising the lands available in “Louisiana,” which then extended as far north as the Missouri River and beyond. He wanted “to win over to the actual service of His Catholic Majesty the distinguished ‘notables’ of Kentucky.” His plan needed, he said, “two or three prominent men of the most select kind in every district.”

It is no wonder that from 1787 on American interest in “Louisiana” grew mightily. Wilkinson was not alone in his efforts. At least two other, and more reputable, agents were also active in promoting immigration from the United States. In addition, George Rogers Clark himself wrote to the Spaniards, despairing of security for property in the weak United States, and offering to bring settlers to Spanish territory in return for land. Gradually Kentuckians began to cross into Spanish Missouri, quite unaware of the dark and devious schemes that had helped to clear the way.

It was a long time before any of this reached Daniel Boone. He is never mentioned in any of Wilkinson’s correspondence. Even Wilkinson knew better than to offer Daniel Boone a bribe. As for legitimate land offers, when the Spanish schemes first began Boone had all the land he could possibly desire. Only when these lands were wrested from him did “Louisiana” begin to interest Daniel and his sons. If the Spaniards wanted Kentucky “notables,” however, here was the most notable of all.

Early in the eighteenth century old George Boone had sent a son ahead to spy out the new land of Pennsylvania before he

tried to settle there. At the century's end, Daniel Boone, his grandson, sent his own son to examine this new land of Missouri. Caution—when possible. That was the Boone way.

Daniel Morgan Boone was the first to venture. Between 1795 and 1797 he was hunting and trapping along the Mississippi, sometimes accompanied by his brother-in-law Joseph Scholl and one or two others. Deciding to see the Missouri country, he took Scholl and a companion along, but when the trip was only half over they decided to return, much as the elder Boone's fellow-hunters had done during the wilderness trip of 1769-70.

Young Boone visited Don Zenon Trudeau, the lieutenant-governor, and knowing that his father was already interested in the Missouri country, discussed settlements. Quite aware of Daniel Boone's reputation, Trudeau was extremely cordial to his son. He hinted that if Daniel Morgan Boone's celebrated father wished to move farther west, the government of the Most Catholic King of Spain would treat him handsomely. He even wrote a letter to the old frontiersman waiting in Kentucky, promising him a huge grant of land for himself, and smaller tracts of either four hundred or six hundred arpents * for any families he might bring. The Spanish government would make further land grants of forty acres for each wife, child, or servant. The younger Boone hurried back to Kentucky.

In 1798 he was on his way to Missouri again, this time with three negro slaves, prepared to found a settlement. In the spring of 1799 he returned for a final consultation with his father. By this time Daniel Morgan Boone had taken up land on a bluff about a mile from the Missouri River, at Darst's Bottom in St. Charles County, some twenty-five miles beyond the village of St. Charles, and about sixty miles from St. Louis. He may have claimed the land as early as 1795. Whatever the earliest date of his arrival, he was soon sending back to Kentucky enthusiastic

* The arpent was .85 acres.

accounts of the warm welcome which the Spaniards gave to “notables,” the richness of the soil, the admirable climate, the abundance of game.

It was the beginning of the last stage of Daniel Boone’s career. The end turned out to be a curious recapitulation, on a smaller scale, of his earlier exploits. Just as the wild fastnesses of Kentucky had inflamed his imagination when he dwelt on their border in relatively settled country, so now from the newer settlements of Kentucky, the wild land in the Ozarks lured him westward. He was entering upon a new period of land claims, legal troubles, more hunting, more exploration, more trapping, and more Indian fighting—the old story over again. From the very beginning he had held office in Kentucky; he was immediately made an official in Missouri. The Indians had twice robbed him in Kentucky; the Osages were lesser men than the wily Shawnees: but if they succeeded in robbing the old Indian-fighter only once, there was at least one other occasion when they tried their best.

The lawyers did not yet have possession of quite all his land. Indeed, land in Daniel Boone’s name was carried on the assessors’ books of Kanawha County as late as 1803. But the hopes he once had cherished of that little ten acres painfully cleared on Brushy Fork had ended in disappointment. Prospects in Missouri grew more alluring.

When the last of his land was nearly gone, Daniel Boone was footloose once again. Kentucky did not seem to want him very much. The country was too full. The game was vanishing. New-comers from the crowded East might think it plentiful but Daniel remembered the days when you could kill a deer at any lick. New Englanders were coming in; and Daniel held the entire breed in abhorrence. He declared he had never been deceived by an Indian who had once announced himself a friend, but you never could trust New Englanders, and he

never wanted to live "within 100 miles of a d-d Yankee." Besides, people were clearing the land. No wonder the game was vanishing.

For a year or two, Daniel Boone still clung briefly to the Kentucky land that he still hoped to hold, then turned westward to a new life that was to be amazingly like the old life he had known and loved. In 1798 he spent a little while on the Big Sandy. About this time he is said to have wandered over into Tennessee.

He may even have wandered briefly into North Carolina. In her old age a little girl born in 1793 remembered traveling through the North Carolina mountains with her father. On the way they met a man in hunting dress, carrying a rifle. It was Daniel Boone. Her father threw his hat into the air with joy, and so did Boone, as they recognized one another. The story is almost certainly true—it is exactly the kind of thing a child remembers forever—and it is hard to find any other possible date for the incident.

In 1798 the sheriffs of Mason and Clark Counties put up more than ten thousand acres of his lands to be sold for taxes. With unconscious irony, Kentucky chose that very year to name a new county Boone in his honor. It was pleasant to be honored, but the honors somehow seemed a little empty. What Daniel wanted was land, and they had taken most of it away, though he did survey five hundred acres more in September of 1798 and patented it in 1800, after he had left for Missouri.

