The Ohio Company of Virginia (continued)

Samuel M. Wilson

Follow this and additional works at: https://uknowledge.uky.edu/klj

Part of the Legal History Commons, and the United States History Commons

Right click to open a feedback form in a new tab to let us know how this document benefits you.

Recommended Citation
Wilson, Samuel M. (1926) "The Ohio Company of Virginia (continued)," Kentucky Law Journal: Vol. 14 : Iss. 4 , Article 2.
Available at: https://uknowledge.uky.edu/klj/vol14/iss4/2

This Article is brought to you for free and open access by the Law Journals at UKnowledge. It has been accepted for inclusion in Kentucky Law Journal by an authorized editor of UKnowledge. For more information, please contact UKnowledge@lsv.uky.edu.
II.

In the Virginia Land Law, of May, 1779, the rights of chartered Land Companies, such as the Loyal, Greenbrier, and Ohio Companies were clearly recognized. By the first section of that act, it was provided, that surveys of waste lands upon the Western Waters before the 1st of January, 1778, "upon any Order of Council, or entry in the Council books, and made during the time in which it should appear," either from the original, or any subsequent order, entry, or proceedings in the Council books, that such order or entry remained in force, the terms of which had been complied with, or the time for performing the same unexpired, should be good and valid. By the seventh section of the same act, it was further enacted:

"And whereas it hath been represented to the General Assembly that upon lands surveyed for sundry companies by virtue of Orders of Council, many people have settled without specific agreement, but yet under the faith of the terms of sale publicly offered by the said companies or their agents at the time of such settlements, who have made valuable improvements thereon: Be it enacted and declared, That all persons so settled upon any unpatented lands, surveyed as before mentioned, except only such lands as before the settlement of the same were notoriously reserved by the respective companies for their own use, shall have their titles confirmed to them by the members of such companies, or their agents, upon payment of the price at which such lands were offered for sale when they were settled, together with interest thereon from the time of the respective settlements, provided they compromise their claims with the said companies, or lay them before the Commissioners for their respective counties, to be appointed by virtue of this act, and have the same tried and determined by them, in manner hereinafter directed."

The tenth section of the same act directed that "all claims for lands upon surveys under any order of council, or entry in the council books, shall, by the respective claimers, be laid before the Court of Appeals," who were to hear and determine them in a summary way, "without pleadings in writing, upon such evidence as in the opinion of the court the nature of the case may require."

*The first instalment of this article appeared in Vol. XIV, No. 3, of the Kentucky Law Journal. This article is copyrighted by the author.

Hening's Statutes of Virginia, Vol. 10, chapter XII, pp. 35-50.
No controversies between actual settlers, coming within the purview of section 7 of the aforesaid Act, and any of the chartered land companies appear to have been heard or adjudicated by the Land Commissioners for the Kentucky District; who sat in the years 1779-80. Pursuant to the provisions of the 10th section of the Act, however, it does appear that the Loyal and Greenbrier Companies did, in the month of December, 1779, present their respective petitions to the Virginia Court of Appeals, seeking a confirmation of their respective titles to lands claimed by them under certain orders of council. But whether or not the Ohio Company ever took such a course is not known; in all probability it did not. The action of the court, on the application of the Loyal and Greenbrier Companies, was entirely favorable to their claims, as witnessed by the following language of the court's decision, rendered May 2, 1783:

"It is the opinion of the court, and accordingly decreed and ordered, that all surveys made by a county surveyor, or his deputy, properly qualified according to law, previous to the year 1776, and certified to have been made by virtue of the Orders of Council to the Loyal and Greenbrier Companies, or either of them, ought to be confirmed; and that the Register be directed to issue patents upon all such surveys as shall be returned and so certified."

The Virginia Land Law of May, 1779, is supposed to have been drawn by George Mason, whom Thomas Jefferson pronounced "the wisest man he ever knew," and while Mason, as previously stated, was bitterly hostile to the claims and pretensions of the Indiana, Illinois, Wabash, and Vandalia or Wharton projects, and had no tolerance for the so-called Grand Ohio Company, which sought to consolidate all of them, yet he seems not to have been altogether unfriendly to companies such as the Ohio, Loyal, Greenbrier, and Mississippi Companies, which had been organized and promoted mainly under the direction of prominent Virginians. In fact, Mason was himself connected with the Ohio Company for forty years, from 1752 until his death in 1792.

The one weak spot in the position of the last named companies (assuming that their charter rights had not lapsed or been forfeited), resulted from the requirement that all "surveys" in their interest must have been made previous to the year 1776 "by a county surveyor, or his deputy, properly quali-
fied according to law." In the case of the Ohio Company, in particular, it would seem that such surveys as they had had made, prior to the year 1776, were all made by private surveyors of their own selection. The fact that a particular surveyor, employed by the company, was "properly qualified according to law" was not enough. He must have acted under a commission either as a surveyor or deputy surveyor for the county in which the surveys were made. The lack of such essential authority may explain why none of the land company surveys in Kentucky were ever, so far as known, carried into grant.

Doctor Thomas Walker and his party, as advance agents and scouts of the Loyal Company, entered Kentucky for the first time through Cumberland (or "Cave") Gap, on April 13, 1750. Eleven months later, Christopher Gist and his one boy companion, on their reconnaissance for the Ohio Company, trod for the first time the soil of Kentucky at a point, in what is now Greenup county, directly opposite the mouth of the Scioto river. This was on March 12, 1751. Gist's instructions required him to proceed as far south on the Ohio as the Falls, and he straightway headed for this objective. His line of travel took him through the territory afterwards embraced within the counties of Mason, Nicholas, Harrison, Scott, Franklin, Shelby, Jefferson, and Bullitt. For fear of "French Indians," he did not visit the "Falls" but made a detour to the Salt Springs, afterwards known as "Bullitt's Salt Lick," somewhat south of the "Falls" and within about three miles of the present town of Shepherdsville. On his return he passed through Jefferson, Shelby, Franklin, Woodford, Fayette, Bourbon, Clark, Estill, Lee, Breathitt, Perry, and Letcher, crossing over into Virginia through Pound Gap. In Kerr's History of Kentucky,30 William E. Connelley truly says that "Doctor Walker did not find the fine, rolling, wooded plains of Central Kentucky. He missed them by the journey of only a day or two." But, on the other hand, Archer Butler Hulbert is in error when he states31 that "the best land Gist visited was in central Ohio along and between the Muskingum, Licking, Scioto and Miami rivers, having practically missed the beautiful meadow-lands of Kentucky."

* Vol. 1, p. 65.
* The Ohio River, p. 33.
The lands Gist traversed in Ohio were excellent, but they were not "the best land" he visited; nor did he "miss the beautiful meadow-lands of Kentucky." His route, as traced by Darlington and Connelley, shows that he passed through the Blue Grass region not once, but twice, and he must have seen the very best of it.

Humphrey Marshall, in his "History of Kentucky," makes the following references to the "Ohio Company."

"The war which afterwards took place between Great Britain and France, about the year 1754, in America, carried many of the colonists to the upper waters of the Ohio; and at the peace of 1763, the British crown was left in possession of Fort Pitt. But no attempts had yet been made to explore Kentucky, much less to occupy the country. So far from either, the settlements on the western waters were prohibited, or restrained to the Ohio Company, who directed their views to the northern parts of Virginia."

Marshall seems to have known nothing of the explorations conducted by Christopher Gist for the "Ohio Company," and nowhere distinctly alludes to him, either in the first or second edition of his "History of Kentucky," but, in the edition of 1812, the author has this further to say respecting the "Ohio Company" and its junior, the "Indiana Company:"

"Of the Ohio Company we have slightly spoken in a former part of this history. This was a company formed some years previous to the rupture between Great Britain and her colonies, consisting of great personages, both in England and Virginia, whose object was to engross the most valuable lands on the western waters. Some monopolizing privileges had been conferred on it by the crown of Great Britain, and it had employed a few active agents, who had explored and surveyed much of the upper country; and as early as 1776, had made several large surveys in Kentucky, for the purpose of obtaining patents. Which, in most instances elsewhere, and altogether in Kentucky, had been prevented by the deranged state of public affairs, and the succeeding revolution in government."

"The Indiana Company was also a combination of land-jobbers, formed nearly upon the plan of the Ohio Company; and included those individuals, in England and America, whose object was to engross western lands, and who were not included in that association. This company had made surveys on the upper waters of the Ohio, but it is not known to us if any were made for it in Kentucky."

Marshall shows little knowledge of the real origin, purpose or personnel of the Indiana Company, and seems to have confused it with the "Walpole" or "Vandalia" Company, with which it had little or nothing in common. It is, of course, in-

---

32 1st edition of 1812, p. 4.
33 p. 104-105.
correct to say that the Indiana Company was "formed nearly upon the plan of the Ohio Company," or that the object of the latter company was to "engross" the most valuable lands on the western waters. But Marshall is entirely correct in stating that the Ohio Company had "made several large surveys in Kentucky," whereas the Indiana Company had made none.

