Forging a Bluegrass Commonwealth: The Kentucky Statehood Movement and the Politics of the Trans-Appalachian West, 1783–1792

Christopher L. Leadingham
leadingham6@magmail.com

Follow this and additional works at: https://mds.marshall.edu/etd
Part of the Appalachian Studies Commons, Political History Commons, Social History Commons, and the United States History Commons

Recommended Citation
https://mds.marshall.edu/etd/1110

This Thesis is brought to you for free and open access by Marshall Digital Scholar. It has been accepted for inclusion in Theses, Dissertations and Capstones by an authorized administrator of Marshall Digital Scholar. For more information, please contact zhangj@marshall.edu, martj@marshall.edu.

A thesis submitted to the Graduate College of Marshall University in partial fulfillment of the requirements for the degree of Master of Arts in History by Christopher L. Leadingham

Approved by Dr. Kevin T. Barksdale, Committee Chairperson
Dr. David J. Trowbridge
Dr. Robert C. Deal

Marshall University
July 2017
We, the faculty supervising the work of Christopher L. Leadingham, affirm that the thesis, *Forging a Bluegrass Commonwealth: The Kentucky Statehood Movement and the Politics of the Trans-Appalachian West, 1783–1792*, meets the high academic standards for original scholarship and creative work established by the Master of Arts in History and the College of Liberal Arts. This work also conforms to the editorial standards of our discipline and the Graduate College of Marshall University. With our signatures, we approve the manuscript for publication.

Dr. Kevin Barksdale, Department of History  
Committee Chairperson  
Date  
29 June 2017

Dr. David Trowbridge, Department of History  
Committee Member  
Date  
29 June 2017

Dr. Robert Deal, Department of History  
Committee Member  
Date  
29 June 2017
ACKNOWLEDGEMENTS

I was fortunate to study under a very talented and dedicated group of historians while at Marshall University. Thanks must first and foremost go to my advisor, Dr. Kevin T. Barksdale, who has been a constant source of motivation and support from the very beginning. It is difficult to put into words the many ways that he has shaped my thinking about Kentucky and the early national period. I am grateful for his guidance and friendship over these many years, and for his encouragement to continue my studies at the doctoral level. A special thanks must also be extended to Drs. Robert C. Deal, David J. Trowbridge, and Christopher M. White, each of whom has also contributed, in no small way, to my development as an historian. I am thankful for their friendship and support as well.

I would be remiss in not thanking the folks at the Journal of Appalachian Studies, who, over the past few years, have allowed me to serve as their assistant managing editor. That experience has been invaluable.
CONTENTS

Abstract ........................................................................................................................................ vi

Introduction ..................................................................................................................................... 1

Chapter One .................................................................................................................................... 12
  “Such is our melancholy situation…To whom else shall we apply?” ........................................ 12
  Into the West ............................................................................................................................... 13
  The First Convention ................................................................................................................ 17
  The Second and Third Conventions ............................................................................................ 25
  Reflection ..................................................................................................................................... 30

Chapter Two .................................................................................................................................. 31
  “Vassals to the merciless Spaniards” ....................................................................................... 31
  The River Closes ........................................................................................................................ 32
  A New England Conspiracy ........................................................................................................ 37
  Reflection ..................................................................................................................................... 47

Chapter Three ................................................................................................................................. 49
  “Congress will never fail to find an excuse” .............................................................................. 49
  More Conventions ..................................................................................................................... 50
  A Nation Divided ....................................................................................................................... 56
  Reflection ..................................................................................................................................... 61

Chapter Four ................................................................................................................................ 63
  “Injustice is necessary for our prosperity and happiness?” .................................................... 63
  Statehood Achieved .................................................................................................................... 64
  Reflection ..................................................................................................................................... 70

Bibliography .................................................................................................................................. 75

Appendix A: Office of Research Integrity Approval Letter ....................................................... 82

Appendix B: Brief Biographical Sketches of Kentucky’s Leading Political Figures .................. 83

Appendix C: Timeline of Select Events ....................................................................................... 87

v
ABSTRACT

In 1893 historian Frederick Jackson Turner first presented his frontier thesis to a group of historians at the World’s Columbian Exposition, a fair honoring the four-hundredth anniversary of Christopher Columbus’ expedition, in Chicago, Illinois. Since then, scholars have long debated the role that the frontier played in shaping the development of the United States. The Kentucky statehood movement emerged at a critical juncture in the early republic’s history, and, when viewed in a transatlantic context, becomes much more important to the development of the United States and larger Atlantic world than what has generally been recognized. Kentuckians found themselves at the forefront of a multifaceted struggle between the United States and Europe’s most powerful empires for control of the trans-Appalachian West. The manner in which Kentuckians interpreted and responded to the realities of daily life in the region shaped the foreign and domestic agendas of the developing United States and influenced the actions of foreign political representatives. This analysis of the Kentucky statehood movement, framed by the conventions themselves, reveals how Kentucky’s political leaders were shaped by, and often times influenced, national and international politics while carefully attending to their own local political agendas.
INTRODUCTION

Such was the situation of this country twenty-two years ago. In this situation the people became politicians from necessity, not from choice. In this situation they commenced those public consultations, discussions and political transactions, which terminated in the ultimate independence of their country. These will be the subject of the following chapters.

--William Littell, *Political Transactions*, 1806

William Littell, a legal historian born in New Jersey and raised in Pennsylvania, immigrated to Kentucky in 1801. He quickly immersed himself in politics and, following a brief stint practicing medicine in Mt. Sterling, was commissioned to write an account of the Kentucky statehood movement in 1806. Littell was hired by Federal Judge Harry Innes and a number of the state’s most well-known political leaders to refute claims alleging their involvement in the Spanish Conspiracy of twenty years earlier. Humphrey Marshall, a cousin of US chief justice John Marshall, was the primary architect of the accusations and frequently lambasted Innes in the Frankfort *Western World*. Innes soon brought libel suits against Marshall and the newspaper’s co-founder, Joseph Street. *Political Transactions* was released later that year. Littell carefully attempted to absolve Innes and his cohort of sympathizing with Spain by drafting a narrative of the statehood movement’s most defining moments. Marshall offered his response with the release of *History of Kentucky* in 1812. The work was decidedly partisan in nature and

---


sought to vilify anyone that he believed played a role in the Spanish Conspiracy. Innes’ suit against Marshall ended in 1814 with a hung jury and was not settled until the following year when the two signed an agreement ending the case. Marshall later broke the agreement and ultimately got the last word when he published a revised and more vituperative adaptation of his work in 1824—eight years after Innes’ death.³

The defining events of the Kentucky statehood movement, that encapsulated the lives of Marshall and Innes during the 1780s, and afterward became the subject of bitter quarrels between the two men, illustrate that Kentucky politics reached far beyond the frontier.⁴ The Kentucky statehood movement emerged at a critical juncture in the early republic’s history, and, when viewed in a transatlantic context, becomes much more important to the development of the United States and larger Atlantic world than what has generally been recognized. Kentuckians found themselves at the forefront of a multifaceted struggle between the United States and


⁴ Kentucky, Montgomery, and Washington counties were established on December 31, 1776, when the Virginia legislature officially dissolved Fincastle County. Kentucky County largely encompassed the same area that the state of Kentucky would in 1792. The Kentucky district was formed in March 1783 and consisted of Fayette, Jefferson, and Lincoln counties. See Harrison and Klotter, A New History of Kentucky, 31–32, 52–53.
Europe’s most powerful empires for control of the trans-Appalachian West. The manner in which Kentuckians interpreted and responded to the realities of daily life in the region shaped the foreign and domestic agendas of the developing United States and influenced the actions of foreign political representatives. The debates at the Kentucky statehood conventions were likewise shaped by the national and international issues of the day, as Kentuckians wrestled with tough questions: should Kentucky separate from Virginia? Who would benefit from separation? How and when should independence occur? What should the new state government look like? Who should fill leadership positions? How would separation affect the local economy? These questions defined the Kentucky separatist movement and were quickly complicated by the many possibilities and differing viewpoints offered by Kentuckians.⁵

The fate of the United States remained largely unsettled throughout the 1780s. Although American officials hoped to bring stability to the trans-Appalachian West through diplomacy, they were often at odds with one another and the region’s leaders about how best to accomplish that goal. Kentucky lay at the center of a complex competition between the British, Spanish, and regional Indian groups to halt US expansion beyond the Appalachian Mountains. These groups hoped to stunt the growth of the United States and protect their regional interests by quashing its efforts to achieve sustained commercial and territorial development. The national government failed to implement basic measures that ensured the physical and economic well-being of its outlying populace, and many, as a practical alternative, began to call for the creation of an

---

independent western state. These individuals believed that their needs could best be addressed through localized government. Kentuckians assembled in convention ten times between 1784 and 1792 to discuss the possibility of separating from Virginia.\(^6\)

Kentuckians spoke out against the misappropriation of surveying fees, called for the establishment of a western printer, supported protection for orphans and the poor, and identified, in addition to a number of other issues, problems with the court system. They disapproved of the lack of navigable roads, bridges, and waterways in the region despite the sizeable share of taxes that Kentuckians paid to the Virginia state government. Most importantly, however, Kentuckians sought protection from antagonistic Native groups and spoke out against their inability to mount offensive strikes against them. Some Kentuckians began to question the legitimacy of the American Revolution in the West and adapted the images, symbols, and rhetoric of the war to advocate separating from Virginia. The early statehood conventions centered on issues of land redistribution and security concerns and were framed by an East/West divide as delegates disparaged what they considered to be a distant and unresponsive state legislature.\(^7\) It was not until Spain closed the Mississippi River to US traffic in 1784 that the movement gained traction