Daniel Boone cut down a huge tulip poplar growing on the bank of the Big Sandy, and made a dugout canoe sixty feet long, capable of carrying five tons. The poplar stump was still being pointed out in 1851—a by no means impossible survival, since an old sycamore that stood at Boonesborough during the siege lasted far into the twentieth century, and was cut out of the ground only a year or two ago. In 1857 one old man

still remembered that he had seen Boone cut down the tree to make the canoe, and had later seen him start for Missouri. An old clergyman remembered seeing Daniel Boone “on pack-horses, take up his journey for Missouri, then Upper Louisiana.”

The contradiction is only apparent. Actually, Daniel himself did go overland; but the household goods and most of his family traveled in the big canoe. Daniel’s sons Daniel Morgan and Nathan, and his brother Squire traveled with Rebecca and her daughter Jemima down the river. Jemima’s husband, Flanders Callaway, appears to have taken the overland route.

Old friends and neighbors went along to Missouri, among them the faithful Stephen Hancock, who had fought through the siege of Boonesborough. However Kentucky may have treated its erstwhile hero, his family and friends had a touching and implicit faith in the man. So many of them went along that they must have needed a small flotilla of additional dugouts. All his life long the pioneers were ready to “pull up stakes” and set off for a new settlement at a word from Daniel Boone.

Boone’s departure in September, 1799, was a public event, the date and place of which were announced far in advance. Down the rivers in canoes and through the forests on foot or on horseback, old friends came to see the veteran wanderer off to his last frontier. While the dugout drifted down the Ohio, Daniel Boone, with some white companions and a negro slave or two, drove the stock to Missouri. Hence a relative’s statement that “the old man walked every foot of the way, with his rifle on his shoulder, through a trackless wilderness, a large part of which was infested by bands of bloodthirsty savages.” It is rather an exaggeration. The journey was certainly arduous, but many Americans had already made it. The wilderness was by no means trackless now and the savages at the moment not in a particularly bloodthirsty mood.

Nathan Boone voyaged in the dugout only as far as Lime-

stone, where he secured a marriage license and started back alone to the Little Sandy, seventy-five miles away. Here he married Olive Van Bibber, said to be the prettiest girl north of the Ohio River, on September 26, and by October 1 the newly married couple were also on their way to Missouri.

There is a legend that Daniel Boone halted on the wharf at Cincinnati. It is an unlikely stopping place for a pack train, but a likely one for boats. Perhaps Daniel crossed the Ohio River to see how the rest of his family were faring. There was a mild sensation in Cincinnati when word spread that the famous pioneer was there. Some officious fool asked why he was leaving Kentucky and received a famous answer: "Too many people!" said the veteran. "Too crowded! too crowded! I want more elbow-room."

By October both parties had reached St. Louis. This was the kind of Kentucky "notable" that the Spaniards wanted. Lieutenant-Governor Zenon Trudeau had just been superseded by Lieutenant-Governor Carlos D. Delassus, but he was still there; and the two governors and their officials treated the immigrants as distinguished guests.

American and Spanish flags were displayed. The garrison paraded, and Lieutenant-Colonel Boone, late of the Kanawha County Militia, was received with the honors due his rank. It was probably the first time in his life that the tough old fighter had ever seen the frills and furbelows of army life. The militia in Kaintuck' simply went out, killed its Indians, and hurried home to its families, troubling its heads very little over military pomp and pageantry, thankful enough to have them still unscalped.

When the official formalities were over, the simple old man in the leather hunting shirt with a couple of knives in the belt mounted his "sad looking horse," took his rifle, whistled to the three or four hunting dogs that accompanied him, and set out

for the home of his son Daniel Morgan Boone, sixty miles farther on. He camped out on the way, avoiding villages. Here Nathan and his bride had already preceded him. Daniel Morgan Boone's negroes had planted fifteen acres the previous spring, so there was plenty of food for everyone, even without hunting. Neither Daniel Boone nor his sons went out that winter on a "regular hunt," but simply shot enough venison to supply the household.

Daniel Boone had a great deal of work to do in parceling out land. Trudeau had used his influence to make sure that all his promises to the Boones should be kept by his successor. Boone had brought so many other settlers with him that the Spanish officials made no effort to assign the lands themselves, especially as the Kentuckians chose the land farthest west, on the wildest frontier, westward, toward the unknown. They left the details to Señor Boone. He had a list of the people actually with him, and allotted to them the grants which the Spanish officials had made out in blank and given him to distribute. These were about four hundred acres each, with allowance for children and dependents. The actual choice of land sites was also left to Señor Boone, and he continued for some years to assign lands to newcomers.

There was talk of ceding the country to France and the provincial lieutenant-governor in St. Louis was not quite sure that this might not have happened already. To make quite certain, therefore, that all land grants fell within the unquestioned period of Spanish jurisdiction, they were carefully antedated. Daniel Boone's first grant bears the date of January 28, 1798, a time when he was still in Kentucky. It was a futile precaution, as events turned out.

In recognition of his distinction and the official position he was soon to occupy, Señor Boone was given more than the others—one thousand arpents to be located wherever he chose

to survey it in the District of the Femme Osage. This officially included nothing less than the entire area north of the Missouri River, and extended westward indefinitely. There was a pleasing boundlessness about it, gratifying to a frontiersman's soul.