The above quotations from Marshall are incorporated in words or substance in the second edition of his "History of Kentucky," published in 1824.

With respect to Dr. Thomas Walker's explorations of Kentucky in 1750, Marshall, in his "History of Kentucky," has this to say:

"Pursuing his route in a north-eastwardly direction, he traversed the hilly country enveloping the streams of those rivers which issue from the base of that mountain (i.e., Cumberland), as far as Big Sandy, by which he returned, after a journey of prodigious labor and difficulty, to his own home. And which necessarily left his as ignorant of the interior of Kentucky as if he had remained at rest; and gave him such an idea of the country that he did not again attempt to explore it for discovery. Nor was his representation of it calculated to excite others by any other motive than curiosity, the gratification of which would incur privation, labour and danger.

"The country beyond the Cumberland Mountain still appeared to the dusky view of the generality of the people almost as obscure and doubtful as America itself to the people of Europe before the voyage of Columbus."

Colonel J. Stoddard Johnston, who made a very close study of the route pursued by Dr. Thomas Walker in 1750, asserts quite positively that he never advanced west of Rockcastle river, and in his sketch of Dr. Walker, Col. Johnston says:

"By a singular perversity of fate, although for many weary weeks he skirted, at the distance of a day or two of travel, the rich bluegrass region of Kentucky, he saw only the most rugged mountain region, and floundered through rocky laurel thickets and swollen streams."

Concerning the visits of Walker and Gist, Professor R. S. Cotterill, in his "History of Pioneer Kentucky," well says:

"The expeditions of Gist and Walker were similar, in that both had traversed a country desolate of men. But Walker had spent his entire time floundering through the thickets and defiles of the mountains, while Gist had penetrated to the heart of Kentucky. The Virginian had seen only the worst of Kentucky; the Carolinian had traversed the best. To Walker the land was rough, infertile, abounding in venomous snakes and beasts of prey; to Gist, it was a country of plains and a region of magnificent game. Walker's report was such as to discourage...\)

34 Ed. of 1812, p. 8.
35 First Explorations of Kentucky, p. 6.
his employers and friends from further efforts to settle the land; the story of Gist incited the Ohio Company to fresh efforts and inflamed the already ardent spirits of his Yadkin neighbors. However, the intervention of the French and Indian War put an end to the activities of both companies and left Kentucky without a visitor for almost fifteen years."

Confirmation of all this is found, not only in Gist's own careful report of his explorations, but in certain events concerning the Ohio Company, which transpired some twenty-four years after Gist had made his celebrated excursion through the heart of the Kentucky country. These events will now be related.

We get our first authentic glimpse of what was taking place, through a letter written by Col. John Tayloe, of "Mount Airy," Richmond county, Virginia, to Col. William Preston, under date of January 28, 1775. Colonel Tayloe was connected with the Lee family through the marriage of his second daughter, Rebecca, to Francis Lightfoot Lee, of "Stratford," Westmoreland county, Va., who was a second cousin of Captain Hancock Lee, of Farquier county, Va., in whom our interest now centers. This letter, preserved in the Draper Collection of the State Historical Society of Wisconsin, reads as follows:

"Sr:

"As Capt. Hancock Lee is appointed by the Ohio Company to survey their Land (of which Company I am a member), thinks he may possibly be able to do some other work & wishes to have a deputation from you. I take leave to ask the favor of you to grant his desire, which please consider as an obligation done to

Sr.,

Your Obed't, hbl. Servt.,

John Tayloe."

"Mount Airy,
"Jan'y. 28th, 1775.

This letter is addressed to "Col. Preston," and by him was endorsed "Honble. Colo. John Tayloe, 1775."

Two months later, under date of "Stewart's Crossing, Apl. 1, 1775," George Rogers Clark wrote to his brother, Jonathan Clark, in Dunmore (now Shenandoah) county, Virginia, as follows:

"I take this opportunity to acquaint you that I found all things according to my expectations on my arrival here. This leaves me quite well, hoping that it will find ye in the same state of health. I have

---

pp. 45-46.

Calendar of "Preston and Virginia Papers," p. 101; Draper MSS., 4QQ5.
engaged as a deputy surveyor under Cap'n Hancock Lee, for to lay out lands on ye Kentuck, for ye Ohio Company, at ye rate of 80 & pr year, and ye privilege of taking what land I want. I hope that you will spare no money nor pains to get that patent for me as soon as possible, as it will be of ye greatest importance to me. I hope that you will write to our friends and let them know that I am well."

To this letter, the writer added this urgent postscript:

"Pray get ye patent for my land before June, if you possibly can, as delay is dangerous."

"Stewart's Crossing" was on the Youghiogheny river, at a place now known as New Haven, opposite the town of Connellsville, in Fayette county, Pennsylvania. It was the starting-point of the portage to "Redstone Old Fort" (now Brownsville), on the Monongahela, as Redstone itself was the "jump-off" of the portage to Wheeling, on the Ohio. Hence, Clark wrote just as he was on the eve of making his announced plunge into the wilderness.

By midsummer of 1775, Clark was at the site of "Lee's Town," on the Kentuck river, seventy miles from its mouth. Hancock Lee, Cyrus McCracken, "and others," according to Collins, settled Leestown, "on the E. bank of Kentucky river, 1 mile below Frankfort," in 1776; but the date here given is wrong and is elsewhere corrected by Collins. The "others" probably included Willis Lee, John Lee, Benjamin Ashby, Daniel Lee, Geo. Rogers Clark, Edmund Taylor, and several of the McCrackens besides Cyrus McCracken, who appears to have been the leader of the family by this name. The McConnells, also, may have been among the number, and there were doubtless still others, such as John Maxwell, Charles LeCompte, &c.

Concerning Leestown, Collins states:

"Leestown, one mile below Frankfort, was the first spot (in Franklin county, or that region) settled by whites, and as early as 1775 was a kind of stopping-place or resting-place for the explorers and improvers from the Pitt or Monongahela country, who came in canoes down the Ohio and up the Kentucky, to 'look out the land.'"

This statement is confirmed by many depositions of the early pioneers; and, in the case of Greenup v. Lyne's Heirs, decided in 1811, the Court of Appeals said:

---

31 Note 40, supra.
"The call for 'Leesburg,' it is conceived, could not have been misunderstood, although the place may have been more generally called Leestown. It seems from the evidence to have been sometimes called by one, and sometimes by the other of those names. Lee and others had at different periods built cabins at the place, from which it took the name of Leestown, and became a place of very considerable notoriety. It was the only place on the Kentucky river which appears to have been called by either of those names; and from its notoriety we are of opinion that by either name a doubt as to the place intended could not have been entertained."

That George Rogers Clark was there, in the Spring or Summer of 1775, is shown by a letter to his brother, Jonathan Clark, dated "Lees Town, Kentucke, July 6th, 1775," in which he said:

"I embrace the opportunity of Cap'n E. Taylor to send you this small epistle. I am in a flow of spirits at this time but it has not been ye case long, for I have had nothing but a series of misfortunes this four months past, too tedious to mention; but I hope to get ye better of them yet. A richer and more beautiful country than this I believe has never been seen in America. Colonel Henderson is (here) and claims all ye country below Kentucke. If his claim should be good, land may be got reasonable enough, and as good as any in ye world. My father talked of seeing this land in August. I shall not advise him whether to come or not, but I am convinced that if he once sees ye country he will never rest until he gets in it to live. I am engrossing all ye land I possibly can, expecting him. We have laid out a town seventy miles up ye Kentucke where I intend to live, and I don't doubt that there will be fifty families living in it by Christmas. I hope that you will write me by the first opportunity, letting me know how you all are, and what news, as I expect you will have frequent opportunities. This from your affectionate brother.

"P. S. My compliments to Mr. and Mrs. Campbell. Let Johnny see this as wrote to himself as before."

The originals of the above letters, quoted by English, are in the Draper Collection of MSS., in the State Historical Society of Wisconsin, at Madison, in that state. The spelling, as given by English, "is corrected and modernized."

Clark did not remain a fixture at Leestown, but, when not busy with surveying work, visited Harrodsburg and other stations and settlements, familiarizing himself with the country.

The statement in the above letter of April 1, 1775, that "I have engaged as a deputy surveyor under Cap'n. Hancock Lee, for to lay out lands on ye Kentuck, for ye Ohio Company," not only accords with what is said in the letter, above quoted, from Col. John Tayloe to Col. Wm. Preston, but is also strikingly confirmed by depositions of Hancock Lee, Benjamin Ashby, and a

---

"2 Bibb 369.