---


The Mississippi River played a vital role in the developing Kentucky commercial economy. Kentuckians relied upon the river to ship their goods to market and expected the national government to quickly negotiate the reopening of the waterway. The proposed Jay/Gardoqui agreement merely heightened tensions in the region when word spread that the settlement called for the forfeiture of US navigation rights to the river for a period of twenty-five to thirty years. Kentuckians were no longer willing to tolerate a distant and unresponsive government, and some, such as Thomas Green of Louisville, threatened to take matters into their own hands. Even the ongoing debates concerning the ratification of the US Constitution were shaped by the arguments made by people in the West. Kentuckians questioned the rationale for the new government and believed the new system would make it easier for the Atlantic states to cede control of the Mississippi River to Spain. James Madison assured westerners that navigation rights to the river would become a national issue under the new government. He expected Kentucky delegates to play a decisive role at the Virginia ratification convention and lobbied to gain their support. Kentuckians did not actively participate in the debates, despite Madison’s prediction, and the convention approved the new government in June 1788. Kentucky officially
became a state on June 1, 1792. Kentuckians finally achieved unfettered access to the Mississippi River with the signing of Pinckney’s Treaty on October 27, 1795, and, by the late 1790s, a plantation and slave-based economy defined much of the state.9

Kentucky and its peoples clearly occupied an important space in the early American and Atlantic worlds. Kentucky’s political leaders were shaped by, and often times influenced, national and international politics while carefully attending to their own local political agendas. Historians of the frontier and early Kentucky have, however, been slow to recognize the important role that the state’s political leaders played in shaping the development of the United States and larger Atlantic world. Early accounts of Kentucky emphasized the state’s rich natural resources and promoted the region as an “agrarian promised land” waiting to be settled by self-sufficient yeoman farmers.10 This characterization was widely accepted and perpetuated in the American public consciousness and shaped historical interpretation of both Kentucky and the frontier for decades to come. The United States soon expanded beyond the Mississippi River, and, by the late nineteenth century, writers began to reinterpret Kentucky’s regional identity as eastern instead of western. Kentucky, for those writers, was significant inasmuch as the state

---


ensured the perpetuation of America’s fundamental political and social institutions as the country expanded westward.\textsuperscript{11}

Historian Frederick Jackson Turner completely reshaped the study of American history in 1893 when he presented his frontier thesis to a group of historians at the World’s Columbian Exposition, a fair honoring the four-hundredth anniversary of Christopher Columbus’ expedition, in Chicago, Illinois. Turner linked the development of American national character to the expansion of the frontier. He argued that the realities of life on the frontier reshaped traditional European beliefs and practices into a unique American identity that was continually refined as the frontier moved farther west. Turner, however, ignored the complex intercultural relationships that developed on and beyond the frontier, and, as a result, masked the true political instability of the trans-Appalachian West. Britain, Spain, and various Native American groups remained key players in the region well into the nineteenth century.\textsuperscript{12}

Historians have since rejected much of the Turnerian thesis and are now working to better situate the trans-Appalachian West in a critical, global context. Francois Furstenberg places the backcountry at the center of Atlantic world history between 1754 and 1815 in his article “The Significance of the Trans-Appalachian Frontier in Atlantic History.” Furstenberg contends that, when viewed from multiple perspectives, the Seven Years’ War did not end in 1763, but, rather, continued with only minor breaks until 1815. This extended conflict, which the author has

\textsuperscript{11} Friend, ed., \textit{The Buzzel about Kentuck}, 4–5. This premise was based on the “germ theory” articulated by Herbert Baxter Adams. Adams, who hoped to introduce scientific study to the discipline of history, believed that America’s most basic institutions were rooted in Anglo-Saxon tradition. See, for example, Nathaniel S. Shaler, \textit{Kentucky: A Pioneer Commonwealth} (Boston: Houghton, Mifflin, 1885), available online at https://archive.org/details/kentuckypioneerc00shal (accessed February 26, 2017).

labeled the “Long War for the West,” was fought at various points across the trans-Appalachian West. Furstenberg demonstrates that settler discontent and foreign intrigue in the region was a significant threat to US sovereignty as the nation struggled to assert its political and economic independence. Similarly, in The Diplomacy of the New Republic, 1776-1815, Reginald Horsman identifies political independence, domestic security, commercial expansion, and territorial acquisition as the main driving forces behind US policy during this period and emphasizes the important position that the trans-Appalachian West held in relation to those goals.¹³

Many authors have been able to demonstrate the importance of the trans-Appalachian West to the development of early American politics by examining the processes of identity formation and state making. Patrick Griffin argues in American Leviathan: Empire, Nation, and Revolutionary Frontier that western settlers created their own notions of sovereignty and social order as a result of racism and an increasingly violent atmosphere. Griffin views the western frontier from a Hobbesian standpoint (civil society cannot exist without a government) and asserts that the frontier derived much of its powerful influence from the violent conflicts that erupted between Native Americans and westerners. The manner in which westerners responded to that atmosphere and the compromises that resulted with eastern leaders, the author explains, played important roles in shaping the developing national government. Andrew R.L. Cayton explores the development of regional identities in the trans-Appalachian West and concludes that regional tensions and competition for limited governmental resources sparked many of the western statehood movements. Historian Kevin T. Barksdale moves in a similar direction with

his analysis of the failed state of Franklin in *The Lost State of Franklin: America’s First Secession*.14

This study builds upon existing scholarship that demonstrates the importance of the trans-Appalachian West and, by extension, Kentucky, to the development of the United States and larger Atlantic world. The intersection of the Kentucky statehood movement and the politics of the early republic underscore a number of political, economic, and social issues that defined the domestic and foreign policies of the United States as the untested national government struggled to assert its political and economic independence in the years following the Revolutionary War. Kentucky’s political leaders played important roles in shaping the nation’s policies towards Native Americans, commerce and transportation, and territorial expansion. Kentuckians also played a critical role in reshaping the national government in debates concerning the ratification of the Constitution. The debates at the statehood conventions were likewise shaped by national and international issues, particularly Spain’s closure of the Mississippi River, further demonstrating the importance of viewing Kentucky, and the statehood movement, in a wider, transatlantic context.

Chapter one begins by outlining the basic territorial claims that shaped British and French imperial policy in the trans-Appalachian West and highlights the contested nature of the region itself. Indigenous and non-indigenous peoples aggressively competed for the wealth and natural resources of the trans-Appalachian West, and the violent confrontations that ensued played an important role in unifying both groups. This section builds upon Patrick Griffin’s analysis of

frontier violence and self-sovereignty in *American Leviathan* to illustrate how notions of fear and Indian hating provided the impetus for the early Kentucky statehood conventions. Many Kentuckians believed that only an independent state could best secure the financial and military resources needed to ensure their protection and framed the movement in terms of an East/West divide. Kentuckians, by speaking out against the Virginia and US governments, shaped state and national policies concerning Native Americans and played an important role in identifying and critiquing the failings of the national government under the Articles of Confederation.

Chapter two opens on June 26, 1784, when Spanish officials closed the Mississippi River to US traffic. This section describes the importance of the river to the developing Kentucky commercial economy and builds upon the themes outlined by Reginald Horsman in *The Diplomacy of the New Republic, 1776-1815* to illustrate how the closing of the Mississippi River and the proposed Jay/Gardoqui agreement positioned Kentuckians at the center of the competition between the United States and Spain to control the trans-Appalachian West. Spain intended to use the backcountry desire to access the Mississippi River as a bargaining chip in negotiations with the United States. Kentuckians were no longer willing to tolerate a distant and unresponsive government, and some hoped to leverage their allegiance to the United States in an attempt to improve their situation on the frontier. This section also suggests an important change in the framing of the statehood movement (from an East/West to North/South divide) after legislators from Virginia sided with Kentuckians by calling for free and unrestricted access to the Mississippi River.

Chapter three builds upon the previous chapter to illustrate how the national debates concerning the ratification of the US Constitution were shaped by the arguments made by people in the West. Many Kentuckians questioned the motivation behind the new system, believing that
the Atlantic states could more easily forfeit control of the Mississippi River to Spain under the new government. James Madison expected Kentucky delegates to cast the deciding votes at the Virginia ratification convention and lobbied to gain their support. Kentucky delegates did not actively participate in the convention debates, and, in the end, did not play the decisive role that Madison anticipated. Kentuckians, overall, however, played a significant role in shaping the development of the new government by joining fellow westerners in demanding a government that was attentive and responsive to their needs. This section also identifies how the ongoing national debates reciprocally shaped the Kentucky statehood movement.

Chapter four outlines the final statehood conventions and identifies a number of important factors that determined what the new Kentucky government would look like as the state took shape. Kentuckians were particularly divided over which courts should hold jurisdiction over land-dispute cases. The right to hold slaves emerged as the most contentious issue discussed at the final statehood convention. Proponents of the institution argued that the Virginia Compact (Fourth Enabling Act) protected the private property rights of slave owners. Convention delegates, in the end, voted to allow slaveholding in the new state, despite the efforts of an antislavery faction led by Presbyterian minister David Rice. Kentucky officially became a state on June 1, 1792, and a plantation and slave-based economy defined much of the state by the late 1790s. The integration of political and economic systems bolstered the gentry’s foothold in the West and hastened the transformation of the Kentucky frontier. Slaveholders across the United States gained an important victory with the ratification of the 1792 constitution—precedent for the expansion of slavery into the West.
CHAPTER ONE

“Such is our melancholy situation…To whom else shall we apply?”

For while they see no vigorous & decided steps taken by Government to prevent the cruelties & Depredations of the Savages, they are apt to conclude as the reason, that those in Administration feeling nothing of their sufferings, are consequently indifferent to their Situation: they therefore wish for a separation, because they then expect that every one in power will be equally interested with themselves in securing a friendly Intercourse with their troublesome Neighbors.