Boone chose a site in the Ozarks, sixty miles from the mouth of the Missouri and about twenty-five miles from St. Charles. It was mostly bottom land, between the river and the acreage on the bluff beyond, which had been granted to Daniel Morgan Boone. For the sake of convenience the elder Boone built his cabin on his son's land. That was a serious legal blunder, as Daniel was eventually to discover.

There was only one difficulty. Nathan Boone had waited to be married. He had not come out with the Boone party and—presumably for that reason—had received no grant. There was no way to get him one now without direct personal pressure on Spanish officials at St. Louis, sixty miles away. Moreover, there was some doubt whether he could legally receive it. Bachelors and newcomers without property had to wait three or four years before they were entitled to land. Nathan was a boy of twenty who had been married only a few weeks. He certainly owned no property. The Spaniards might not have regarded him as a settler at all.

Daniel, who fretted to the end of his life because he could not provide better for his family, was greatly disturbed because he was unable to make Nathan and his bride a wedding present of land. However, he and his sons made the best arrangement they could. Nathan traded off his last horse, including saddle and bridle, to one Robert Hall, in return for a four-hundred-acre tract. The original Spanish grant to "Robben Hall" is dated January 23, 1798, but this is probably pre-dated. It is worth noting that Daniel Boone himself paid Hall's taxes and that Hall sold his tract to Nathan Boone January 20, 1800, probably just after Nathan's arrival in Missouri.

Squire Boone also secured a grant on which he started to build an elaborate stone house; but two of his sons came out to Missouri and persuaded him to come home with them. Squire built another stone house back home, “packing” the stone himself and adorning it with couplets more remarkable for piety than versification.

I set and sing my soul’s salvation
And bless the God of my creation.

Keep close your intention
For fear of prevention.

My God my life hath much befriended,
I’ll praise him till my days are ended.

Missouri never knew what it escaped!

Family and personal ties were always strong among the Boones and within a few years the Boone and Callaway families and Rebecca’s nephew Jonathan Bryan were all living close together in Missouri. By 1800 the Bryans and the Boones were once more so close that they could see each other’s houses through the trees.

Amity reigned even when it was discovered that Daniel Boone’s old dog Cuff had formed the habit of dropping in at Jonathan Bryan’s water mill to lick up the ground meal as fast as it ran down from the millstone into a pewter basin on the floor. Poor Cuff was indiscreet enough to howl when the meal came too slowly. Bryan substituted for the basin a coffee pot too small for the dog to get his head in and all was well.

In February, 1800, just after their arrival, Daniel and Rebecca went out to Nathan Boone’s land, constructed one of their usual “half-faced” camps, and lived there for several weeks, tapping the maple trees and boiling down three or four hundred pounds of maple sugar.

Together the Boones proposed to lay out the town of Mis-

souriton, sometimes called "Daniel Boone's Palatinate." They hoped to bring in wealthy settlers and slaveholders from Virginia. For a time the town prospered sufficiently to be proposed as territorial capital; but the shifting Missouri changed its course, nibbled at the banks, and eventually much of the land fell bit by bit into the flood and was swept away to make sandbars in the Mississippi and deltas at New Orleans. The modern post-office of Missouriiton is some distance from the spot where the Missouri now rolls over another of Daniel Boone's land schemes.

At first Daniel Boone's Missouri hunting trips were mainly for amusement—mere "home hunts" from which he "hoppused" the deer home on his own shoulders. But from the very beginning his sons went farther afield with an eye to commercial hunting and the old man soon began to join them. Deerskins were fetching forty cents a pound in St. Louis and these western dealers did not even insist on having them "grained"; they would buy deerskins hair and all. Late in the summer of 1801 Daniel began deer-hunting again in a serious way.

On one of these trips the veteran discovered beaver sign on the Barbeuse River. That looked exciting. Taking a negro boy of twenty years or so along as "camp-keeper," Boone set off for the winter, but had rather a bad season, returning with only thirty or forty pelts. His sons, who spent the winter on the Niango River, a branch of the Grand Osage, came back with a hundred pelts. Neither party had seen any sign of Indians. Thereafter the Boones devoted themselves to regular fall and winter hunts, mainly after beaver. The best luck was Nathan Boone's, on his 1802 hunt along the Grand River, when he and a relative by marriage took nine hundred beaver skins, then worth about two dollars and fifty cents apiece. Indians found and looted a cache of one hundred pelts, but even so two thousand dollars' worth of furs remained. Most of this fur went back

to Kentucky, though sometimes hatters came out from Lexington and bought from the Boones in Missouri. At other times Nathan took the furs back himself. In 1802 he used Daniel Boone's share to help pay off old claims of merchants there against him.

1802 was otherwise a bad year for Daniel. He caught his hand in one of his own beaver traps one freezing winter day. Unable to get the jaws open with his foot, the old trapper had to trudge back to camp with two of his fingers gripped in the steel.

As if that were not enough, his camp was robbed by Indians. Boone himself had just saddled up and ridden off, leaving his colored camp-keeper in charge. There was an outburst of shots and yells and eight or ten Indians came charging in. The colored youth fled, but Boone, glancing back, observed that the Indians were merely firing into the air and seemed more intent on scaring the colored boy than on actual fighting. He rode calmly back to camp, was jerked off his horse, lost his coat, and was forced to “give” the Indians most of his powder and lead, plus most of his pelts. But he called the colored boy back, parleyed with the Indians, and eventually managed to finish his winter's trapping in spite of the robbery. He came home with about two hundred skins. It was, however, his last long hunt for some time. During the next winter or two his old enemy rheumatism crippled him again.