The deposition of Hancock Lee was taken in Lexington, on June 2, 1796, in the case of Moses Cherry and Richard Steele v. John Boyd. The copy from which the record was made was certified by John Hawkins, clerk of the court of quarter sessions, of Scott county, where the suit was originally pending. This deposition reads, in its entirety, as follows:

"The deposition of Hancock Lee, of lawful age, taken in obedience to a Dedimus to us directed by the Worshipful Court of Quarter Sessions for the County of Scott, to be read in Evidence in a suit depending in said Court, wherein Moses Cherry and Richard Steele are Plfs. and John Boyd Deft.

"This Deponent, being first duly sworn, deposeth and sayeth:
"That some time in the month of May or June, 1775, as Surveyor legally appointed by the College of William and Mary, (he) proceeded to make a survey for a company known by the name of the Ohio Company, Beginning the same on the North side of the North Elk Horn, and directed Benja. Ashby, then a Deputy under me, and appointed to run one of the lines of said survey, to avoid if possible the Military Surveys in running said line.

"Q. 1st. by the Deft. Did you understand that there was a chain of Military surveys made on No. Elk Horn in the year 1774?
"A. I did understand there was.

"Q. 2d. Did you, in the directions you gave your Deputy, that if he found that Chain of Military Surveys, that he was then to make the Northwardly line of the Military surveys the Southern boundary of the Ohio Company?
"A. I directed him, if he found the line of the Military surveys, to run with them; if not, at all events try to avoid them.

"Q. 3rd. Did you direct Benjamin Ashby to mark the corner trees of s’d. Survey with the Ohio Comp’y?
"A. I did.

"Q. 4. Did you understand that if the Military line was found, that it was to be the boundary to the Survey made for the Ohio Comp’y?
"A. It was.

"Q. by the Plf. Do you know if Benjamin Ashby found these lines of the Military Survey?
"A. I do not.

Hancock Lee,

"Sworn to at the House of Rob. McGowan in Lexington, both parties present.—Given under our hands and seals this 2d day of June, 1796.

Sam'l Blair, (Seal)
R. Patterson, (Seal)

"A copy,

The deposition of Benjamin Ashby was taken at his residence on Shenandoah river, in Frederick county, Virginia, on January 10th, 1804, in the case of Hugh Innes’s Heirs v. John

44 "Land Trials" Book of the Fayette Circuit Court, pp. 121-122.
Bradford. This Hugh Innes, of Franklin county, Virginia, was an uncle of Judge Harry Innes, of Kentucky. This deposition of Benjamin Ashby reads as follows:

"Frederick County, Set.

"The deposition of Benjamin Ashby, aged about fifty-seven years, taken at the house of said Benjamin Ashby, on Shenandoah River, on the tenth day of January, (1804) one thousand eight hundred and four, between ten o'clock in the morning & four in the evening of the same day, in a suit now depending in Fayette Circuit Court, in the State of Kentucky, between Hugh Innis's Heirs, &c., Plaintiffs, against John Bradford, Defendant. The said Deponent Deposeth & sayeth, after being first duly sworn:

"Question 1st. Did you run the line for the Ohio Company up Little North Elkhorn?
"Answer. I run the line for the Ohio Company up Little North Elkhorn, joining the lines of the Military Surveys run by Colo. Floyd in the year 1775 (1774).

"Question 2d. Are you acquainted with the lines of the Military Surveys on Little North Elkhorn, if so, in whose names were they made?
"Answer. By the directions of Floyd, by letter, which is hereto annex'd, I joined the Ohio Company's Survey to the lines run by Floyd from Lane's Run, nearly opposite Grant's old station, but don't know who the land was survey'd for.

"Question 3d. Did you mark 'Ohio C.' on any corner or corners near the head of the Creek
"Answer. I did mark 'Ohio C.' on some corners on the Drains of that Water Course, which was before marked by Floyd.

"Question 4th. Did you not find a corner, three sugar trees, by direction of Floyd, high up on the Creek, on which you afterwards mark'd 'Ohio C.'?
"Answer. The corners mentioned in the 3d Answer, amongst them some of them might be sugar trees, and likely three at one of them.

"Question 5th. How far is that corner from the Creek, and did you learn from Floyd whose corner it was?
"Answer. I do not know how far the sugar trees may be from the Creek, if there is such a corner, as my old Notes are so defac'd that they can not be read, & I do not know who the Survey belong'd to.

"Question 6. Did you gain this information from Floyd himself or by letter, & if by letter, have you the letter & what are the contents?
"Answer. This question is answered in the second in part and fully in the fifth.

"Question 7th. If you have a copy of your field notes of the Ohio Company's Survey, will you lay it down and send a Copy, noting where you made the corners & where you found corners?
"Answer. This question is answer'd in part in the Answer to the fifth Question, and further say that according to the best of my memory, I run from the Ash and Cherry tree mention'd in Floyd's letter the following courses, N. 20 E. 400 po. to a new corner then made, then S. 70 E 1780 po. to a new corner, then S. 20 W. 400 po. to a new corner in Floyd's old line, thence running along Floyd's old line S. 70 E., I think about 800 po. to, I think, some sugar trees or a sugar tree, being one of the corners of a Survey containing something more or about 1,000 Acres, then along the lines of that Survey, N. 20 E. S. 70 E., & S. 20 W. to the different corners, which was mark'd I suppose the year before by Floyd and then mark'd by me upon some one tree at each corner.

with 'Ohio C.' & from the last corner continued S. 70 E., along the mark'd line to nearly opposite Grant's old Station, & then left it, &c.; and this Deponent further sayeth not.

B. Ashby.

"Frederick County, Sct.
"Sworn to before us, at the time and place above mentioned.
Jos. Berry,
Benjamin O'Rear.

"Virginia, Frederick County, to-wit:

"I James Keith, Clerk of the Court of said County, do hereby certify that Joseph Berry and Benjamin O'Rear, Gent., before whom the within Deposition was taken, were at the time of doing thereof two of the Commonwealth's Justices of the peace in and for the County aforesaid, duly appointed, Commissioned and Sworn, and to all acts and things by them signed as such full faith & credit is and ought to be given, as well in Courts of Justice as thereout or elsewhere.

In testimony whereof, I have hereunto set my hand and affixed the Public seal of my office, this 7th day of February, (Seal) 1804, and in the twenty-eighth year of this Commonwealth.

"Fee paid $1.50.
Ja. Keith."

The letter of Colonel John Floyd, referred to and filed as an exhibit with the foregoing deposition of Benjamin Ashby, is addressed to "Capt. Hancock Lee, by Mr. McCracken," and reads as follows:

"Sir:

"Our dangerous situation last year made it highly necessary for us to finish our surveying business in as explicit a manner as possible— I am inform'd by some of your Company you have been at a loss in finding out the boundary of my my Surveys on the North fork of Elk Horn—there is a line begins 170 po. from the Cr. at a Cherry Tree & ash on a ridge, which I am told you have found;—there are Corners marked to the Westward along the Line which are the Corners of 4 Tracts of 1,000 acres each & 1 of 200 acres, the Lines of which are not yet closed tho' the Plots are really record.... By Beginning at the Cherry Tree and Ash & extend'g a line N. 20 E. 400 po. & thence S. 70 E. 1780 poles will enclose all the Land which lies to the north of the long line— there is one Tract Begins at the Cherry Tree & ash & extend down the branch to the upper Corner of my (second-?) survey, the Courses of which Mr. McCracken has. I would Copy the Courses & send you but by beginning where I have directed will be attended with the least trouble as the Lines are not all run—

"I am Sir your most Ob't. Serv't,
"July 17, 1775.
Jn. Floyd."

This letter bears the following endorsement:

"This letter was returned with & annexed to Benja. Ashby Depo. in the suit Innes's heirs vs. Bradford, filed Apl. 28th, 1804.
Thos. Bodley, C. F. C. O."

It is, of course, well known that John Floyd, as a deputy under Col. William Preston, the Surveyor of Fincastle county,
Virginia, did make a considerable number of military surveys on the waters of North Elkhorn creek, in the midsummer of the year 1774, and also that he returned in the Spring of the year 1775 and made further surveys on the Middle and South Forks of Elkhorn and on other water-courses in Central Kentucky. His certificates of survey show that, on July 16th, 1775, he made the military surveys on the Middle Fork of the South Fork of Elkhorn (now the "Town Fork") for Col. Evan Shelby and Col. Wm. Preston, and, on July 18th, 1775, he seems to have made a survey for James Hickman, as representative of Thomas Hickman, on the waters of Boone's creek, which divides Fayette from Clark county. Hence, it would seem that the 17th of July, 1775, the date on which the letter to Captain Hancock Lee was written, marks the interval between the two pieces of work. It is also probable that this letter was penned in the immediate vicinity of Lexington and was one of the first writings of an epistolary nature ever composed by a white man in this locality. It probably reached the hands of Captain Hancock Lee at Leestown, his headquarters on the Kentucky river.