–Walker Daniel to Benjamin Harrison, May 21, 1784

Indigenous and non-indigenous peoples aggressively competed for the wealth and natural resources of the trans-Appalachian West. British officials struggled to maintain peace in the region following the close of the Seven Years’ War, and violent confrontations between Amerindians and Euro-American settlers became commonplace as the settlement and development of the trans-Appalachian West continued apace. Violent acts committed both by and against Native peoples unified western settlers in a way that no other did. Kentuckians began to look towards eastern governments and political leaders for assistance as the frequency of raids against frontier settlements intensified after the outbreak of the American Revolution. Many Kentuckians believed that an independent state would best be able to secure the financial and military resources needed to ensure their protection. The early statehood conventions centered on issues of land redistribution and security concerns and were framed by an East/West divide as delegates spoke out against the Virginia and US governments. Kentuckians, in so doing, shaped

---

state and national policies concerning Native inhabitants and played an important role in identifying and assessing the shortcomings of the Confederation government.\textsuperscript{16}

**Into the West**

The wealth and natural resources of the trans-Appalachian West had long been contested by the British, French, Spanish, Cherokee, Delaware, Shawnee, and various other Amerindian groups who peopled the region. England laid claim to a substantial portion of the backcountry and, by extension, much of North America via the Virginia colony. In 1609, King James I of England extended the boundaries of Virginia westward to the Pacific Ocean and two hundred miles north and south of Old Point Comfort.\textsuperscript{17} England’s claim to the region was bolstered in 1671 with the discovery of the New River, a tributary of the Kanawha River with headwaters in western North Carolina, by explorers Thomas Batts and Robert Fallam. The pair was dispatched from Fort Henry by fur trader Abraham Wood and followed the river to Peters’ Falls before claiming the Ohio River Valley on behalf of Great Britain.\textsuperscript{18}

Woods sponsored another expedition in 1673 in hopes of establishing trade agreements with outlying Native American groups. The voyage was led by frontiersman James Needham, and it was during this trip that the first detailed accounts of Kentucky and its Native inhabitants


\textsuperscript{17} Old Point Comfort is located along the southeastern tip of the Virginia Peninsula.

were collected. France asserted control of much of the Ohio and Mississippi river valleys based upon the explorations of French explorers Jacques Marquette, Louis Joliet, and René-Robert Cavalier, Sieur de la Salle.¹⁹ The region was especially important to France because the valleys connected French Canada and Louisiana. The close of the Seven Year’s War (1754-1763) and the signing of the Treaty of Paris in 1763 changed the political makeup of the North American continent. Spain gained control of New Orleans and all French-held territory west of the Mississippi River while Britain acquired Canada and Spanish Florida. The subsequent restructuring of imperial governments affected the daily lives of thousands of Amerindians and Euro-Americans across the continent.²⁰

---


²⁰ Calloway, *The Scratch of a Pen*, 1–14. French–Canadians felt abandoned and many of the elite migrated to France as boundaries were redrawn and governing policies were reorganized. Incorporating the remaining French–Canadian population into a British system of governance proved to be especially challenging for British officials. The actions of Quebec Governor James Murray and his successor (Sir Guy Carleton) ensured that a unique blend of French and English legal practices were employed to govern the French–Canadians. British officials held a much different view of those they considered the “interior French.” Many detested the Frenchmen living in the Great Lakes and Illinois country and some administrators advocated ejecting those individuals from British territory—though the daily lives of many interior French went relatively unchanged. Although the British now financed, controlled, and organized the fur trade, French–Canadians still filled the lower ranks of the trade network. Others were not as fortunate. Thousands of French Acadians migrated to New Orleans, and just as many Spaniards were shipped to Cuba, following the signing of the Treaty of Paris. From April 1763 to January 1764, over three thousand Spaniards were shipped from St. Augustine to Cuba. Spanish troops and equipment were given priority over the Spanish creoles, who in turn were given priority over the Canary Islanders, Germans, and Catalans. See also Eric Hinderaker, *Elusive Empires: Constructing Colonialism in the Ohio Valley, 1673–1800* (New York: Cambridge University Press, 1997); Fred Anderson, *Crucible of War: The Seven Years’ war and the Fate of Empire in British North America, 1754–1766* (New York: Alfred A. Knopf, 2000); Daniel H. Usner, Jr., *Indians, Settlers, and Slaves in a Frontier Exchange Economy: The Lower Mississippi before 1783* (Chapel Hill: University of North Carolina Press, 1992); Richard White,
An uneasy peace settled over the upper Ohio Valley as British officials focused on establishing peace with the Ohio Indians. However, territorial disputes, trade and diplomacy issues, and the fate of British captives quickly discouraged harmony between the two groups. Native societies were soon divided between those who sought peace and those who opposed the continued British advance into the region. Spiritual regeneration messages preached by Delaware prophet Neolin and echoed by Ottawa Chief Pontiac bolstered Native alliances and encouraged attacks against frontier settlements. The backcountry once again plunged into a state of chaos in early 1763 as Amerindian raids (precipitated by Pontiac’s siege of Fort Detroit) swept across the frontier. Larger British outposts such as Forts Niagara, Pitt (formerly Duquesne), and Detroit—all recently acquired from the French—successfully endured long and bitter sieges. However, smaller strongholds scattered across the Virginia and Pennsylvania backcountry were quickly overtaken and destroyed by adept Amerindian warriors, leaving frontier settlers and their homesteads exceptionally vulnerable.  

Fear of Native peoples characterized the lives of backcountry settlers long after the uprising was brought to a close. Amerindian raiding parties numbering upwards of sixty to one-hundred men (divided into smaller groups) often simultaneously attacked multiple homesteads. The production of fear was their main objective. Attacks typically occurred during the daylight as settlers anxiously tended their crops (when the season permitted) and were the most exposed and vulnerable. Succinct, concurrent attacks against an entire area allowed Native raiders to quickly and efficiently capture as many people and livestock as possible—this was followed by

---


---

the burning of houses, crops, and barns. Amerindian raiders often capitalized upon the settlers’ fear by staging gruesome vignettes with the bodies of their most recent victims, mutilated and carefully positioned in highly visible locations, before reuniting with the larger party and withdrawing farther west. Settlers most feared violent home invasions that occurred during the night or at daybreak. These, however, were less common than daytime raids.22

Such tactics terrorized backcountry settlers and bolstered for many a deep-rooted hatred of Native Americans. These sentiments cut across class lines as wealthy and poor westerners found common ground amidst a common enemy. Settlers began to look towards eastern governments and political leaders for support but were met with an unresponsive British government that was unable (or unwilling) to restore order in the West. Virginia, by the late 1770s, extended west to the Mississippi River and north of the Ohio River into what became the Northwest Territory. Great Britain began to finance and coordinate raids against frontier settlements following the outbreak of the Revolutionary War. The new American government also failed to establish order in the trans-Appalachian West, and westerners became even more disenchanted by their inability to garner adequate resources and support. Some settlers simply became indifferent to the American Revolution, while others began to develop their own notions of self-sovereignty.23

22 Silver, Our Savage Neighbors, 41–45.
23 Harrison, Kentucky’s Road to Statehood, 24–25; Harrison and Klotter, A New History of Kentucky, 20; Slaughter, The Whiskey Rebellion, 184. The Northwest Territory was established in 1781 after Virginia and other states that possessed western lands ceded a great deal of territory to the nascent United States government so that it might be self−sustaining. The territory extended west from Pennsylvania and north of the Ohio River and encompassed portions of present−day Illinois, Michigan, Wisconsin, Indiana, and Ohio. For additional information see Cayton, “‘Separate Interests’ and the Nation-State: The Washington Administration and the Origins of Regionalism in the Trans−Appalachian West,” 39–67.
Many westerners, as a practical alternative to unresponsive state and national
governments, championed the formation of a frontier commonwealth. These individuals believed
that an independent western state could quickly and efficiently address the social, economic, and
political issues faced by its peoples through localized government. Proponents of localist ideals
believed that power should be concentrated in state legislatures and denounced strong,
centralized government. These individuals proved unwilling to uphold a compact with a national
government that offered neither security nor economic prosperity to western citizens. A frontier
commonwealth, most importantly, would allow westerners to develop and enact policies aimed
at curbing Indian attacks. American officials carefully monitored the situation in the West,
fearful that backcountry settlers could easily be enticed to secede from the union and join with
either Great Britain or Spain—both often entertained the possibility of western secession. 

The First Convention

Violence characterized the daily lives of Kentuckians long after the official close of the
American Revolution. Although no longer supplied and orchestrated as part of large-scale British
operations, Indian attacks continued to menace the frontier well into the 1790s as the settlement
and development of Kentucky continued apace. Kentucky attorney general Walker Daniel
cautioned in May 1784 that the failure of the national government “to prevent the cruelties &
Depredations of the Savages” encouraged discontent among the settlers and was the leading
cause of separatist movements across the frontier. In November 1784, Lincoln County militia

---

25 Walker Daniel to Benjamin Harrison, May 21, 1784, in *The Calendar of Virginia State Papers*, 3:586–87. Access to land, economic opportunity, internal improvements, court systems, and protection from Native Americans were major factors behind western separatist movements, particularly the Franklin statehood movement. See Barksdale, *The Lost State of Franklin*. 

17
colonel Benjamin Logan received intelligence that a group of Cherokee and Chickamauga raiders were threatening to advance upon the region. \(^{26}\) Logan called for westerners to assemble in Danville, the meeting place of the newly established Kentucky District Court, to discuss how best to approach the situation. Aware there was no time to contact officials in Richmond, Logan hoped to quickly assemble militia units and launch preemptive strikes against the raiding party. George Muter, Samuel McDowell, and Caleb Wallace, members of the eastern aristocracy and newcomers to the frontier, cautioned that any offensive action would be considered extralegal in light of current Virginia law. Someone recommended that the group petition the Virginia legislature for more flexibility in handling the Amerindian threat. Ebenezer Brooks, at that time a leading proponent of Kentucky statehood hoping to advance the interests of his cohort, asserted that the group should consider separating from Virginia. The motion was not seconded and the topic subsequently not opened for discussion. By the second day of the meeting, word spread that the Cherokee and Chickamauga raiders had merely been posturing and no longer posed a serious threat. Logan, nevertheless, called for an official meeting to consider the security and resource concerns of the region and to discuss the prospects of an independent Kentucky. The meeting was slated for December 27, 1784, and one representative from each militia company was supposed to be designated to attend the gathering. Harry Innes later recalled that “every one [sic] present saw the absolute necessity of calling together the wisdom of the District in a general

\(^{26}\) The Cherokee were a dominant force in the Appalachian South well into the nineteenth century. Cherokee warriors participated in the fur trade and were particularly skilled at pitting European powers against one another. Most Cherokee people hoped to make peace with the United States following the outbreak of the Revolutionary War. See “The Roads to Qualla, 1540–1840” in Williams, *Appalachia: A History*, 19–81. The Chickamauga emerged as a splinter group of the Cherokee in 1776 and were led by Dragging Canoe. Chickamauga Cherokee opposed the expansion of the United States and allied with Great Britain during the American Revolution. See Colin G. Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (New York: Cambridge University Press, 1995).
Council to take into consideration the then state of our detached and distressed Country.”