Within a couple of years the Spanish authorities proposed that Boone should bring in a hundred American families and should have as his reward an additional ten thousand arpents, also to be located in the district of the Femme Osage. The man's prestige was enormous. He had been forced out of Kentucky; he had been defeated by his lack of business sense; but the people still knew him for a master of the wilderness. Furthermore, they trusted him completely. They had followed him when he had led the way to Kentucky. They were ready to fol-

low when he led the way again. A word from Daniel Boone was enough. The new pioneer families that the Spanish authorities wanted came; and Daniel Boone's ten thousand arpents (8,500 acres) were duly awarded to him. But—as usual—it turned out later, when the lawyers took a hand, that there was a flaw in the title.

Boone settled easily into the life of the new country. There might have been religious difficulties with a Roman Catholic government, for the new settlers were Baptists and Methodists, some of them rather bigoted. One good old missionary Baptist refused to admit that the sermons of the Romish priests were genuine "gospel preaching" at all. But the Spanish Catholic officials—having promised the new colonists the private practice of any religion they pleased—proceeded to stretch the law until its letters cracked. They were legally compelled to examine all newcomers to determine their orthodoxy. With much tact, they were careful to ask only such questions as: "Do you believe in God Almighty? in the Holy Trinity? in the true apostolic church? in Jesus Christ our Savior? in the holy Evangelists?" Any believer of any sort could answer such questions loud and clear and with a good conscience. Delighted with the highly orthodox responses they always received, the Spanish officials blithely pronounced each Methodist or Baptist American immigrant a good Catholic.

The traveling missionary parsons who soon appeared, sent out by eastern Protestants, were dealt with just as cleverly. The governor, well aware who they were and what they were doing, invariably waited until each missionary had nearly completed his tour, and then sent him a fierce official warning that unless he left the territory within three days he would be arrested. It looked well in the records, especially as the missionary, his duty done for the time being, invariably complied. When he re-

turned on his next tour, he always found the broad-minded governor conveniently blind until his work was done, after which the official warning duly arrived.

There were very few Catholic priests in this wild country anyhow, and most of them were in little churches in the sparse towns, whereas the Protestant Americans were outside the towns, scattered along the frontiers. There was slight chance for religious friction.

Trudeau, while lieutenant-governor, had sternly forbidden Protestant worship. That was against the law. But, as he explained to one missionary Baptist preacher, if the Americans wished to gather in each other's houses for religious discussion or addresses, or if they wished to sing hymns and pray, there could obviously be no objection to these pious exercises—which, as Trudeau very well knew, constituted the only Protestant services desired. Still, he explained in an official tone, all children must certainly be baptized by priests. That was not a matter of deep concern to these Baptists; they did not believe in infant baptism anyway. The further prohibition of a church bell on the house in which they met was equally innocuous; they hadn't any church bell.

There was a formidable-sounding Spanish regulation which declared severely: “The commandants with the greatest strictness are to watch that no Protestant preachers, or preachers of any other sect not Catholics, introduce themselves; for they shall be made severely responsible for the least neglect in this respect.” But, in spite of that, the commandant of the Femme Osage sometimes made one of the congregation when the Baptist preachers were holding forth.

None of this mattered very much. The Protestant Daniel Morgan Boone lost no time falling in love, and duly went through the prescribed form of Catholic marriage in the parish of St. Charles Borromeo at St. Charles, Missouri, March 2, 1800.

His bride, thoroughly Protestant, was an American girl from the wholly American settlement of Bon Homme, a little farther down the river.

Boone had his own thoughts on religion, when he had time to ponder, and he lived most of his life under the shadow of death; but doctrinal subtleties meant little to him. A good many of his family were Baptists. He went to Baptist preaching himself sometimes. He was one of the congregation when the Reverend John M. Peck, his future biographer, preached at Flanders Callaway's house in 1819. Sometimes the missionary parsons talked with him about his soul and making a "profession of faith," but their crude theology never impressed Daniel Boone very much.

"He never made a profession of religion," said one of them, "but still was what the world calls a very moral man. I asked him if he thought he loved God? He replied, 'I hope so.' I asked again, 'Do you ever remember the time, Colonel, when you experienced a change in your feelings towards the Savior? He replied, 'No, Sir, I always loved God ever since I could recollect.' He listened to preaching with apparent interest; but the above was all I could ever learn from [him] upon the subject of experimental religion."

Toward the end of his life, when he had a little enforced leisure as his hunting and trapping grew less arduous, he read a great deal in his Bible; but he never felt any particular need to join the church.

Like his brother Squire, Dan'l had an interest in the life after death and once agreed with a friend that the one who died first should try to communicate from beyond the grave. Nothing came of it, of course. Squire Boone made his sons promise to wait at the mouth of the limestone cave he had himself selected for his tomb, on the night after they buried him. Nothing came of that, either, though the sons, having waited for some hours,

made camp near the tomb and spent the night there, hoping for communications from their father's spirit.

Daniel Boone once wrote out a few of his thoughts on matters theological for the benefit of a sister-in-law:

Relating to our family and how we Live in this World and what Chance we Shall have in the next we know Not for my part I am as ignurant as a Child all the Relegan I have to Love and feer god beleve in Jeses Christ Dow all the good to my Nighbour and my Self that I Can and Do as Little harm as I Can help and trust in gods marcy for the Rest and I Beleve god neve made a man of my prisepel to be Lost and I flater my Self Deer Sister that you are well on your way in Cristianaty.