A photographic facsimile of the plat made by John Payne, Surveyor of Scott county, on August 20, 1797, for use in the suit of Cherry and Steele v. Boyd, and showing the "Ohio Company's Line" and "Lands of the Ohio Company," is herewith published, slightly reduced from the original, as an exhibit with this article. The "Ohio Company's Line," as laid down in this survey, is on or near the ridge which divides the waters of North Elkhorn from the waters of the South Fork of Licking.

The activities of the Ohio Company in Kentucky, in 1775, as evidenced by the letters of George Rogers Clark, the depositions of Hancock Lee and Benjamin Ashby, and the letter of John Floyd, herein quoted, seem to represent the final expiring efforts of that Company to gain a permanent foothold in the Kentucky country. The establishment of Leestown on the Kentucky river and the making of surveys on the waters of North Elkhorn and thence across to the valley of the Licking by Captain Hancock Lee, as surveyor of the Ohio Company, also tend to confirm the conjectures of Darlington and Connelley that Christopher Gist, on his journey of March-April, 1751, passed through what

\[4\] Fayette "Land Trials" Book, p. 115.
are now Nicholas, Harrison, Scott and Franklin counties and crossed the Kentucky (called by Gist the "Little Cuttawa") river near Frankfort, en route for the "Falls." Unless the instructions of the Ohio Company, under which Hancock Lee was acting, were based on the information furnished by Gist's report, it is difficult to understand why they should have undertaken to make surveys in the Elkhorn or Licking Valley region at all.

An interesting reference to the surveying done by Benjamin Ashby for the Ohio Company, in 1775, is found in a short narrative of reminiscences by Colonel William Sudduth, of Owingsville, Bath county, which was furnished Dr. John D. Shane about the years 1840-45. Doctor Shane rivalled Dr. Lyman C. Draper as an itinerant interviewer of pioneers and octogenarians, and his collections are preserved in the Draper MSS., in the State Historical Society of Wisconsin. Colonel William Sudduth was born November 25, 1765, in Fauquier county, Virginia, and came to Lexington (Ky.) October 28, 1783. The following winter he spent at Strode's Station, in Clark county. In the spring of 1785, his father and the rest of the Sudduth family removed to Kentucky. Col. Wm. Sudduth served as a deputy surveyor, first under Col. Thomas Marshall, the chief surveyor of Fayette, and afterwards under Col. James Garrard, the chief surveyor of Bourbon county; and was engaged in surveying work for the greater part of his long life. His statement with respect to the Ohio Company survey is as follows:

"John Ashby was with Hancock Taylor, and was one of the 3 that went down in the canoe to N(ew) O(rleans). When he came round to Charleston, he heard that the brave Capt. Jack Ashby & his party were all murdered by the Indians. Some man read it there in the Tavern, in a newspaper. Ashby gave it the lie. The reader asked him how he knew. Why, says he, because I am the man. His nephew, Benjamin Ashby, surveyed what he supposed 200,000 acres (must have been double that), in the very core of the country, in 1775. The Rev. War broke out before they got their title completed. It was for, and called, the Ohio Co.'s Survey. Landed in Ky. at Limestone, about the 1st of May, 1775, and got through in Oct.; during which time, he never shaved. Went from there on to Boonesboro. But some surveys which Ashby made for himself & others & Marshall & they entered, adjoining the Ohio Co.'s Survey, were held."
Among the dozen or more surveys made by Benjamin Ashby, as a deputy under Col. Thomas Marshall, chief surveyor for Fayette county, in the winter of 1782-83, are several which call for old lines and corners of the Ohio Company’s survey. For instance, on December 23, 1782, he surveyed for John Strode 400 acres, on a Treasury Warrant, “upon Hancock fork, a branch of Strode’s fork of Licking,” &c., “Beginning at a forked Elm and a young hoopwood, in the line of his pre-emption, and in the line of a survey made for the Ohio Company, thence along that line, No. 70 1/2 W. at 134 poles cross’d Hancock’s fork, at 272 poles in all, to a large forked Walnut,” &c. 48 On January 4, 1783, he surveyed for Francis Ash, upon a Treasury Warrant, a tract of land, containing 600 acres, “upon the East side of Stoner’s fork of Licking, in the county of Fayette, and bounded as follows (To-wit): Beginning at an old marked Locust and a Young Elm, in the line of survey made for the Ohio Company, thence So. 70 W. at 162 poles crossed a branch, at 368 poles crossed a Run, the Course continued, in all 382 poles, to a Red Oak and Linn, a corner to Anne Churchill, thence along her line No. 34 E. 260 poles to a Cherry tree and Ash, in the line of James Ware, then along his line No. 70 W. 382 poles to an old marked Buckeye and Walnut in the Ohio Company’s line, thence along that line So. 34 W. 260 poles to the Beginning.” 49 On January 31, 1783, he surveyed for John Marshall, Junior, on a Treasury Warrant, 1640 acres, “upon the head branches of John Constant’s and Morgan’s forks of Strode’s fork of Licking,” &c., &c., “Beginning at a Red Oak, marked ‘Ohio C.’ Two Young Hickories and a Cherry tree, a corner of a survey formerly made for the Ohio Company, thence along the lines of said survey, So. 20 W. 540 poles to a large white Walnut, marked ‘Ohio C.,’ and two sugar trees, standing on the South side of the top of a Ridge in the line of Couchman’s Pre-emption, thence along that line No. 70 1/2 W. 130 poles,” &c., &c., “to a stake in the Ohio Companies line, then along that line So. 70 1/2 E. 540 poles to the Beginning.” 50 Probably on or about the same date (though the certificate of survey is not dated), Benjamin Ashby surveyed for himself 597 acres “upon

the waters of Stoner's fork of Licking, on the North-East side of same, Beginning at two Hickories and a sugar tree, a Corner to John Ashby, Jun'r., thence along his line So. 21 Et. 770 poles to an old marked Locust and a Young Elm in the line of the Ohio Company's survey, thence along that line So. 34 W. 146 poles to a large Red Oak T G and two Hickories, corner of a Military Survey formerly made for Thomas Gist, thence along his line, No. 21 W. 800 poles to two white Oaks and a sugar tree, thence No. 45 E. 136 poles to the Beginning,"51 &c. The Military Survey of 2,000 acres for Thomas Gist, here referred to, was made by James Douglas, Deputy under Col. William Preston, the then Surveyor of Finecastle County, in June, 1775, "on Gist's Creek, a branch of the Licking." At the same time, Douglas made a Military survey on the same stream of 3,000 acres for Nathaniel Gist, and still another Military survey of 3,000 acres, on the same stream, for Nathaniel Gist as "oldest son and heir-at-law of Christopher Gist."52 From this it is plain that what is now known as Stoner's Fork was originally called "Gist's Creek," but whether the name was given in honor of Captain Christopher Gist or in honor of his sons, Nathaniel and Thomas, or, perhaps, in honor of all three, cannot now be stated.

On February 12, 1783, Benjamin Ashby "Surveyed for the Honourable Brigadier General (Daniel) Morgan, on three Treasury Warrants No. 4624, 4051, 4052, a tract of land, situate, lying and being upon the Waters of Stoner's Fork of Licking, on the North-East side of the same, in the County of Fayette, and bounded as follows (To-wit) : Beginning at a Walnut and two Buckeyes, an ancient marked corner in the line of a Survey formerly made for the Ohio Company, a corner to John Ashby, Jun'r. Thence," &c., &c., "So. 56 Wt. with the line of another survey of General Morgan, 636 poles to the line of the Ohio Companies survey, thence along that line, binding on the lands of Brown and Ware, 734 poles to the Beginning," containing 1532 acres.53 On the same date, Ashby surveyed "for the Honourable Brigadier General Daniel Morgan," a tract of 2,000 acres of land on two Treasury Warrants, Nos. 4623 and 4622, "Upon

52 See Records of State Land Office of Kentucky, at Frankfort.
the waters of Stoner's and Hinkston's forks of Licking, in the County of Fayette," &c., "Beginning at a sugar tree, standing by a Run, a corner to another of his surveys, thence No. 34 E. 504 poles, crossing several drains, to an Ash, a Linn, and a Box Elder, standing upon the side of a Hill near a Run, thence So. 56 E. 636 poles to a stake in the line of a survey formerly Run for the Ohio Company, thence along that line So. 34 W. 504 poles to a stake, a corner of another of his surveys, thence with that line No. 56 Wt. 636 poles to the beginning." Finally, on February 28, 1783, Benjamin Ashby made a survey of 800 acres for John Ashby, Jun'r., on the waters of Stoner's Fork of Licking, on the North-East side of same, "Beginning at an old marked Locust and a Young Elm, in the line formerly Run for the Ohio Company, a corner to Ben. Ashby and Francis Ash, thence along the said line with Ash, No. 34 Et. 260 poles to a Walnut and two buckeyes, a corner to General Morgan, thence along his line," &c., &c., to the beginning.