Kentuckians took their first major step toward statehood by calling for the official meeting and, at least for the moment, as Innes described, presented themselves as a unified assembly prepared to confront the Virginia government.

The movement for statehood was shaped and propelled by diverse groups of settlers. Although they shared certain common interests, especially a desire for frontier defense, the statehood proponents were divided over several issues. There were no political parties in frontier Kentucky, but, for her 1972 book on early Kentucky politics, historian Patricia Watlington categorized the groups debating statehood into three distinct political parties: the partisans, court party, and country party. Watlington contends that these parties are related to, but distinct from, the Federalist and Republican parties that developed on a national level during the 1790s.

Landless settlers formed the core constituency of the partisans, who looked to the national government for assistance when faced with an unresponsive state legislature. These men, commonly referred to as “rabble” by their opponents, called for a redistribution of western land and envisioned the Bluegrass as a region of opportunity far removed from Virginia’s social and political circles.

---

27 “A Farmer” [Harry Innes], Kentucke Gazette, October 18, 1788.
29 Historian Lowell H. Harrison disagrees with Watlington, arguing that the groups were merely factions. It is evident that three distinct political groups developed during this period—
The partisan-led separatist movement began in 1779 but lacked official leadership until 1782, when land company agents began both to encourage and participate in the push for statehood. Non-Virginia land speculators argued that the region actually belonged to the US Congress and encouraged discontent among the backcountry populace as a way to secure title to large tracts of western land. John Campbell, a native Irishman and former Philadelphia trader, supported the congressional claim despite acquiring rights (via the Virginia claim) to four thousand acres near the falls of the Ohio River (present-day Louisville). Campbell believed that he and others could obtain thousands more acres if the Virginia claim was negated. In the spring of 1782, land company agents began circulating copies of Thomas Paine’s *Public Good*, which argued against Virginia’s claim to the region. “That the most extraordinary part of the whole is, that Virginia should countenance such a claim,” Paine explained.30 “For it is worthy of observing, that, from the beginning of the contest with Britain, and long after, there was not a people in America who discovered, through all the variety and multiplicity of public business, a greater fund of true wisdom, fortitude, and disinterestedness, than the colony of Virginia.”31 Land agents also began to spread rumors in 1783 that Congress had declared the Virginia claim invalid, circulating a series of phony letters—purportedly written by congressional leaders—as proof. 32

whether one chooses to define them as parties or factions is secondary to the differing roles that each group played in the statehood movement.


Partisan leaders found petitioning to be their most effective recourse. Five petitions were forwarded to Virginia and four were sent to Congress between 1780 and 1784. Petitioners spoke against unjust land laws and the ineffectual district court and requested that Kentucky soon become a separate state. A June 1782 petition sent to the Virginia statehouse called for a redistribution of land and requested the formation of a better government or independence from Virginia. “Such is our melancholy situation—We fly to your house for redress, To whom else shall we apply? We know by experience that Kentucky has friends in your house, and we now call on them with an Importunity that becomes distressed Citizens to espouse the use of justice for us.” Watlington has suggested that the partisans were likely more cognizant of their political affiliation than the court or country parties, but maintains that their membership was never very stable—although it accounted for nearly fifty percent of Kentucky’s total population at the party’s height. Key members of the partisans included Ebenezer Brooks, a medical doctor and Presbyterian minister originally from Delaware, and land speculators Arthur Campbell and George Pomeroy.

Members of the court and country parties formed what Watlington describes as the “articulate center”—native Virginians and members of the gentry who saw themselves as the natural leaders of Kentucky. Court and country party members shared similar backgrounds and upheld comparable principles, but were largely divided along family lines and by personal quarrels. Unlike the partisans, both groups favored a constitutional separation from Virginia in order to prevent a redistribution of western land, and thus sought to position themselves in

35 Watlington, The Partisan Spirit, 43.
leadership roles. Watlington contends that lawyers and judges, who came west as land cases proliferated and the western court system expanded in the 1780s, accounted for the majority of court party members. These men were well versed in the art of oral and written communication and were keenly aware of the political milieu in which they found themselves. Most of these gentlemen arrived in the backcountry too late to secure large tracts of land. They hoped to emerge as the political leaders of the region and imagined Kentucky as a manufacturing hub for much of the South and Southwest. Court party members saw the Mississippi River as the lynchpin of the burgeoning Bluegrass economy and expected to use the river to export their domestic manufactures. Thus, securing sustained and unrestricted access to both the Mississippi River and the Spanish port of New Orleans proved to be a primary concern for the party. Prominent members included John Brown, Harry Innes, John Fowler, Samuel McDowell, Benjamin Sebastian, Caleb Wallace, and Colonel James Wilkinson—each newly settled in the region.36

The country party was headed by Thomas Marshall, father of future US chief justice John Marshall. These men were mostly slaveholders who owned large plantations and hoped to recreate a planter culture in the West that mirrored that of the Virginia Tidewater. Country party members, unlike their court party counterparts, believed that a strong, centralized government would promote a stable economy. They were deeply loyal to the union and largely uninterested in Mississippi River trade, instead focusing on overland trade routes to the East. Robert Breckinridge, Robert Bullitt, John Edwards, Joseph Crockett, and the outspoken Humphrey Marshall formed the core leadership of the country party. Members of the country and court

parties, despite their differences, united to maintain the status quo in terms of class relations and spoke passionately against the partisan call for land redistribution, which reached its peak by the winter of 1783-1784. Violence committed both by and against Amerindian groups, ironically, cemented frontier settlers together in a way that no other issue did. Members of the court and country parties feared that Virginia’s lackluster approach to western defense meant the state was willing to forfeit its western land claims—making their Virginia-backed titles worthless. The partisans, conversely, were upset that many of them had fought in the Revolution to defend those very same claims and were left with little or no land. All three groups looked to the Virginia statehouse for redress.37

Delegates attending the December 27, 1784, gathering were selected in the preceding months by members of their respective militia companies—a fairly democratic process for the day. It soon became clear that the partisans would have a slight advantage over their court and country party counterparts when the assembly met in Danville. William Fleming, who hailed from Lincoln County, was selected as the convention president and non-voting member Thomas Perkins was appointed as clerk on the opening day of the meeting. The group met as committee of the whole on December 29 to conduct an assessment of the district.38 Isaac Shelby was appointed chairman of the committee and on the next day Caleb Wallace presented a list of thirteen resolutions that had been compiled by a select committee formed the previous day. The resolutions outlined the most pressing issues faced by the western population. Topping the list

38 A committee of the whole is typically formed in legislative bodies to facilitate discussion concerning pending legislation or motions. Select committees are small legislative units formed to explore and report upon a particular bill or issue.
was a statement that addressed western security concerns—particularly, the inability of frontiersmen to mount offensive strikes against antagonistic native groups. The committee declared that an “Executive power” promptly be established in the district to authorize military operations in times of emergency. The remaining resolutions addressed a wide range of issues, including the misappropriation of surveying fees, problems with the court system, protection for orphans and the poor, horse breeding regulations, the adoption of stray animals, and the need for a western printer.

The convention met in this format a number of times before it formally adopted a series of resolutions that mirrored those prepared by the sub-committee and presented by Caleb Wallace nearly a week earlier. Conspicuously missing from the list was a statement regarding militia laws or violent acts committed by Native groups. Most of the representatives believed that a vote should be taken and another convention held to ensure that they acted on behalf of their constituency. The second convention was slated for the fourth Monday in May 1785. Delegates agreed that twenty-eight individuals should be selected to attend the meeting and determined that representation in the convention would be based on population count to most accurately represent the general populace. Delegates to the second convention were to be

41 This method was in stark contrast to the traditional Virginia practice of equal county representation. Members of the court party championed popular representation as a sound republican application.
elected by popular vote during court days in April 1785; suffrage was not dependent upon property ownership. Fayette County was awarded eight delegates and Jefferson and Lincoln counties—allocated eight and twelve representatives, respectively—were subdivided into election districts. The group adjourned on Wednesday, January 5, 1785, after voting to send copies of the convention minutes to the highest ranking officer in each county “so that the Inhabitants at large may know what their deputies have done in considering the Grievances that came under their notice.”

**The Second and Third Conventions**

Nelson County—home to large numbers of recent Maryland Catholic immigrants—was carved from Lincoln County by the Virginia legislature before the April elections in early 1785. The creation of another county posed a unique opportunity for the leader of the Jefferson County partisans—John Campbell. Campbell and the partisans expected members of the court party to vote against separation and feared that the statehood movement would be jeopardized without their support. Campbell suggested that members of the court party hoped to control the upcoming meeting by ensuring that the group held a majority of the convention seats. Campbell pointed to the restructuring of the delegate selection process as proof and convinced the local populace to elect twelve representatives from Jefferson County, rather than the eight allocated, to attend the convention. Moreover, he secured the election of twelve partisans from Nelson County—bringing the total number of delegates under his guise to twenty-four. Anticipating the arrival of a combined twenty representatives from both Lincoln and Fayette counties, Campbell

---

and the partisans expected to easily control the second statehood convention. Harry Innes wrote in May 1785 that “we shall have no Convention this month…Col. Campbell has marred the whole plan.”