As for his son's marriage, well, since Catholic marriage was the law of the land, a Catholic marriage let it be. The listening priest jotted down the record from the replies of the bridal couple and their parents. The marriage record, which still exists among the archives of the Parish, is worth quoting:

On this day, the 2nd of March 1800, there appeared before me, Fr. Leander Lussion, Recolet Priest and Pastor of the parish of St. Charles of Missouri:—on the one hand Daniel Morgan Boone, of age and legitimate son of Daniel Boone and Rebecca Bryan his wife, the Father and Mother living in St. Charles, Mo.; on the other hand Sarah Griffin Lewis still a minor, and legitimate daughter of John Baptist Lewis and Elizabeth Harvé his wife, as Father and Mother living at the Post of St. Andrew. The couple assured us it was their intention to be married; and with their oath upon the Bible they promised to answer truthfully to the questions I would put to them.

1 Qu.—I asked: What Religion do you profess?—The said Daniel Morgan Boone said he professed the Presbyterian religion; and the said Sarah Griffin Lewis replied that she professed the Protestant religion.

2 Qu.—To my question whether they were willing to bring the children that might be born to them to the church nearest

their home, in order to be baptized and to be instructed, they replied "Yes."

3 Qu.—To my inquiry as to any impediments of relationship which according to their religion forbid Marriage, they answered in the negative.

4 Qu.—I next inquired into their birth-place or country. Daniel Morgan Boone replied he was a native of Virginia in the diocese of Baltimore, and that he now lived with his parents. Sarah Griffin Lewis said she also was from Virginia, and now lived with her father and mother.

5. To my query, whether respective parents, or others upon whom they might be dependent gave their consent to this marriage.—The parents who were present replied in the affirmative.

6. Again I asked, whether there wasn't any constraint on the part of anyone authorized who by threat or violence compelled them to enter into this union? Their answer was in the negative.

After the above mentioned informations were taken, the publication of the Banns having been made on three successive Sundays at the door of our church of St. Charles in Missouri, as also at the gates of Sire Mackay, Commandant of the village and Post of St. Andrew of Missouri,—the said Daniel Morgan Boone in our presence took the said Sarah Griffin Lewis for his wife and legitimate spouse, pledging to her his marriage troth. In like manner Sarah Griffin Lewis took Daniel Morgan Boone as her husband and legitimate groom and pledged unto him her troth. And thus we have received their mutual consent; according to the Ordinance of His Majesty, given on the 30th day of November 1793. Moreover, there were present Messrs. William Hays, Philip Milla [Miller], Nathan Boone, Francis Howell, and several others, all of this Parish and the Post of St. Andrew, as witnesses to this transaction, who all have signed with us on the same day and year as given above.

Two months after the marriage, July 11, 1800, Carlos D. Delassus, the new lieutenant-governor, appointed Boone "synodic" for the Femme Osage. Under Spanish law this placed Daniel Boone in more or less complete administrative charge,

civil and military, of the whole area. In his official signatures, Boone refers to himself as “Commander of the District of the femme Osage.”

By a curious coincidence a similar appointment in a Missouri district farther down the Mississippi was granted to Louis Lormier, once a controlling influence among the Shawnees who had raided Kentucky. He had been one of the Frenchmen present when Boone was captured at the Salt Licks in 1778. Bird’s expedition had passed through his station on its way to the capture of Ruddle’s and Martin’s Stations in Kentucky. Though there is no positive evidence, it is likely enough that the two old rivals met sometimes to compare experiences.

Not long after his arrival in Missouri, Boone had renewed his acquaintance with his old Shawnee enemies, an acquaintance which ever afterward was friendly. He ran into a Shawnee hunting camp on a deer-hunt in 1801. Two or three surviving Indians remembered the days when Sheltowee lived among them as a fellow tribesman. He met once more Jimmy Rogers, for whom he had stocked a rifle in 1778, the man who had told the Shawnees that Sheltowee would get safely back to Boonesborough. Joseph Jackson, who had been one of the captured salt-makers in 1778, now a Shawnee warrior named Fish, was back with his adopted brothers once more after a brief return to white civilization in 1799. Boone paid at least one visit to the permanent camp of the Shawnees northwest of St. Louis. One of his granddaughters, on a later occasion at Fort Leavenworth, Kansas, was surprised by the friendliness of an old squaw. She was one of Blackfish’s daughters, adopted sister of Daniel Boone!

His new position made Daniel Boone a powerful official. He was already the leading man of the new community. He assigned vacant lands. He kept order. He punished crime. He was official witness to notes. He settled estates. At the request of the

Spanish governor he acted as guide to a visiting capitalist who thought of starting an iron mine. The people around St. Charles, observed Meriwether Lewis, as the Lewis and Clark Expedition passed up the Missouri River, "yeald passive obedience to the will of their temporal master, the Commandant."

"The settlers in these districts," wrote the geographer Jedidiah Morse in 1798, "are under the immediate orders of the military commandants, and subject to martial law, with an appeal from stage to stage, up to the viceroy of Mexico. The property of the subject at his disease, is to be managed by the commandant, whose fees are settled by law, and amount to 25 per cent." Even in 1816, when he was himself past eighty and had long ceased to be an official, Boone was still being asked to act as estate administrator.

As a magistrate of the Spanish Crown, Daniel Boone dealt justice. He held court under the "Justice Tree" near his cabin. Here, in moccasins of buckskin and clothing of buckskin or homespun, the old man heard offenders and awarded penalties according to methods of his own devising. The rules of evidence were of his own devising, too. His knowledge of law was only such as he had picked up in numerous appearances as a witness in land suits; in that dismal series of legal troubles in which he was invariably the loser; or in the fairly frequent courts-martial of the Kentucky militia. His position as commandant suited him exactly. No regular records were required. He could issue his own decrees and more or less manufacture the law as he went along. There was no one to dispute his judgment. His decision was final and, as a practical matter, without appeal except in land cases, which had to be referred to the Crown or its representatives.