These details are given to show where some of the lines of the Ohio Company's survey were located, that they were well marked, and readily recognized and identified by Benjamin Ashby seven or eight years after they had been made.

It is commonly stated that Leestown was named in honor of Willis Lee, the older brother of Captain Hancock Lee. Certain it is that Willis Lee visited Kentucky in 1774 with Hancock Taylor, first-cousin of Willis and Hancock Lee, and it appears that Willis Lee was for a time associated with John Floyd; for in the Journal kept by Thomas Hanson, a member of Floyd's surveying party, is recorded, under date of May 13, 1774, the following rather significant item:

"This day a quarrel arose between Mr. Lee and Mr. Hyte; Lee cut a Stick and Gave Hyte a Whipping with it, upon which Mr. Floyd demanded the King's Peace, which stopt it sooner than it would have ended if he had not been there."  

Willis Lee was later with Hancock Taylor on the Kentucky River and was wounded at the same time that Taylor was mortally wounded, in July, 1774, and was named executor in the will then executed by Taylor. After Taylor's death, on August 1,
1774, on Taylor's Fork of Silver Creek, in Madison County, Willis Lee took charge of his papers and, accompanied by the rest of the surveying party, carried Taylor's Field Notes back to Virginia, and lodged them in the proper office with Col. William Preston. The full history of this matter is related in the testimony taken in the suit of Gabriel Jones' Heirs v. Edmund Taylor and Hancock Lee, a certified copy of which is preserved in the files of the Woodford Circuit Court, at Versailles. Willis Lee returned to Kentucky in 1775 and was himself killed by the Indians late in the year 1775 or early in 1776. This we know from a letter of John Floyd, written from Powell's Valley, on May 1st, 1776, to Col. William Preston. This letter reads as follows:

"Powell's Valley, 1st May, 1776.

"Dear Colonel:—We have been much discouraged on the way by alarms, &c., but on our arrival here find the greatest part of the news to be false. I met so many people removing in, as I went down Holston, that I thought it best to leave my negro wench and her child on the way. I need say nothing about the mischief that has been done as Mr. Lee, brother to Willis Lee, who is killed, can give you the history of the whole that may be relied on. We are all well & are 6 in number. Mr. Todd (i.e., either Levi or Robert) overtook us last night.

"Capt'n Martin's compliments to you.

"Jno. Floyd."

While Willis Lee was in Kentucky with John Floyd and Hancock Taylor, in July and August, 1774, his brother, Hancock Lee was serving as a captain under Major Angus McDonald, on the Wakatomica Expedition against a group of Shawnee towns on the Muskingum river, in the County of that name, not far from the site of the present Dresden, Ohio. It was through this service that he acquired the title of "Captain," by which he has ever since been distinguished.

Much light on the history of the Ohio Company may be gathered from the papers of George Mason. In a letter written by him from Gunston Hall, on March 12, 1776, to Honorable Robert Carter, of "Nomini Hall," in Westmoreland County, he says:


"Dunmore's War, p. 155."
"Sir:

Capt. Hancock Lee and one Mr. Leet are returned from surveying the Ohio Company's 200,000 acres of land, and are now here making out their returns and settling their accounts, in assisting about which I am closely engaged, as I wish to have everything as clear and regular as possible. They have got it all in one tract, upon a large creek called Licking Creek, which falls into the Ohio river on the southeast side, about 150 miles below the Scioto river, and about 60 miles above the mouth of the Kentucky river, so that it is clear both of Henderson's and the Vandalia Company's claim. By all accounts it is equal to any land on this continent, being exceedingly rich and level. The charges of the survey come to about £650 currency," etc.0

From "Bellevue," the home of Col. Thomas Ludwell Lee, in Stafford County, Va., George Mason, on February 6, 1778, wrote to his cousin, James Mercer, appointing a meeting at "Gunston Hall" of these three members of the Ohio Company. In this letter he said:

"I brought in a bill, this last session, for establishing a land office, and ascertaining the terms and manners of granting waste and unappropriated lands, to create a sinking fund, in aid of the taxes, for discharging the public debt; and another for adjusting and settling the titles of claimers to unpatented land under the former government. They are both put off for the present, but will undoubtedly be taken up, and I hope finally settled in the next session, and as there will only be a short time allowed to the previous claimers to put in their respective claims, and sue out patents, after which they will be barred, it is incumbent upon the members of the Ohio Company to take the proper preparatory steps for making good their title and obtaining a patent for the 200,000 acres actually surveyed, which is all I have any hopes of, and that, I think, is upon such a foundation that nothing but our own negligence can deprive us of it. It is an object of sufficient importance, I think, to engage our attention, being equal, by all accounts of it, to any land on this continent."00

At the close of a long letter, dated October 2, 1778, from George Mason to Col. George Mercer, who had long resided in London as the Ohio Company's agent, the writer said:

"We have had 200,000 acres of land laid off, marked and bounded in one survey for the Ohio Company."00

This was the largest single survey ever made in Kentucky prior to the survey of the Henderson "consolation grant," at the mouth of Green River, in 1780 or later. In its entirety, it was about the size of an average Kentucky county of the present day, and its acreage was identical with that of the Virginia

---

00 Life of Mason, by Rowland, Vol. 1, p. 291.
00 Ibid.
grant to Henderson and the Harts, made in October, 1778.61 But, as land grants went, in those halcyon times of expansive views, it was not excessively large. The grant to the Loyal Company, of 1749, contemplated the appropriation of 800,000 acres; the Mississippi Company, in 1768, petitioned for a grant of 2,500,000 acres; the two large tracts, on the Illinois and Ohio rivers, purchased from the Indians, on July 5, 1773, by William Murray, on behalf of himself and associates of the Illinois Land Company, comprised an area far in excess of two hundred thousand acres; the "Vandalia" Grant, of 1773, was of enormous extent; and, finally, the two large tracts, lying on both sides of the Wabash (Ouabache) River, below Wea, purchased by deed dated October 18, 1775, from the Piankeshaws through Louis Viviat for the Wabash Land Company, contained about thirty-seven million, four hundred and ninety-seven thousand, six hundred (37,497,600) acres, which was seventy-five times as large as the entire grant (500,000 acres) made to the Ohio Company by the King in Council in 1749.62

On November 19, 1778, a Petition of the Ohio Company was brought before the Virginia House of Burgesses, asking that those members of the company living in Maryland and Virginia might receive land patents as soon as a land office is established, "each in his own name, for his due share or proportion of two hundred thousand acres of said grant," but on this petition no action appears to have been taken.

Writing from Williamsburg, during the May-June session of the Virginia Assembly, of the following year (1779), to Richard Henry Lee, (one of the sons of Thomas Lee, the originator and first head of the Ohio Company,) Colonel Mason said:

"The Ohio Company were not permitted a special investigation of their claim, obliged to submit to the description in a general bill, and thus in fact denied a hearing, and yet every attempt that art or cunning could suggest, made to introduce particular words to exclude them. I have spared no trouble, nor omitted anything in my power to procure them justice; the only chance now left is to get their claim referred to the Court of Appeals, and to preserve to them the right of their location, by resurveying the same lands, if their claim shall be established upon a hearing before the said court, and in this I have still hopes of succeeding; two days more will determine it."3

---

In the month of April, 1781, the members of the Ohio Company proposed to make another effort with the Virginia Assembly to secure their lands. On April 14, 1781, Robert Carter, of "Nomini," wrote to a friend on this subject as follows:

"It is said that the House of Delegates rejected the Company's claim because their works of survey were returned by a surveyor (Hancock Lee) not legally appointed. Nevertheless that session established some officers' claims whose works of survey were returned by surveyors acting under no better authority than the surveyor appointed by the Ohio Company. It is expected that these cases will be relied on as precedents and the claims of the Ohio Company will be revived. This matter is of a joint concern; therefore the parties must join in presenting a petition which I apprehend should be done this approaching session, and I purpose to make some movement therein."

Two more extracts from the correspondence of George Mason will show how the prospects of ultimate success on the part of the Ohio Company were gradually fading away. On May 1, 1788, he wrote to Col. John Francis Mercer, at Annapolis, Maryland, saying:

"I wish to know, as soon as you can conveniently inform me, whether you have got my papers from Mr. Stone's executors, particularly the state of the case in Ross's suit against me for a tract of the Ohio Company's land, and your opinion of the said suit. I think I gave you some memorandum also respecting the Ohio Company's title to a tract of land adjoining Fort Cumberland, called the Treasury of Walnut Bottom, fraudulently granted by Governor Eden to one French, a creature of his."