The second convention opened on May 23, 1785, with only the Fayette and Lincoln County delegations in attendance; representatives from Jefferson and Nelson counties did not arrive until May 27. George Muter, Benjamin Logan, Samuel McDowell, Harry Innes, and Caleb Wallace were among the most notable court party members in attendance. James Wilkinson did not attend the second meeting because of an illness. Samuel McDowell and Thomas Todd were selected as convention president and clerk, respectively—positions the two held concurrently in all but the first and ninth conventions. Two significant steps towards independence were taken by members of the second convention, although neither directly resulted in the immediate formation of an independent Kentucky. On May 31, 1785, delegates agreed to petition the Virginia legislature for permission to form the state of Kentucky, which “ought to be taken into union with the United States of America, and enjoy equal privileges in common with the said states.” The petition read “that the remote situation of the district from the seat of government, together with sundry other inconveniences, subjects the good people thereof to a number of grievances too pressing to be longer borne, and which cannot be remedied whilst the district continues a part of the state of Virginia.” The delegates made it clear that Kentuckians would

---

no longer tolerate an unresponsive and removed government, maintaining that only the formation of an independent state would ameliorate their situation in the West.46

Convention delegates also approved an address to the people of Kentucky that was later distributed to the district court clerks and affixed to the doors of each respective court house. The address largely mirrored the Declaration of Independence and was likely written by James Wilkinson in advance of the meeting.47 The author listed a number of the most common grievances lodged with the Virginia legislature, beginning with inadequate defenses against Native American raiding parties. “We have no power to call out the militia, our sure and only defence, to oppose the wicked machinations of the savages, unless in cases of actual invasion.”48 The address also cited communication difficulties, differing commercial interests, a distant appeals court, the siphoning of western monies, and lack of a western executive power. The final portion of the address explained that convention delegates sought reassurance from the western populace before advancing the statehood movement. Elections were scheduled to take place during the July court days. Humphrey Marshall and other members of the country party, still fearing a redistribution of western land, continued to oppose statehood and saw the third convention merely as a ploy to allow James Wilkinson the opportunity to speak in favor of separation. Members of the court party likely hoped to control the third convention and position

47 Wilkinson’s writing style closely mirrored that of the address. See Littell, Political Transactions, 13, 63–66; Watlington, The Partisan Spirit, 102; Harrison, Kentucky’s Road to Statehood, 32–34.
48 Littell, Political Transactions, 64.
themselves in leadership roles as their influence continued to grow. Representation in the
convention would once more be determined by population count. Jefferson and Nelson Counties
were each allocated six representatives. Fayette and Lincoln Counties were charged with

Delegates to the third convention arrived in Danville on August 8, 1785. Court party
members filled the ranks of convention delegates, just as Humphrey Marshall and his cohort had
feared. Those in attendance included James Wilkinson, Caleb Wallace, George Muter, Benjamin
Sebastian, Harry Innes, and Benjamin Logan. Partisan leaders John Campbell and Ebenezer
Brooks were notably absent from the meeting after failing to win their bids for reelection.
Moreover, not a single member of the country party was in attendance—leaving the court party
in full control of the twenty-six member convention.\footnote{Marshall, \textit{History of Kentucky}, 1:207; Littell, \textit{Political Transactions}, 14–15; For the roster of delegates in attendance, see Collins and Collins, \textit{Collins’ Historical Sketches of Kentucky}, 1:354.} Much of the convention business was
conducted in committee of the whole under the leadership of George Muter. Delegates
unanimously agreed that separation was in the best interest of their constituents and resolved to
apply for statehood. The resolution enumerated the oft-repeated list of injustices that plagued the
West and called for an act of separation “honourable to both and injurious to neither.”\footnote{Resolution in Littell, \textit{Political Transactions}, 68 (quotation); Brown, \textit{The Political Beginnings of Kentucky}, 69–70.}
James Wilkinson wrote a new petition based on the approved, but undelivered, document from the second convention.\textsuperscript{52} The address was more direct than the first but emphasized the patience and care that punctuated the movement. Convention delegates acted with only the “purest filial affection,” though they employed “the plain, manly, unadorned language of independence, supported by conscious rectitude.”\textsuperscript{53} “They [district settlers] have patiently waited the hour of redress, nor even ventured to raise their voices in their own cause until youth quickening into manhood, hath given them vigour and stability,” the statement read.\textsuperscript{54} Similar statements that highlighted the restraint and stoicism exhibited by westerners appeared in earlier petitions as well—likely to lend credibility to the movement by identifying it as a prolonged struggle that must soon be brought to a close. Delegates stressed the expediency of independence and called for the passage of an act granting as much at the next gathering of the legislature. George Muter and Harry Innes were charged to deliver the statement to Richmond and a similar address was drafted to the citizens of the district. Caleb Wallace and other members of the court party believed an independent Kentucky would soon be realized and began making preparations throughout the fall to form a new state government—a government in which they fully expected to hold key leadership positions.\textsuperscript{55}

\textsuperscript{52} Brown, \textit{The Political Beginnings of Kentucky}, 70–71; Marshall, \textit{History of Kentucky}, 1:207–12. The petition drafted during the second statehood convention was not delivered after the scheduling of the third meeting.


\textsuperscript{54} Littell, \textit{Political Transactions}, 70.

Reflection

Indigenous and non-indigenous peoples aggressively competed for the wealth and natural resources of the trans-Appalachian West, and, by the mid eighteenth century, the region was consumed by unparalleled chaos. British officials struggled to maintain peace in the aftermath of the Seven Years’ War as the settlement and development of the trans-Appalachian West continued apace. Violent confrontations between Native groups and Euro-American settlers became commonplace and soon defined everyday life in the region. Violence, committed both by and against Native peoples, became a powerful unifying force for western settlers. Kentuckians looked towards eastern governments and political leaders for assistance as the frequency of raids against frontier settlements intensified after the outbreak of war in 1775. Most Kentuckians became disillusioned by the inability or unwillingness of the state and national governments to render assistance and some began to advocate separating from Virginia. These individuals believed that an independent state would best be able to secure the financial and military resources needed to ensure their protection. Delegates to the early statehood conventions focused on security concerns and land redistribution issues and framed the separation movement in terms of an East/West divide. Kentuckians, by speaking out against the Virginia and US governments, shaped state and national policies towards Native Americans and played an important role in identifying and critiquing the failings of the US government under the Articles of Confederation.56

CHAPTER TWO

“Vassals to the merciless Spaniards”

The prohibition of commerce on the Mississippi to the Americans has been a very wise measure, the more so that it has reserved for Spain the power to confer this inestimable privilege (which she may freely give) to a people who, if they enjoyed it without interruption, would not believe themselves compelled to any recognition.

–James Wilkinson, first memorial, 1787

Spain dealt a particularly heavy blow to the western economy on June 26, 1784, by closing the Mississippi River to American traffic. Kentuckians relied upon the river to ship their crops to market and expected the United States to quickly negotiate the reopening of the waterway. Kentuckians largely viewed the proposed Jay/Gardoqui agreement as a betrayal of their natural right to the Mississippi River. The framing of the statehood movement began to shift slightly from an East/West to North/South conflict as legislators from Virginia sided with Kentuckians by calling for free and unrestricted access to the river. Spain intended to use western interest in the Mississippi River as a bargaining chip in negotiations with the United States. The closure of the river, however, left Kentuckians in a unique position by placing them squarely amidst the competition between the United States and Spain for control of the region. This allowed some Kentuckians to leverage their allegiance to the United States in an attempt to obtain personal profit and/or regional economic and military support from either nation. Kentuckians were no longer willing to tolerate a distant and unresponsive government and many, such as former Continental Army officer James Wilkinson, intended to take action.

57 Reprints of Littell’s Political Transactions in and Concerning Kentucky and Letter of George Nicholas to his friend in Virginia also General Wilkinson’s Memorial (1926; repr., New York, 1971), cxxx.

58 Horsman, The Diplomacy of the New Republic, 16, 21–22, 64–65; Herring, From Colony to Superpower, 32, 47–48, 70; Slaughter, The Whiskey Rebellion, 40–45, 54–57; Aron, How the West Was Lost, 89–92; Linklater, An Artist in Treason, 81–92; Kukla, A Wilderness So
The River Closes

The statehood movement took an unexpected detour on June 26, 1784, when Spanish officials closed the Mississippi River to American traffic. The river had been a source of consternation for the young republic since the United States achieved independence and signed the Treaty of Paris in 1783. Spanish officials did not endorse the agreement nor authorize the proposed boundary that separated Spanish West Florida from the rest of Spain’s trans-Appalachian holdings. Spain refused to formally recognize the United States and the two countries were left at a stalemate. US officials demanded that the Spanish allow free and unobstructed navigation of the Mississippi River, grant trading rights to Spain’s South American territories, and agree to a formal boundary fixed at the thirty-first parallel. Spanish negotiators recognized that little would be gained from such an agreement and refused to concede to their demands. Spain feared the effects of a burgeoning republic on the fringes of its New World possessions and, like France and Britain, hoped to keep the young republic in a position of dependency. Spanish authorities regarded their trans-Appalachian holdings as a buffer for Spain’s valuable Mexican silver mines to the south. Preliminary negotiations between the two governments quickly stalled and it became readily apparent that a clear divergence had emerged between western and eastern interests in the United States. In fact, Conrad Alexandre Gerard, the French minister to the United States, reported as early as 1779 that US officials were not fully devoted to ending Spain’s stranglehold on the western economy.59

---

59 Kukla, Wilderness So Immense, 59; Herring, From Colony to Superpower, 32, 47–48, 70; Horsman, The Diplomacy of the New Republic, 21, 34; Slaughter, The Whiskey Rebellion, 40.
Trans-Appalachian settlers had long relied upon the Mississippi River to ship their goods to market. River transport proved to be the lynchpin of the developing Kentucky commercial economy, although, after the closure of the river, shipments hinged upon the interpretation of imperial instructions by local Spanish administrators. Substantial portions of western crops were intermittently shipped downstream in lieu of Spanish regulations. The cultivation of Kentucky tobacco and corn, however, declined significantly because the difficult journey to Atlantic markets proved unprofitable and nearly impossible for Kentucky planters who were unable to ship their crops to New Orleans. Tobacco became an acceptable form of currency in 1787 as part of Virginia’s efforts to stimulate the western economy. The leaf was widely offered and accepted as payment of tax debt and eventually surpassed skins as the preferred currency in the region. Smallholders, though they did not wish to recreate the hierarchical social structure of eastern Virginia, also supported this move because tobacco proved to be so profitable.60