Daniel Boone had seen a lot of courts, but he didn't think much of them. He preferred his own judicial methods. So, apparently, did his neighbors. It was a somewhat rough-and-

ready justice he administered, but there was no complaint. Whipping posts were common in Missouri then—even St. Louis had one—and the lash was Boone’s principal penalty. He is said to have made sure that the blows were “well laid on,” as the law itself later specified. What was the use of sending a man all the way to St. Charles to lock him up in the calabozo? A hickory sapling near the Justice Tree provided a convenient whipping post, and here the culprits were “whipped and cleared.” Thereafter, Missouri tradition says, they were restored to reputable standing in the community as having paid the full penalty. The phrase itself, still familiar in Missouri, arose when a man sentenced to the lash by Daniel Boone was asked how he had made out. The victim replied cheerfully enough: “First rate. Whipped and cleared.” At this time the lash carried no social stigma.

Severe measures were unquestionably needed. It was a rather turbulent district, as is shown by the cases with which the American syndic of the Femme Osage had to deal:

June 30th, 1804

This Day Came before me Justice of the Peace for the District of the Femmeosage, Francis Woods, Peter Smith & John Manley and made oath that on the 29th of June of said Month at the house of David Bryan a Certain James Meek and the Bearer hereof Bery Vinzant had some differance Which Came to blows and in the scuffle the said James Meek bit of a piece of Bery Vinzants Left Ear, further the Deponent sayeth not Given under my hand and seal the day and Date above written

DANIEL BOONE [Seal]

Other legal documents remain, some entirely in Boone’s own handwriting. One is a note which he drew up for a relative and officially witnessed:

June the first 1802

I promis to pay or Cause to be paid unto James Callaway Eighteen Dolors in good Well Shaved Marihentable [Mer-

Daniel Boone

chantable] pelterry on or before the 25th day of Desember
 Next insuing for valour Recd. of him as Witness my hand

OLIVE WOOD

FRANCIS WOOD X his mark

DANIEL BOONE

Commander of the District of
 the femme Osage

The other document is an effort to clear up another man's
 land title:

I do Cartify that I gave Benjamon gardner purmition to Satel
 on a pees of vacant Land Coled the Little purrarey on the
 Misurry Sum time in Desember 1802 given under my hand this
 23d Day of Febury 1806

DANIEL BOONE

A certain murder charge which he had to investigate must
 have been painful for Boone. The defendant was a fellow
 trapper and hunting companion; the dead man was his own
 son-in-law William Hays. James Davis, a shoemaker, had an
 altercation with William Hays, which ended when Davis shot
 Hays down. The crime was committed December 13, 1804, after
 the United States had taken over the territory, but no American
 officials had as yet arrived on Boone's wild frontier and
 Boone, as a Spanish syndic, took charge. After holding a pre-
 liminary hearing, he remanded Davis to the "calabozo" at St.
 Charles to await action by the grand jury—which for some rea-
 son had only the twelve members of a petit jury. Of the twelve,
 eleven could not write their own signatures. The sole literate
 was chosen foreman and the others signed with their marks,
 but the indictment follows the traditional legal form, alleging:

That one James Davis, late of the District of St. Charles, in the
 Territory of Louisiana, Laborer, not having the fear of God
 before his eyes, but being moved and seduced by the instigation
 of the Devil, on the 13th day of December, in the year of our
 Lord one thousand eight hundred and four (1804), at a place

called Femme Osage, in the said district of St. Charles, with force of arms, in and upon William Hays, in the peace of God and the United States, then and there Feloniously, wilfully and with malice aforethought, did make an assault, and that the said James Davis, with a certain rifle gun, four feet long, and of the value of five dollars, then and there loaded and charged with gun powder and one leaden bullet, with said rifle gun the said James Davis, then and there in his hands had and held, fired and killed William Hays.

Davis was bound over for trial under three thousand dollars' bond. Boone signed the bond alone and when Davis came to trial he was cleared. It was a plain case of self-defense.

The vagueness as to legal detail in some of these documents and the casual way in which Missouri lands were assigned are typical of Boone's methods. It is no wonder that land troubles plagued him in Missouri as they had in Kentucky, troubles which even his more cautious children did not wholly escape.

But for once Boone felt secure in his lands. The lieutenant-governor himself had made the grant. Boone was the chief official of the area. As for the lawyers and their writs, he was running the court himself now, wasn't he?

Under Spanish law it was necessary to occupy the land and to clear ten acres annually until one tenth of the whole had been "improved." This would have meant one hundred acres of improvements for Boone's first tract and one thousand for his second. But Delassus said, rather vaguely, that in view of Boone's special services to the government this could be dispensed with. It was customary to exempt officials. Old Daniel never thought to have that promise written down. It was also desirable to file papers with the government at New Orleans. But it was a long way down the river; mails did not go with any regularity; and Boone was rather busy with a good many pressing affairs. Like many another settler, he let it go. It seemed just one more of these legal formalities.

But things were happening far away.

Only a few months after Boone had become syndic of the Femme Osage, Spain agreed to cede Louisiana to France; though at the moment it was impracticable for the French to take possession.

What did a few scraps of paper at a European diplomatic conference matter in far-off Missouri? Mr. Jefferson, however, had a stupendous and faintly illegal idea. Diplomats conferred and haggled. There was a great deal of bargaining. At length some papers were signed.