Writing again to Col. Mercer, on May 12, 1792, Col. Mason said:

"I am altogether unacquainted with the present state of my suit with Mr. David Ross. I have wrote to Mr. Luther Martin once or twice lately about it, but can get no answer from him. . . . The papers and statement in yours and Mr. Martin's hands give all the information I am able to furnish, and I hope you will now be able to attend to it, for I am extremely anxious to have the matter fairly and speedily tried, upon its real merits, so that the title may be clearly and finally settled, and enable me, if settled in my favor, to sell the land, in order to close the Ohio Company's affairs as speedily as possible."

In Col. George Mason's will, which was dated and executed on March 20, 1773, when hopes were still high that the claims of the Ohio Company might eventually be rescued from their perilous position and escape extinction, in spite of the bitter and irreconcilable controversy then menacing the mutual interests

of the Colonies and the Mother Country, is this provision in reference to the Ohio Company:

"Whereas, I hold sundry tracts of land in the county of Hampshire, in Virginia, and in the county of Frederick, in the province of Maryland, near Fort Cumberland, patented in my name in trust for the Ohio Company, I authorize and direct my executors to convey the same by such deeds as council learned in the law shall advise (with special warranty only against my heirs and all claiming under me) unto the said Ohio Company, upon their paying the balance of my bond with the interest thereon due to Mrs. Bladen or Mrs. Tasker's Executors, for the purchase of part of the said lands so that the said bond may be taken up and canceled and my estate indemnified therefrom, excepting and reserving to my eldest son, George Mason, and his heirs forever, my part and share of and in the said lands as a member of the said Ohio Company."

The establishment of the new Commonwealth of Kentucky on June 1, 1792, and the death of George Mason, on October 7, 1792, virtually wrote "Finis" to the long and checkered history of the Ohio Company, although its affairs dragged on for twenty-five years longer.

In the "Life of George Mason," it is said that:

"Subsequent letters from George Mason of 'Lexington' written after his father's death to John F. Mercer, show him winding up the Ohio Company's concerns as Colonel Mason's executor. The latter had left a statement in his own handwriting of the Ohio Company's funds. The dividend, when collected, would amount to £102: 12s: 9d. James and John Francis Mercer, as members of the Company, were to receive their share."

The handsome country seat, called "Lexington," was built by Col. Mason for his son, George, and it "had a magnificent outlook down (the Potomac) river from a point near Gunston Hall."

Within less than three weeks after George Rogers Clark wrote his letter from Stewart's Crossing, (quoted above,) the Battle of Lexington was fought; and within less than a month thereafter the news of this initial engagement of the Revolution had reached Fort Pitt, at the Forks of the Ohio, and it must have been known all through the Kentucky country before the end of May, 1775. To Clark, Lee, Ashby, Floyd, Leet, Taylor, and the rest, surveying must have seemed tame and prosaic work as soon as they became fully aware that war between the Colonies

---

"See Will of George Mason, Jr., In Deed Book "W," pp. 135-143, Cllk's office, Ct. of Appeals."
and the Mother Country could be averted no longer. In the conflict that followed, Clark and Floyd won lasting laurels in the West, while Leet and Ashby certainly, and Lee most probably, did valiant service for the "embattled farmers" in the East. Benjamin Ashby, who came of a distinguished family of Frederick County, Virginia, served for three years in the Virginia Continental Line, and received a Warrant, No. 2197, for 2,666 2/3 acres for his bounty as a lieutenant. Returning to Kentucky, he made a number of surveys in Fayette county, in December, 1782, and January and February, 1783, and later in November, 1785, as a deputy under Col. Thomas Marshall, the chief surveyor of the county, and among these were included several in his own name. Hancock Lee was a member of the same family as that Thomas Lee, of Westmoreland county, Virginia, by whom the ill-fated Ohio Company had originally been formed. He belonged to that branch of the Lee family known as the "Ditchley" Lees, and his father and grandfather both bore the name "Hancock." He was born about 1736, and died, apparently in Woodford county, Kentucky, about 1820. His wife was Winifred Beale, a daughter of John Beale, of Richmond county, Virginia, and to this marriage were born ten children, viz.: Willis, Hancock, Thomas L., Pamela, Mary W., Frances, Anne G., John A., Elizabeth E., (who married Captain Thomas Sangster,) and Emmaline, (who married Henry Richards.) Willis Lee, the eldest son, married Mary Richards, and died before his father, leaving two children, John Hancock Lee and Mary Willis Lee, who married Thomas Scott Ashton. From an order of the Woodford county court, (at Versailles, Ky.) dated July 3, 1820, it appears that "On motion of Thomas L. Lee, administration on the estate of Hancock Lee, deceased, is granted him, who thereupon took the oath required by law and executed bond with Samuel M. Wallace and John H. Lee as his securities, in the penalty of eight thousand dollars, conditioned according to law. Certificate is granted him in due form, &c." On the same date, Henry Wallace, John Francisco, Anderson Taylor and Thomas Davis were appointed to "appraise in current money the personal estate and slaves, if any, of Hancock Lee, deceased."
The Inventory and Appraisement, dated July 10, 1820, were returned to court on August 8, 1820, and duly recorded. Of Captain Hancock Lee, his grandson, John Hancock Lee, once declared that he was "one who was literally without fear and without reproach." Sarah Lee, a daughter of Major John Lee, brother of Willis Lee and Captain Hancock Lee, was the wife of Senator John J. Crittenden.

Before the Kentucky Land Court, at Bryan's Station, on Elkhorn Creek, on January 15, 1780, Hancock Lee claimed and was allowed a Settlement and Pre-emption of 1,400 acres, "lying on the waters of the North Fork of Licking Creek, joining the land of Henry Lee, by raising a crop of corn in the country in the year 1775." At the same time and place, Hancock Lee secured certificates for similar quantities of land for Richard Lee, Henry Lee, and for himself as heir-at-law to his brother, Willis Lee, deceased, and a Pre-emption certificate for 1,000 acres in favor of John Lee. All these lands were located on the waters of Licking, except those claimed for Willis Lee's heir and for John Lee, which were at the Main Forks of Elkhorn Creek, a tributary of the Kentucky River. At Harrodsburg, on January 31, 1780, Daniel Leet, by Hancock Lee, claimed a Pre-emption of 1,000 acres, "lying on the North Fork of Elkhorn Creek, about 8 to 10 miles above the fork, to include a Spring about 40 yards from the said Creek & his improvement," "on account of marking and improving the same in the year 1775." This Daniel Leet was, no doubt, the "Mr. Leet" mentioned in George Mason's letter to Robert Carter, of March 12, 1776, quoted above. Daniel Leet was born November 6, 1748, on the New Jersey side of the Delaware River, about thirty miles above Philadelphia. Having been educated for a surveyor, he secured a commission from Virginia as deputy under Colonel William Crawford to survey lands on the Kanawha River for Washington, and was thus occupied when the Revolution began. In Creigh's History of Washington County, Pennsylvania, appears this statement:

"On the 17th of April, 1776, Daniel Leet produced a commission from the College of William and Mary to be surveyor of the County of

---

" (Woodford County) O. B. "D," p. 410.
"p. 22."
Augusta, which embraced the county itself and the district subsequently divided into the three counties (of Ohio, Manongalia and Yohogania). He took the usual oaths in open court, and gave as his securities for the fulfillment of the duties of his office, George Rice and George McCormick, Esquires."

Leet enlisted in the Thirteenth Virginia Regiment and was appointed quartermaster and paymaster of the regiment, and in 1778 he served as adjutant under General McIntosh. In 1782, he was brigade-major of Crawford’s unfortunate expedition, and after his return, settled on Chartier’s Creek, three miles above the tract which his father, Isaac Leet, had purchased in 1779. Afterwards Daniel Leet was a justice of the peace and a member of the Pennsylvania Legislature. He died June 18, 1830, at the home of a daughter.⁷⁵

At Harrodsburg, on January 31, 1780, before the Court of the Kentucky Land Commissioners, William Eustace, by Hancock Lee, claimed a Pre-emption of 1,000 acres, “lying on the south side of Hingston’s Fork of Licking Creek, on a small branch running into the said creek just above a small lick on the bank of the said creek, to include his improvement,” “on account of marking & improving the same in the year 1775.” William Eustace was a first-cousin of Captain Hancock Lee, and there can be little doubt that he was a member of Lee’s surveying party in 1775.