Spanish Minister Diego de Gardoqui arrived in North America in mid-1785 with clear orders not to offer the Americans use of the river. He could, however, concede a boundary at the thirty-first parallel if absolutely necessary. Gardoqui, an experienced and highly respected diplomat, was well versed in American affairs. He served as an intermediary between US diplomat John Jay and Count of Floridablanca José Moñino Redondo during the American Revolution and intimately understood Spanish-American trade relations. Gardoqui’s arrival was highly anticipated by congressional leaders. “We expect him soon here so that we shall quickly

60 Horsman, The Diplomacy of the New Republic, 16, 64–65; Aron, How the West Was Lost, 119; “An act to enable the citizens of this commonwealth to discharge certain taxes, by the payment of tobacco,” in William Waller Hening, ed., The Statutes at Large; Being a Collection of All the Laws of Virginia from the First Session of the Legislature, 13 vols. (Richmond, VA: George Cochran, 1823): 12:258–60; “Number 43” and “Number 45” in Robertson, ed., Petitions of the Early Inhabitants of Kentucky, 102–3, 105.
know whether he can or will do anything conclusive concerning the Navigation of [the] Mississippi [River],” wrote Virginian Richard Henry Lee.61 Gardoqui stressed the necessity of maintaining open negotiations concerning the river but remained acutely aware of the backcountry desire to obtain access to western waters, which he used as a powerful bargaining chip in negotiations with the United States. The Spanish plenipotentiary quickly confirmed what officials in Madrid anticipated. A clear separation of interests had emerged between the eastern and western United States.62

Several issues lay at the heart of the national government’s reluctance to press for the opening of the Mississippi River. Western interests certainly did not take precedence during the American fight for independence and, after the war, eastern officials attempted to protect the young republic by mitigating unfettered western settlement. Gouverneur Morris, a New York statesman, explained that open access to the port of New Orleans would depopulate the East and strip its people of wealth. Virginia congressman William Grayson believed that “we [easterners] will lose our importance, and become as nothing in the scale of nations.”63 Prominent Federalist Rufus King cautioned his fellow members of Congress in August 1786. “Should we embarrass ourselves in the attempts of imprudent men to navigate the Mississippi below the northern boundary of Florida, we can expect no favors from the Spanish government.”64 King was likely referring to a limited trade agreement with Spain. Even some southern legislatures espoused

63 William Grayson quoted in Littell, Political Transactions, 28.
moderated and controlled westward expansion. These men joined with their northern counterparts to pass the Land Ordinance of 1785, the Indian Ordinance of 1786, and the Northwest Ordinance of 1787 in an effort to stem the growth of the nation.65

On July 14, 1786, well over a year after the closure of the river, Gardoqui formally addressed Congress. The assembly appointed John Jay, of New York, as Gardoqui’s diplomatic counterpart, ordering him “to negotiate, treat, and sign with Don Diego Gardoqui…whatever Articles, Compacts and Conventions may be necessary for fixing the boundaries between the Territories of the United States and those of his Catholic Majesty and for promoting the general harmony and mutual interest of the two Nations.”66 Jay, then secretary of foreign affairs, was directed to obtain congressional approval of all agreements reached between the two men and instructed not to forgo navigation rights to the Mississippi River under any circumstances. He strongly opposed reopening the river because he perceived no commercial advantage in securing


its navigation and actively lobbied Congress to revise his instructions. It soon became evident that gaining access to markets in Spanish South America was Jay’s ultimate goal.67

Gardoqui and Jay settled upon a limited trade agreement that allowed for exchanges between the United States and Spain after Jay’s directions were modified in late 1786. However, the proposed settlement called for the forfeiture of US navigation rights to the Mississippi River for a period of twenty-five to thirty years. Western leaders strongly opposed the agreement. A Kentuckian explained in December 1786 that “the late commercial treaty with Spain has given the western Country an [sic] universal shock, and struck its Inhabitants with an amazement.”68 Less than two months later George Muter declared in February 1787 that he had “not mett [sic] one man, who would be willing to give the navigation up, for ever so short a time, on any terms whatever.”69 Kentuckians, particularly Muter and fellow court party members, were enraged by the closure of the Mississippi River and quickly elevated the situation to the top of their list of grievances against the national government. Spain, in closing the river, afforded itself yet another opportunity to preclude the development of the United States and stem the tide of western expansion. Spanish officials found themselves in a unique situation as the national government bore the brunt of the blame for the act. Spain could negotiate largely on its own terms with whomever it wanted. Spain’s willingness to hold talks outside official diplomatic channels was a significant boon to the Kentucky separatist movement. Spanish interest in the region presented an opportunity for some Kentuckians, particularly members of the court party, to leverage their

68 [Thomas Green?], circular dated December 4, 1786, DC 19 CC 38.
69 George Muter to James Madison, February 20, 1787, Series 1, General Correspondence, 1723–1859, Papers of James Madison, Library of Congress, Washington, DC.
allegiance to the United States in an attempt to acquire the economic and military resources that the national government had so far failed to provide.\(^{70}\)

**A New England Conspiracy**

The projected Jay/Gardoqui agreement fueled rumors of conspiracy and became a powerful catalyst for separatist movements across the backcountry. Some, like Louisville resident Thomas Green, proposed that western leaders take matters into their own hands, perhaps to force the national government to act. Green intended to raise a large number of troops and send them under the command of General George Rogers Clark against the Spanish at Natchez.\(^{71}\)

The men planned to settle the land they claimed in accordance with the laws of Georgia and hoped to gain the support of local Amerindian groups, who relied upon Spain for trade goods and supplies, by offering them provisions. In a December 1786 circular, almost certainly written by Green himself, the author described the shock experienced by backcountry residents as news of the Jay-Gardoqui agreement spread. Green questioned the legitimacy of the American Revolution in the West and cautioned against making westerners “vassals to the merciless Spaniards.”\(^{72}\) Westerners, he lamented, found themselves at the mercy of Spain once their goods were sent downriver to New Orleans—a sentiment shared almost universally across Kentucky.


\(^{71}\) Thomas Green to Edward Telfair, December 22, 1786, in Thomas Marshall Green, *The Spanish Conspiracy: A Review of Early Spanish Movements in the South-West* (Cincinnati: Robert Clarke, 1891), 385–86. Natchez is the oldest lasting European settlement situated along the Mississippi River. The French constructed Fort Rosalie in 1716 as part of their efforts to colonize the lower Mississippi River. Spain acquired the territory in 1783 and implemented a number of improvements to the surrounding area under the direction of Manuel Gayoso, governor of the Natchez District. See José Montero de Pedro, *The Spanish in New Orleans and Louisiana*, trans. Richard E. Chandler (Gretna, La.: Pelican Publishing, 2000), 147–50.

\(^{72}\) [Thomas Green?], circular dated December 4, 1786, in Green, *The Spanish Conspiracy*, 387.
Large quantities of produce were often confiscated by corrupt Spanish officials; at other times, Kentucky merchants were forced to sell their goods at low, non-negotiable prices. 

Green questioned the trade benefits that easterners hoped to reap from the proposed treaty and cautioned against losing additional European markets. “The Spaniards, from the amazing resources of this river, can supply all their own markets at a much lower price than you [eastern merchants] possibly can,” the author lamented. The final sentences of the circular took a much more radical stance. The author compared the relationship between westerners and the national government to that of the United States and Great Britain before the outbreak of war in 1775. Green maintained that Great Britain was receptive to western overtures to rejoin the British Empire and threatened that the West would become a powerful force to reckon with in that event. The final line of the work succinctly expressed the sentiment of most backcountry residents: “these hints, if rightly improved, may be of some service; if not, blame yourselves [government officials] for the neglect.”

Green was clear that Kentuckians would no longer tolerate a distant and unresponsive government: if US leaders didn’t act soon, westerners would. Great Britain and Spain found ample opportunity to exploit the tense political climate of the trans-Appalachian West and approached men like Green with tempting offers aimed at further

---

74 [Thomas Green?], circular dated December 4, 1786, in Green, The Spanish Conspiracy, 387.
75 [Thomas Green?], circular dated December 4, 1786, in Green, The Spanish Conspiracy, 388.
alienating the western populace from the national government. Green’s warning suggested that some westerners might have been more receptive to those overtures than others.76

Some well-known politicians from Virginia proper believed that the proposed forfeiture of the Mississippi River was the cornerstone of a northeastern plot to dismantle the national government and halt the expansion of the West. Congressman James Monroe, for example, asserted that long-term loss of the river would preclude the development of the backcountry by denying the existing southern states a clearly defined frontier. “The object in the occlusion of the Mississippi on the part of these people… is to break up so far as this will do it, the settlements on the western waters, prevent any in future [sic], and thereby keep the States southw. as they now are,” lamented Monroe in August 1786.77 Former governor Patrick Henry fervently pushed for the opening of the river, no matter the consequences. “[I] would rather part with the confederation than relinquish the navigation of the Mississippi,” Henry declared in late 1787.78 Others, including James Madison and Thomas Jefferson, feared total separation of the eastern and western United States. “If they [westerners] declare themselves a separate people,” warned Jefferson, “we are incapable of a single effort to retain them.”79 It was clear to Madison, Jefferson, and the others that the Mississippi River question was tied not only to the expansion of the West, but, by extension, the very balance of power that existed between the northern and southern states themselves. The development of the West and the formation of western states

77 James Monroe to Patrick Henry, August 12, 1786, in Letters of Members, 8:424–25.
78 Reprints of Littell, xxiv.
hinged upon access to the Mississippi River. Securing the navigation of the river, in effect, meant an inevitable change in the power wielded by one bloc of states over another.\(^{80}\)

Kentucky delegates to the Virginia General Assembly drafted a memorial to the entire legislative body on November 17, 1786. The men expressed great alarm at the anticipated surrender of the river and explained that they hoped to “make known to the Legislature their apprehensions of the evils which must necessarily result from so unconstitutional and dangerous a measure.”\(^{81}\) The men stated that it was nearly impossible for westerners to find another route to get their produce to market because of the difficulty of the western terrain and explained that their livelihood depended upon access to the waters of the Mississippi River. The memorialists struggled to reconcile the images, symbols, and language of the American Revolution with the current situation in the West.