It was the Louisiana Purchase. Mr. Jefferson had casually bought half a continent, and some people said he had no right to do it. On March 9, 1804, Spain formally transferred sovereignty to France. Next day France turned Louisiana over to the United States. But the Americans were a long time coming and meanwhile life in the Femme Osage went on very much as it had before.

As he laid his office down, Lieutenant-Governor Delassus had a last thought of Boone. Thomas Jefferson had given the new American officials instructions to conciliate the inhabitants of Missouri and to make as few changes as possible. Stoddard, the new American governor, asked Delassus for a list of his subordinates and notes on their personalities. Among others whom Delassus listed for his American successor was: "Mr. Boone, a respectable old man, just and impartial, he has already, since I appointed him, offered his resignation owing to his infirmities—Believing I know his probity I have induced him to remain, in view of my confidence in him for the public good."

It was all very handsome, but Delassus never thought to certify to those conversations about land titles. Nor did Daniel Boone think to ask him to. The evil fate that had dogged the pioneer's footsteps all his life was preparing still another blow.

Fortunately, the difficulties with his land titles which afflicted Daniel Boone's last years were not quite so serious as the earlier ones in Kentucky. Trudeau had in a letter formally promised him a grant of land. The grant had duly been made. The survey had been properly executed and certificate of survey issued January 9, 1800. Furthermore, this time Daniel Boone really was the first and only claimant. There were no conflicting surveys “shingled” across his Missouri lands.

Remembering what had happened in Kentucky, Boone had saved all these papers. He was able to present them when the American land commission appeared shortly after the Louisiana Purchase, and everything seemed secure. When his claim was heard, his neighbor and kinsman Jonathan Bryan appeared to swear “that he knew Daniel Boone in this country in the year 1800.” But the law required occupation, improvement, or cultivation of the land; and Boone had relied upon the assurance of the new lieutenant-governor Delassus. Daniel and Rebecca had simply settled down near Daniel Morgan Boone and had done nothing whatever with their own land.

Colonel D. Boone stated to the Board, that, on his arrival in Louisiana, he took up his residence, with his lady, at his son Daniel M. Boone's, in the said district of Femme Osage, and adjoining the lands he now claims; that they remained there until about two years ago, when he moved to a younger son's, Nathan Boone, where he now lives. It is proved that the said claimant is of the age of about seventy years, and his wife about sixty-eight. He further stated, that, having inquired of Charles D. Delassus as to the propriety of improving and settling his land within a year and a day from the date of the concession, as directed by the Spanish laws, he was informed by said Delassus, that, being commandant of the said district, he need not trouble himself about the cultivating of the same as, by the commission he held of commandant of said district, he was not considered as coming within the meaning of said laws.

Delassus was wrong. Boone's claim was quite illegal—or so the commissioners held. Congress, later, was not quite so sure. There was nothing for the Board to do but decide "that the claim ought not to be confirmed."

The predicament in which Daniel Boone now found himself was not unusual. There were scores of similar cases. His son Nathan lost 420 arpents which Delassus had granted him and even lost land which he had already cultivated. Another man, it appeared, had cultivated it a year or two earlier. The faithful Jonathan Bryan appeared to testify for Nathan, as did Daniel Boone's informally adopted son Isaac Van Bibber. But the board, after first confirming the grant, changed its mind and awarded it to the first occupant. Daniel Morgan Boone also lost four hundred arpents. In the Mississippi territory Squire Boone lost four tracts. At Cap Girardeau, Louis Lormier, Boone's old enemy, also lost his lands, partly no doubt because of his exorbitant claims, one of which was for thirty thousand arpents.

It was not, however, so tragic as it sounds. There was still a good deal of land in the family. The Boones always stood together, and the Boones saved something. Isaac Van Bibber, the adopted son, got four hundred arpents; Daniel Morgan Boone secured six hundred; Squire seven hundred; Flanders Callaway eight hundred. The children had lost hundreds of acres, to be sure, but they had kept hundreds of other acres; and for the most part the land they lost was simply land that they had not needed enough even to cultivate. Missouri might turn out to be "a great speck" even yet.

The United States had given its board of land commissioners no discretion. Land claimants had to show that they were making use of their lands, not merely speculating. Other settlers proved "cultivation," "possession, inhabitation and cultivation," or at least possession prior to survey. Boone had done

none of these things. His children had taken more land than they needed, wherever they could get a grant, however; and even though they lost some of it, there was plenty left. No great hardship had been wrought to Daniel himself. Though his land formally reverted to the Federal Government, no one else had the effrontery to claim it.

Moreover, the situation was too grotesque to be accepted. The one man who had done most to open up new lands was now without a square inch of his own, while others had plenty. The injustice of it impressed people.

Daniel Boone had powerful friends, of whom the most devoted was Judge John Coburn, formerly of Kentucky. He had at one time been a land commissioner himself. As a judge he had met Daniel Boone and esteemed him. Not only did Coburn know the law; he knew how to handle Congressmen. Coburn made up his mind Daniel Boone should have his land again.

He apparently investigated and learned ahead of time that the land board's decision would be unfavorable. He got ready for the next step at once. The decision is officially dated December 1, 1809; but on October 5 Daniel Boone is already writing to Coburn about a “surtivate” for Squire and adds: “I Shall Say Nothing about our petition but Leve it all to your Self.” It sounds as if his petitions to the Kentucky Legislature and to Congress were already being prepared and copies circulated for his friends' signatures.

Boone lived quietly on in Missouri, hunting and trapping while his seventies ran toward his eighties, and Coburn struggled with the legislators back East. There seems to have been no real difficulty, except the usual delay in maneuvering a private bill through a Congress which had the War of 1812 on its hands.