From records on file in the clerk’s office of the Woodford Circuit Court, particularly in the suit of Vivion Goodloe v. Hancock Lee, it appears that Captain Hancock Lee had become the owner of the site of Leestown, on the Kentucky River, and in the month of March, 1789, undertook to make a public sale of the lots in the proposed town. In his Bill of Complaint, Goodloe alleged that “about the month of March, 1789, your orator purchased two half-acre lots, in the place called Leestown, of Hancock Lee, the proprietor,” and further alleged that:

“Said Lee . . . promised and assured them (i.e., the purchasers of lots) that he purposed to move his family out and settle at the said Leestown, which was then unsettled, in the next ensuing summer after the said sale; that he would erect a sawmill where the purchasers of lots might be conveniently supplied with plank and scantling to effect their said improvements, and further engaged to convey a fee simple

title to your orator for the said two lots on or before the first day of November, 1790."

A witness, Edmund Bartlett, whose affidavit was taken, sworn to and filed February 2, 1790, substantially corroborated the allegations of the Bill, and, in addition, testified that Hancock Lee had "said there would be a public road through the said town, leading from Louisville to Lexington."

In his answer, the defendant, Hancock Lee, denied that he "either engaged to remove his family and settle at Lee's Town, or promised or gave any assurances that he would build a saw-mill there." At the same time, he tendered a deed, which Goodloe refused. The final decision was in favor of Lee.

The close relations of Hancock Lee and Edmund Taylor (cousin of Hancock Taylor) are indicated by the case of Robert Jones, et al., Heirs of Gabriel Jones, (of Culpeper County, Va.,) v. Taylor and Lee," and there is reason to infer from this record that Hancock Lee and his cousin, Hancock Taylor, were thrown together in Kentucky, either in 1773 or 1774. A letter of October 26, 1780, from Edmund Taylor to Hancock Lee, addressed—"Hancock Lee, Esqr., Kentucky County, to the care J. Floyd, Esqr."

"Dr. Sir—

"Not being able to do my business on Floyd's Fork, have determin'd me to go in. I shall leave this tomorrow. I have made the Addition to your former Entry, which you will see by Mr. May's book. This County is divided, which takes place the first of Next Month. Mr. May takes the Lower County & moves down directly. I am afraid your surveys, made after the 1st Novr., will not be received, therefore will advise you to Antedate them. This I think is no Crime in as (much as) nobody is Injured by it. I refer (defer?) taking out the Entrys you desired as Mr. May will be Convenient for you to take them on your return from Green River; tell Mr. Carlile by Warrants were all Enter'd—I should have Spared him one, nor has it been in my Power to get any, they being in great demand—I just now saw a Letter directed to you or Mr. Heptonstall but would not open it as there is no chance to get the Entrys to you, were I to make any. The Letter is from W. Bull. The Letter only got here a few days ago. Mr. May wil take care of it till you return. I got here today and set off (for) Frederick tomorrow in Comp'y. with Colo. Clerk, so that I am much hurried, being Obliged to meet my Comp'y. tomorrow at Harrod's Station at 10 o'Clock, so that I can't have an opp'y of seeing George Carlile to no weather (know whether) he could contrive you the Entry, were I to make them—tell Abraham Heptonstall I should have wrote him but the Scarcity of paper prevents me, the Skins you & he made me a present of I could not get them drest, therefore have parted with them but hope you wont think that I made light of the present by so doing.

"Sneed, pp. 71-73, supra."
as nothing but the ill-conveniency of carrying them in in that situation made me do it. Tell him I took the Liberty of making use of the Skin he had at Floyd’s—I took it to make me a pr. of Gloves, having Lost them he made Xing Salt River where they got wet—I lay them on the sand to dry & come away & Left them. We have abundance of News in this part of the world, but of this you can be better inform— when you return. If you should be able to make your Survey on Elkhorn, must get the Favor of you to make mine wch. was entered between my survey & the big survey bind’g on S. & Jones’s & that Entry made on S. & Jones’s survey of 2000 Acres you had better divide so that in taking out the plot (or patent) you can have your part sign’d to you. These Entrys I sett great store by, as they will be a Very Great Addition to my tract. I opened the cask of Flower at the Falls & found it much damaged—were obliged to throw away a good deal of it from the top—I took about 25 lbs. out & left the rest open, as I think the air will be of service to it. I expect to here from you immediately on your return this—I hope you wont fail writing me & what you have done & that you may do your Business to your Satisfaction & all return safe is my Sincere Prayer—Give my best regards to Abraham & Jonney & believe me to be, My d’r. Sir,

Your Most Afft. Servant,

Edmund Taylor.”

This letter was authenticated by the deposition of Hubbard Taylor, (a companion of Hancock Lee on Green River, in 1780,) taken in the suit of Hancock Lee v. George G. Taylor, &c., the Heirs of Edmund Taylor, in the Woodford Circuit Court. Edmund Taylor died in the midsummer of 1786.

Nicholas Cresswell, a young Englishman, made a trip to America in the Spring of 1774, and remained here until late mid-summer of 1777. During these three years, he traveled extensively, and for the greater part of the year 1775, was on the waters of the Ohio and Kentucky Rivers. Cresswell kept a diary of his adventures and observations, and this record, but recently brought to light, was published for the first time in 1924, under the title: “The Journal of Nicholas Cresswell, 1774-1777.” It is a quaint, unaffected, and exceedingly interesting personal narrative and of real value from the historical viewpoint. The following extracts will serve to corroborate some of the statements and surmises previously made in this paper respecting Captain Edmund Taylor, Captain George Rogers Clark, Captain Hancock Lee, and some of their associates in the backwoods of Kentucky. References are to the pages of the “Journal” as printed. At the date of the first of the following entries, Cresswell was in the vicinity of Fort Pitt, now Pittsburg.
P. 67. "Friday, April 21st, 1775. This day made a full agreement with George Rice to go with me to the Illinois Country, on condition that I will wait for him on the Kentucky River Ten days. I have agreed to do this and give him 500 acres of land for his trouble."

P. 68. "Friday, April 28th, 1775. . . . "Camped at Washington's Bottom; expect the rest of the company to join us in the morning. I may now bid adieu to sleeping in beds or houses for some months. Saturday, April 29th, 1775. This morning we were joined by Mr. James Nourse, an English gentleman going down to the Kentucky River to take up land in right of his Brother who is an officer in the Navy, Mr. Benjamin Johnston and Capt'n Edmund Taylor, who are going to take up land on the Kentucky River. Got all our provisions on board. Mr. Nourse, Capt'n Taylor, Mr. Nourse's servant and me in the Charming Sally, Mr. Johnston, his servant, George Rice, Capt'n Taylor's Brother and a servant of his in the Charming Polly, proceeded down the River to the mouth of Sawekey (Sewickley) creek."

Pp. 70-71. "Thursday, May 4th, 1775. . . . "Got to Wheeling Creek, Fort Fincaunce, on the East side of the River. This is a quadrangular picketed Fort on a little hill beside the River, built last summer by Lord Dunmore, a small garrison in it. Here we took into our company Capt'n George Clark. Lashed our canoes together and drifted all night."

P. 72. "Sunday, May 7th, 1775. This morning Capt'n Clark (who I find is an intelligent man) showed me a root that the Indians call pocon, good for the bite of a Rattle Snake. The root is to be mashed and applied to the wound, and a decoction made of the leaves which the patients drink. The roots are exceedingly red; the Indians use it to paint themselves with sometimes."

P. 73. "Wednesday, May 10th, 1775. Found ourselves opposite Guandot Creek on the East side of the River. Rowed hard and got to Sandy Creek to breakfast, where we found Capt'n Charles Smith encamped with 22 men. He was taking up land as we are now out of the inhabitants. I intend to stay here for Capt'n Lee."

P. 74. "Sunday, May 14th, 1775. Camped at the mouth of Sandy Creek. This morning very wet. After breakfast Mr. Edmund Taylor and I entered into discourse on politics which ended in high words. Taylor threatened to tar and feather me. Obliged to pocket the affront. Find I shall be torified if I hold any further confab with these red-hot liberty men. (Mem. Taylor's usage to be remembered.) Monday, May 15th, 1775. Left Sandy Creek. Capt'n Lee not arrived."

P. 73. "Wednesday, May 24th, 1775. Proceeded up the (Ky.) River; find the navigation worse, more rapids and strong current. Surrounded 30 Buffaloes as they were crossing the River, shot two young Heifers and caught two calves alive whose ears we marked and turned them out again. About noon Capt'n Michael Cresop met us, informed us it is 100 miles to Harwood's (Harrod's) Landing, the place our company intends to take up land. No danger of the Indians. Capt'n Clark left us and went with Capt'n Cresop. Clark always behaved well while he stayed with us."