“Born and educated under our common gov’t and attached to it by the strongest Ties of Interest & affection, having equally participated in the hardships & dangers of the Revolution and being equally entitled to its benefits, they [westerners] cannot but receive with horror the Idea of their being thus sacrificed, and their interests sold by those they have considered as their brethren, friends, & fellow-citizens,”

the memorial read.\(^{82}\) The men questioned how the western populace would react when they learned that they had been denied access to the Mississippi River, not by the policies of Spain, but by their own government. Never in history has such an agreement been formed that “shut the

---


\(^{81}\) Memorial in Green, *The Spanish Conspiracy*, 389.

\(^{82}\) Memorial in Green, *The Spanish Conspiracy*, 390.
Doors of Commerce” to a portion of a country’s citizens for the benefit of the other, the memorialists lamented.83 “How subversive & abhorrent therefore must such a project be to the mild and free spirit of our federal constitution.”84

In response, the Virginia legislature passed a series of resolutions in the final days of 1786 that addressed the memorialists’ concerns. Navigation rights to the Mississippi River, the lawmakers concurred, should be considered “as the bountiful gift of nature to the United States.”85 The assembly maintained that the Jay-Gardoqui agreement did not align with the spirit of the country and stood as “a flagrant violation of justice… and an alarming innovation on the system of the Union.”86 A copy of the memorial was sent to Virginia’s congressional representatives in New York with instructions to oppose the passage of the Jay/Gardoqui agreement. John Marshall wrote of the resolutions: “the negotiation which has been opened with Spain, for ceding the navigation of the Mississippi—a negociation [sic] so dishonourable and injurious to America, so destructive of the natural rights of the western world, is warmly opposed by this country.”87 Marshall continued, explaining that “for this purpose the most pointed instructions are given to our delegates in congress. I persuade myself that this negociation [sic] will terminate in securing, instead of ceding that great point.”88 These resolutions likely helped to cool secessionist sentiment when details of the agreement reached Kentucky in early 1787. The Virginia legislature, for the moment at least, finally seemed in tune with the concerns of the western inhabitants. A slight shift in the framing of the Kentucky statehood movement began to

83 Memorial in Green, *The Spanish Conspiracy*, 390.
84 Memorial in Green, *The Spanish Conspiracy*, 390.
occur—from an East/West to North/South divide—as the separatist effort gained traction and centered upon a national government seemingly unconcerned with the Mississippi River and western trade. James Monroe later recalled that “the animated pursuit that was made of this object, required, and I believe received, as firm an opposition. The southern states were on their guard, and warmly opposed it.”89

News of the Jay-Gardoqui agreement was slow to spread because of the limited reach of the early American media network, though it is highly likely that well-connected Kentuckians knew of the accord and the subsequent resolutions well before the details became widespread in March 1787. Court party leaders George Muter, Harry Innes, John Brown, and Benjamin Sebastian, ostensibly alarmed by the contents of the communiqué, hastily assembled and drafted a circular that was released to the general populace on March 29, 1787. The men called for an extralegal meeting, to be held in Danville on the first Monday in May, to discuss the most recent developments regarding the closure of the Mississippi River. Innes and his compatriots held high expectations for the impromptu assembly and prepared an equally ambitious agenda. Those in attendance were to prepare a remonstrance to Congress, establish a committee of correspondence, appoint representatives to confer with delegates of other western districts (if deemed necessary), and “to adopt such other measures, as shall be conducive to our happiness.”90


Sebastian, Innes, and the others believed that forfeiture of the river would largely destroy the western economy and called for similar measures to be written across the backcountry. “This is a subject that requires no comment—the injustice of the measure is glaring—and as the inhabitants of this district wish to unite their efforts, to oppose the cession of the navigation of the Mississippi, with those of their brethren residing on the western waters,” the circular read.91 The men again adapted the rhetoric of the American Revolution to frame their attack against the agreement. The resulting language effectively evoked the most basic principles of the Revolution—the right to life, liberty, and the pursuit of happiness—while highlighting the disparity that had arisen between westerners and those very notions:

we hope to see such an exertion made, upon this important occasion, as may convince Congress that the inhabitants of the western country are united in the opposition, and consider themselves entitled to all the privileges of freemen, and those blessings procured by the revolution; and will not tamely submit to an act of oppression, which would tend to a deprivation of our just rights and privileges.92

Harry Innes anticipated the formation of an independent western government. “I am decidedly of opinion that this western country will, in a few years, Revolt from the Union and endeavor to erect an Independent Government,” he wrote in July 1787.93 “For, under the present system, we can not exert our strength, neither does Congress seem disposed to protect us.”94

---

91 Circular dated March 29, 1787, in Littell, Political Transactions, 78–79.
92 Circular dated March 29, 1787, in Littell, Political Transactions, 78–79.
93 Harry Innes to Edmund Randolph, July 21, 1787, in Green, The Spanish Conspiracy, 85.
94 Harry Innes to Edmund Randolph, July 21, 1787, in Green, The Spanish Conspiracy, 85.
the West reached an all-time low with the proposed Jay-Gardoqui agreement, something that Innes and members of the court party hoped to exploit in order to hasten the separation process. These men reasoned that Kentucky should form an independent government and unilaterally separate from Virginia—with the implication that it may or may not join the union if Spain offered better terms (e.g., access to the Mississippi River). Court party leaders skillfully positioned themselves at the head of the Mississippi River question and hoped to use the issue to take control of the statehood movement.95

For some, western independence was much closer at hand. James Wilkinson, an inveterate schemer, worked to draw Kentuckians into the Spanish empire in what became known as the Spanish Conspiracy. Wilkinson was born in 1757 and educated as a physician at the College of Philadelphia before departing for Kentucky in December 1783 as the spokesperson for Barclay, Moylan, & Co., a Philadelphia trading firm. Wilkinson hoped to leverage his allegiance to the United States (and that of his fellow Kentuckians) to obtain personal profit and/or regional economic and military support following the closure of the Mississippi River. He embarked for New Orleans in April 1787, and, once there, met with Louisiana governor Esteban Rodríguez Miró. Wilkinson formally outlined his plan to bring Kentucky into the Spanish empire in his first memorial before leaving for Charleston, South Carolina, later that year.96

---

Kentuckians, Wilkinson wrote, considered access to the Mississippi River an “indispensable” right and initially viewed the closure of the lower portion of the river in 1784 as a temporary problem—a formality in negotiations between the United States and Spain.\footnote{Reprints of Littell, cxix.} The continued failure of Congress to secure that right, and Spain’s determined assertion of exclusive navigation rights to the river, “filled the new Settlements with anxiety, cooled the hopes of those whose aims were directed towards the west, and removed the motives that originated these settlements.”\footnote{Reprints of Littell, cxx.} Wilkinson explained that, in light of recent developments in negotiations between the United States and Spain, “Kentucky is taking measures for its own safety” and has applied for separation from Virginia to form an independent state.\footnote{Reprints of Littell, cxxi.} “They [Kentuckians] establish circumstantially their right as a member of the federative Union and expressly declare that if Congress does not protect and sustain them in this desire it must consider the ties of their fidelity dissolved, they remaining at liberty to provide for their own conservation.”\footnote{Reprints of Littell, cxxi.}

Wilkinson believed it would be difficult for Spain to “perpetually resist” western designs upon the Mississippi River and questioned the practicality of an extended conflict with American settlers in the region.\footnote{Reprints of Littell, cxxviii.} He estimated that upwards of ten thousand troops would be required to adequately defend Louisiana against American forces. “When Spain is exhausted of men and treasure, the Americans, like a detained torrent that has accumulated prodigious weight, will break all impediments, and desolating whatever they find in their path, sweep all resistance to the Gulf,” Wilkinson wrote.\footnote{Reprints of Littell, cxxix.} Wilkinson promoted Kentucky as “a permanent barrier” to the United
States and Great Britain and promised to sway Kentuckians to the Spanish crown. He maintained that Gardoqui must continue to oppose any agreements allowing for the opening of the Mississippi River to US traffic, explaining that: “the prohibition of commerce on the Mississippi to the Americans has been a very wise measure, the more so that it has reserved for Spain the power to confer this inestimable privilege (which she may freely give) to a people who, if they had enjoyed it without interruption, would not believe themselves compelled to any recognition.”

Wilkinson recognized that the closure of the Mississippi River was a political boon to Kentucky as well as to Spain. Spain’s actions positioned Kentuckians squarely between the two competing powers, and many, including Wilkinson, naturally hoped to benefit from that situation by leveraging their allegiance to the United States. Wilkinson, though he likely overstated his influence, was not alone in attempting to strike a deal with the Spanish government. Between 1786 and 1795, at least fourteen western leaders entered into negotiations with Spain or another European power to separate from the union. Wilkinson and other western elites operated in a highly contested region amidst great political, economic, and social uncertainty, and, as historian Susan Gaunt Stearns rightly points out, their actions must be viewed within that context. That Spain was willing to negotiate with Wilkinson, outside official diplomatic channels, is illustrative of the influence that he and other western leaders wielded in the region and speaks to the importance of Kentucky, and the large trans-Appalachian West, in international matters.