The land commission had not reached Missouri for some

time after the purchase. When it did, there were thousands of cases to hear and consider. Testimony was taken in Daniel Boone's claim on February 13, 1806, but it was nearly four years before an official opinion was rendered.

The Kentucky Legislature—which had, of course, no jurisdiction, since Boone's lands were now in Federal territory—did what it could by adopting a resolution urging the two Kentucky Senators “to make use of their exertions to procure a grant of land in said territory, to said Boone, either the ten thousand acres [actually arpents] to which he appears to have an equitable claim . . . or to such quantity, in such place, as shall be deemed most advisable by way of donation.”

“Taking into view the many eminent services rendered by Colonel Boone in exploring and settling the western country, from which great advantages have resulted, not only to this state, but to his country in general,” the resolution deplored “that, from circumstances over which he had no control, he is now reduced to poverty, not having, so far as appears, an acre of land out of the vast territory he has been a great instrument in peopling.”

The legislature thought it was “as unjust as it is impolitic, that useful enterprise and eminent service should go unrewarded by a government where merit confers the only distinction.”

Boone's own petition to Congress is an extremely astute document which plainly shows the guiding hand of Coburn or some equally practical attorney. It makes neither claims nor complaints. It simply states the hard facts and then throws the petitioner upon his countrymen's sense of justice.

The Eleventh Congress received a report upon the petition from Colonel Return Jonathan Meigs. Boone was in friendly hands at last. The colonel with the queer name had commanded in St. Charles County after the Louisiana Purchase,

from 1804 to 1806. He knew all about Colonel Boone, he was now in Congress, and he meant to see justice done.

The Committee on Public Lands rendered another report in Boone's favor to the Thirteenth Congress, December 24, 1813. Except for his failure to cultivate, they said, “the claim of the petitioner was good in every other respect.” They were even inclined to think that his appointment as syndic really had exempted him from the necessity of cultivating. In that case, he had “a good, equitable claim against the Government.” For, they argued, “it is known that the Spanish officers frequently received exemptions from this condition as a matter of favor or right; and, as the petitioner was induced to omit this settlement and cultivation, by the suggestion of the said Delassus, *that it was unnecessary*, his claim ought not, on that account, to be rendered invalid. It also appears to the committee, that the petitioner is in his old age, and has, in early life, rendered to his country arduous and useful services; and ought not, therefore, to be deprived of this remaining resource by a rigorous execution of a provision of our statute.”

That report really settled the matter. Daniel would probably have received all of his ten thousand arpents, but fate had a last little irony up her sleeve. Two of his sons had been careful to send a memorandum with the petition, emphasizing his claim to the ten-thousand-acre grant. But Missouri Territory's delegate to Congress officiously remarked at the last moment that all Boone really wanted was just his original thousand arpents. Supposing that the delegate—who though he did not have a vote was the official representative of the Territory—knew what he was talking about and that they were carrying out Boone's own wishes, the sponsors of the act altered it to provide for the smaller tract only. They thus provided merely “that Daniel Boone be, and he is hereby, confirmed in his title to one thousand arpents of land, claimed by him by virtue of

a concession made to him under the Spanish government."

The bill went through the house January 4, 1814, and through the Senate February 8, 1814. President Madison signed it two days later, and the recorder in far-off Missouri promptly entered the title, "by special act of Congress, February 10, 1814." The law had a final fling at Boone, however. Under "Acts of ownership," the entry reads: "nil." It didn't matter any longer, but they put it in anyway.

Out in Missouri, old Daniel furiously protested that he would rather have no land at all. He wanted his ten thousand arpents. He even threatened to reject outright the gift of only one thousand. Fortunately Congress had adjourned, and before it reassembled he had time to cool off and recover his usual equanimity.

Securing the land didn't help much at that. Two or three Kentuckians who had read in the papers about the grant to Boone hurried out to Missouri. They wanted to be first with their claims. Warily, the old man set to work to settle these demands. He sold the whole thousand arpents in May, 1815, and most of the funds thus raised must have gone to satisfy the creditors.

Last of all came another man with a claim that was too much even for the patience of Daniel Boone. Years before, in entire good faith and simply out of kindness, he had given a tract of Kentucky land to an orphan girl. Like so many of his other claims, it turned out to be worthless. Her husband arrived just after the other claimants. He wanted Boone to replace the gift land with money, after all these years. By that time Boone probably had no money left, or at least very little. It was too much.

"You have come a great distance to suck a bull," said Daniel, inelegantly. "And I reckon you will have to go home dry."

It is usually said that Boone had nothing left after these last claims were satisfied, and, in a relative's words, that he

died "not owning as Much Land as would Make him a grave." Happily this was not quite true. On January 20, 1819, Jonathan Bryan and Mary, his wife, deeded to Daniel Boone a tract of three hundred acres, for which he paid them eighteen hundred dollars. It was the last and most successful of his land deals; it made him a landed proprietor for the rest of his life.

So rapidly did the old debts and claims use up the proceeds of Daniel's trapping and land sales that he even made an effort to get money for the two old cannon that he had left on the Wilderness Road in 1779. He heard a rumor that they had been brought to Kentucky for the use of the militia, and he had his son Jesse write from St. Louis requesting payment for them. The cannon, Jesse Boone pointed out, had never belonged to the militia. "They are our own private property a present from Col. Carter of North Carolina to my father." Further, said Jesse, "It is nothing but right that I should be paid for them." There is no reason to suppose that anything ever came of this odd claim.