P. 73. "Friday, May 26th, 1775. Proceeded up the River. Met 2 canoes bound to Redstone. Shot an old Buffalo Bull that had his ears marked. . . . Camped at the mouth of Elk Horn Creek."

P. 81. "Harwood's Landing—Sunday, June 4th 1775. Arrived at Harwood's Landing in the evening. Saw a Rattle Snake about 4 feet long. A bark Canoe at the landing. We have been fourteen days in coming about 120 miles. My right foot much swelled, owing to a hurt I got by bathing in the River. Rocky and Cedar hills, along the banks of the River. My foot very painful. Monday, June 5th, 1775. This is called Harwood's Landing as it is nearest to a new Town that was laid out last summer by Capt'n Harwood, who gave it the name of Har-
woodsburg about 15 miles from the landing, for which place Mr. Nourse, Mr. Johnston, Taylor and Rice set out this morning. I would have gone with them, but my foot is so bad I am scarcely able to walk. Tuesday, June 6th, 1775. Mr. Nourse and company returned in the evening. He gives a good account of the richness of the land, but says is appears to be badly watered and light timbered. They lodged in the town. Mr. Nourse informs me there is about 30 houses in it, all built of logs and covered with Clapboards, but not a nail in the whole Town. "Inform us that the Indians have killed four men about nine miles from the town. This has struck such a panic that I cannot get anyone to go down the Ohio with me on any account. Determined to return by the first opportunity."

P. 84. Sunday, June 11th, 1775. This morning killed a Buffalo Cow crossing the River. Fell down to Elkhorn Creek. Camped and jerked our meat, sprinkling it with salt which makes it more palatable. Found Captn. Hancock Lee camped at Elkhorn, surveying land."

P. 85. "Monday, June 12th, 1775. . . . Went to Captn. Lee's camp, who treated me very kindly with a dram of Whiskey and some bread, which at this time is a great luxury with me. Captn. Lee's brother gave me a Rattlesnake skin about four feet long. Very hot."

P. 88. "Saturday, June 17th, 1775. This morning set out for the Elephant Bone Lick, which is only three miles S. E. of the River. However, we lost our way and I suppose traveled twenty miles before we found it . . . Captn. Hancock Lee told me he had found a Tusk here that was six foot long, very sound but yellow. These tusks are like those brought from the Coast of Africa."

No adequate conception of the value of this "Journal" as a contemporary chronicle of the Kentucky country can be obtained from these short extracts. To be appreciated, it must be read in its entirety. But the entries quoted establish very positively the presence of the Lees, the Taylors, Clark, Cresap, Nourse, and others, in the Elkhorn region of Central Kentucky, in the months of May and June, 1775. This is the matter of chief concern for present purposes.

Mixed motives were behind all of these great land enterprises. Private advantage and public benefit were the dual mainspring of most of them that antedated the close of the Revolution, and to none of the colonizing companies in this class is more credit due than to the Ohio Company of Virginia. The purely speculative enterprises that flourished during the two decades immediately following the end of the War for Independence gave rise to "scandals" that had seldom or never sullied the records of the earlier land companies. Benjamin Franklin, who was one of the earliest and most ardent advocates of the establishment of new Colonies in the Middle West and clearly foresaw its future, urged the need and efficacy of "buffer

\(^{27}\) Gratz Papers, p. 357, footnote 1, and p. 362, footnote 1.
states" or "buttress states" or "barrier settlements" to safeguard the frontiers of the older colonies. But even his gigantic dream, as eventually embodied in the Vandalia grant, failed to come true as he had shaped it. And, as Winsor has expressed it, all of them sooner or later passed "into the Limbo of forgotten things." There was no formal dissolution of these companies. *Quo warranto* proceedings were not invoked against them. But, at the hands of the new State governments, they suffered the fate of step-children or of outcasts. From studious neglect, they presently underwent complete extinction.

To a few, like the Henderson, Louisa, or Transylvania Company, so-called "consolation grants" were made. But, so far, at least, as Virginia was concerned, the Illinois and Wabash projects, (dating respectively from 1773, 1775,) and the Transylvania project were in a class to themselves, since their putative titles were based on purchases by private individuals from the Indians, and not on grants from either Crown, Colony, or Commonwealth. As to all such purchases, Virginia, under the resolute and uncompromising leadership of George Mason, took the flat-footed position that they were wholly unauthorized, illegal, and void; and from this stand she never receded.

The conclusion, however, cannot be resisted that the Ohio Company of Virginia deserved a better fate. In equity, its members should have been compensated for their bold initiative, for their protracted and laborious struggle, and for their costly outlay. When the pioneer history of Kentucky is seen in its right proportions, the Ohio Company will take its place beside the Loyal Company and the Transylvania Company as one of the three organized forces that paved the way for the conquest and reclamation of the transmontane wilderness, and George Mason, Christopher Gist, and Hancock Lee will receive the same grateful recognition which has been freely accorded Walker, Henderson and Boone. Furthermore, in view of the fact that the Ohio Company was, from the very first, intimately connected with the exploration and settlement of Kentucky, it is a pleasure to know that its affairs were uniformly conducted on a high plane and that it surrendered at last, not without a struggle, but with the best possible grace and dignity.
"Leestown," like Boonesborough and St. Asaph's, never at its best a populous settlement, has long since vanished as a town site, and today persists merely as "the shadow of a name." But with it one must forever associate the valiant pioneer feats of the Lees, the Taylors, the McCrackens, and the McConnells; and the "Leestown Pike," once the primitive trail of the pioneers, now the oldest roadway leading out of Lexington, is a living monument to the aggressive but ill-starred leadership of the masterful men who, as representatives of the Ohio Company of Virginia, sought to vindicate and validate its inchoate title to a goodly portion of the fairest section of Blue Grass Kentucky.78

*Samuel M. Wilson,*

78 **BIBLIOGRAPHY**


The Journal of Nicholas Cresswell, 1774-1777.


Genesis of the Proclamation of 1763, by Clarence W. Alvord.


Lee of Virginia, 1642-1892, by Edmund Jennings Lee.

Writings of Washington, by Jared Sparks, Vol. 2.

Franklin's Works, by Jared Sparks, Vols. II and III.

Kerr's History of Kentucky, Vol. I, Chaps. V and VI.

Life of George Mason, 1725-1792, by Kate Mason Rowland, Vols. I and II.

Case of the Loyal and Greenbrier Companies, 4 Call (Va.) 21-32.

Hite, &c. v. Fairfax, &c., 4 Call (Va.) 42-83.

Hamilton v. Maze, &c., 4 Call (Va.) 196.

French v. The Successors of the Loyal Company, 5 Leigh (Va.) 627-685.

Cline's Heirs v. Catron, 22 Grattan (Va.) 373-385.

Chisholm's Exor. v. Georgia, 2 Dallas 419.

Eleventh Amendment, Constitution of the United States.

Grayson v. Virginia, 3 Dallas 320.

Hollingsworth v. Virginia, 3 Dallas 373.

Johnson v. McIntosh, 8 Wheaton 543-605.

Montgomery v. Ives, 21 Smedes & Marshall (Miss.) 161.

Bogardus v. Trinity Church, 4 Sand. Chan. (N. Y.) 633.

The Ohio River, by Archer Butler Hulbert.
The Mississippi Valley in British Politics, by Clarence W. Alvord, Vols. I and II.
American Colonial Government, 1696-1765, by Oliver M. Dickerson.
Virginia Land Grants, by Fairfax Harrison.
Register of the Kentucky State Historical Society, Vol. 21.
The First Land Court of Kentucky, 1779-1780, by Samuel M. Wilson.
History of the Early Settlement and Indian Wars of West Virginia, by Wills DeHass.
The Westward Movement, by Justin Winsor.
Old Westmoreland, by Edgar W. Hassler.
The Olden Time, by Neville B. Craig, Vol. I.
The Monongahela of Old, by James Veech.
Collins' History of Kentucky, Vols. I and II.
Historic Highways of America, by Archer Butler Hulbert, Vols. 3 and 6.
Early Western Travels, by Reuben Gold Thwaites (earlier vols. of the series).
Christopher Gist's Journals, by W. M. Darlington.
Documentary History of Dunmore's War, by Thwaites & Kellogg.
History of Pioneer Kentucky, by R. S. Cotterill.
The Frontier in American History, by Frederick Jackson Turner.
Pioneer History of the Ohio Valley, by S. P. Hildreth.
The Romance of Western History, by James Hall, Appendix.
Ohio in the Time of the Confederation, by Archer Butler Hulbert.
New Governments West of the Alleghenies Before 1780, by George Henry Alden.
Calendar of "Preston and Virginia Papers," Wisconsin Historical Publications.
History of Cumberland (Md.), by W. H. Lowdermilk.