For his services, Wilkinson requested a position within the Spanish government, a royal pension, and a western trade monopoly. “If this proposition is admitted,” Wilkinson wrote, “I

103 Reprints of Littell, cxxx.
will be ready to receive instructions from the Government [Spain], and return to Kentucky by the shortest and surest route, and on the way I will establish a confidential correspondence near Congress that will regularly procure for me information as to all the measures that may in any way have relation with our affair." Miró deferred Wilkinson’s request to Madrid, but granted him permission to sell up to $37,000 of produce in New Orleans. It took nearly a year to get a response from Spain and Wilkinson profited immensely from the trade deal during the intersession. Wilkinson’s scheme quickly unraveled, however, after secessionist sentiment cooled considerably following the ratification of the US Constitution in 1789.106

Reflection

The Mississippi River was an integral part of the developing western economy. Kentuckians relied upon the river to ship their crops to market, and, after learning that Spain had closed the lower portion of the river to American traffic, expected the United States to quickly negotiate the reopening of the waterway. Most Kentuckians considered access to the Mississippi River to be a natural right, and were shocked when they learned that the proposed Jay/Gardoqui agreement called for the forfeiture of US navigation rights to the river for a period of twenty-five to thirty years. The statehood movement began to be reframed as a North/South conflict after legislators from Virginia sided with Kentuckians by calling for free and unrestricted access to the river. Spain hoped to use western interest in the Mississippi River as a bargaining chip in negotiations with the United States. The closure of the river, however, elevated the importance of Kentucky and its peoples to both nations and allowed some Kentuckians to leverage their allegiance to the United States in an attempt to obtain personal profit and/or regional economic

105 Reprints of Littell, cxxxiv.
and military support from either nation. Some Kentuckians, like Thomas Green and James Wilkinson, intended to take action when the national government would not.\textsuperscript{107}

\footnotesize
CHAPTER 3
“Congress will never fail to find an excuse”

There is reason to believe that the event may depend on the Kentucky members, who seem to lean more against than in favor of the Constitution. The business is in the most ticklish state that can be imagined. The majority will certainly be very small on whatever side it may finally lie; and I dare not encourage much expectation that it will be on the favorable side.

–James Madison to George Washington, June 13, 1788

The national debates concerning the ratification of the US Constitution were shaped by the arguments made by people in the West. Many Kentuckians believed the new government would make it easier for the Atlantic states to cede control of the Mississippi River to Spain and questioned the rationale behind the new system. James Madison expected Kentucky delegates to play a decisive role at the Virginia ratification convention and lobbied to gain their support. Madison assured Kentuckians that navigation rights to the river would become a national issue under the new government and explained that Congress would be less likely to develop and enact laws that negatively affected the region. He also cited trade benefits for both the western and Atlantic states in his defense of the proposed government. Kentucky delegates, not actively participating in the convention debates, did not play the pivotal role that Madison expected. Kentuckians, nonetheless, played a significant role in shaping the new government by joining fellow westerners in demanding a government that was attentive and responsive to their needs. The Kentucky statehood movement was likewise shaped by the ongoing constitutional debates.

Questioning what the new government would look like, and unsure if that system would be more

---

successful in meeting their needs, some Kentuckians began to see unilateral separation from both Virginia and the union as a viable option.\textsuperscript{109}

**More Conventions**

Kentuckians assembled in convention four times between September 1786 and November 1788. Following the close of the third convention, George Muter and Harry Innes traveled to Richmond and diligently worked to ensure the passage of an act by the Virginia legislature that would enable Kentucky to separate. The duo met little resistance from the legislature and successfully secured the passage of the bill, which was approved by the House on January 6, 1786, and the Senate on January 10. The legislation was known as the Virginia Enabling Act and was signed by the governor six days later on January 16, 1786. The act called for another convention to be held in Danville “to determine whether it be expedient for, and the will of the good people of the said district, that the same be erected into an independent state.”\textsuperscript{110} The legislation required that the September 1786 convention unconditionally accept all of the terms outlined within the document before a date of independence—after September 1, 1787—could


\textsuperscript{110} Littell, Political Transactions, 15, 72–76, 73 (quotation); Marshall, History of Kentucky, 1:222–24; Virginia statute of January 16, 1786, in Hening, ed., The Statutes at Large, 12:37–40. The act also outlined a series of “terms and conditions” that stipulated how separation would be achieved. These were: the boundary separating Kentucky County and Virginia would remain the same; Kentucky would assume a fair portion of the Virginia public debt; Virginia land claims in the new state would remain valid and would be governed by existing Virginia laws; non–resident land holders would not be subject to higher tax rates and that neglect of improvement or cultivation would not result in penalties or forfeiture for a term of six years after the creation of the new state; no land warrant issued by the new state would conflict with any grant issued by the Virginia government on or before September 1, 1788; unlocated land tracts within the new state could be appropriated by the Virginia government until September 1, 1788; navigation of the Ohio River would be free and open to all US citizens; and disputes between the new state and Virginia would be settled by an appointed group of commissioners. See also Brown, The Political beginnings of Kentucky, 72–73; Collins and Collins, Collins’ Historical Sketches of Kentucky, 1:261.
be established. Virginia legislators also stipulated that the national government admit Kentucky into the union and release Virginia from any pending obligations concerning the district before June 1, 1787. Elections were scheduled for August and those selected to attend the fourth convention were directed to assemble in Danville on the fourth Monday in September. Members of the country party favored the act because it protected their valuable land claims. The partisans, originally supportive of immediate separation, reversed their position and now began to oppose the movement once it became clear that a redistribution of western land would not occur. These men, growing more conscious of the power and influence Virginia wielded in national affairs, now began to claim that Kentuckians could only gain access to the Mississippi River by remaining tied to Virginia, with the full support of the state’s legislature behind them. Court party leaders were not satisfied with the document and lamented the scheduling of a fourth convention. Many within the group began to seriously consider unconditional separation from Virginia and it was at this moment that James Wilkinson became the face of the party.¹¹¹

The delegates elected to attend the fourth convention met on September 26, 1786, but were unable to form a quorum for several months. Many of the men had embarked with Benjamin Logan and General George Rogers Clark to attack the neighboring Wabash and Shawnee tribes. The convention reconvened periodically throughout the fall of 1786 before a quorum was finally reached in January 1787. The Virginia legislature, however, passed a second Enabling Act in the meantime that called for another convention because the deadline of the first act had expired. The new legislation stipulated that separation occur no later than January 1,

---
1789, and that Congress grant its approval by July 4, 1788. The fifth Kentucky statehood convention convened on September 17, 1787, and by September 22 the delegates had accepted the terms of the Second Enabling Act. Harry Innes, Benjamin Sebastian, Caleb Wallace, and other leading members of the court party once again dominated the proceedings. Delegates requested that the state be quickly accepted into the Confederation and that Virginia send a member from the district to New York as part of the state’s delegation to Congress. Moreover, the fifth convention set an April 1788 election for delegates to attend a July constitutional convention, which would be tasked with writing a constitution for the new state. Most Kentuckians now believed that statehood was imminent.

The sixth statehood convention, scheduled to convene in Danville on July 28, 1788, was dealt a particularly heavy blow when the Confederation Congress declined to admit Kentucky to


the union because a new federal government would soon come into existence under the Constitution of 1787. Delegates assembled at the statehood convention were shocked when news of the latest congressional action arrived. Court party leaders were frustrated that Virginia would yet again have to grant permission for the district to become an independent state. Caleb Wallace and James Wilkinson, among others, believed that the system was flawed and openly called for the convention to continue extralegally. Wallace declared “that it was the duty of this Convention as the Representatives of the people to proceed to frame a Constitution of Government for this District and to submit the same to their consideration with such advice relative thereto as emergency suggests.”

Wallace may have perceived the situation to be a true emergency for Kentucky. Years of petitioning and assembling had yielded few tangible results and the Kentucky delegates now found themselves seemingly back at the beginning—a third Enabling Act would need to be passed by the Virginia legislature, another convention held in Danville, and a petition once again sent to Congress requesting permission to join the new nation. Though many court party members openly challenged the congressional decision, country party leader John Edwards supported the action and moved that the matter be referred to their constituents. One member of the partisans suggested that militia captains poll their men to gauge the public’s sentiment. However, the convention ultimately decided to assemble for a seventh time on the first Monday in November 1788. Kentuckians once again found themselves at the mercy of the Virginia state legislature and the national government.

---

114 Caleb Wallace quoted in Harrison, *Kentucky’s Road to Statehood*, 63.
The seventh statehood convention came at a critical juncture for Kentuckians. Secessionist sentiment undoubtedly ran high after Kentucky was denied admission into the national compact. Statehood proponents, especially members of the court party, found the western populace most receptive to unilateral separation from both Virginia and the national government. Caleb Wallace wrote in August 1788 that “our most discerning men are of opinion that Congress will never fail to find an excuse” to deny Kentuckians their sovereignty.116

Members of the court, country, and partisan parties publically debated one another in the *Kentucke Gazette* during the weeks leading to the meeting. Partisan Ebenezer Brooks, writing as “Cornplanter,” cautioned that extralegal separation from Virginia would reduce the chance of gaining access to the Mississippi River. “Separation on any terms, especially if assumed without the concurrence of Congress, would be the most effectual barr [sic] against a free trade through the Mississippi,” Brooks argued.117 Brooks also considered the power and influence that Virginia wielded in national affairs and questioned the practicability of separation, pointing to “our present superior weight in the scale of Congress by our connection with the most considerable state in the Union.”118 Brooks and the partisans, still hoping to indefinitely postpone separation, spoke against the military efficacy of independence and argued that statehood would require an increase in taxation (via a general tax) to operate the government. Harry Innes and the court party countered that the movement was defined by strong public support and lamented that “the nose of the poor has been held to the grindstone of oppression in this District”—though neither the court nor country parties had been sympathetic to, and still continued to oppose, the partisan


116 Caleb Wallace to William Fleming, August 13, 1788, WLU.
117 “Cornplanter” [Ebenezer Brooks], *Kentucke Gazette*, September 13, 1788.
118 “Cornplanter” [Ebenezer Brooks], *Kentucke Gazette*, September 13, 1788.
cause. The convention had been granted broad powers by delegates of the sixth assembly “to take such measures for obtaining admission of the District as a separate and independent member of the United States of America, and the navigation of the river Mississippi, as may appear most conducive to those important purposes.” \( ^{120} \) Moreover, the convention would retain power from November 1788 to January 1790 if another meeting needed to be called. \( ^{121} \)

Delegates to the seventh statehood convention assembled in quorum on November 4, 1788. Controversy arose when members of the country party insisted that the convention merely petition Virginia, yet again, to form an independent state. James Wilkinson, elected chairman of the committee of the whole on November 5, maintained that the assembly was authorized to both declare independence and draft a constitution without any additional approval. Wilkinson and his associates sought to exploit the tense political situation and at least purported to steer the budding state into the arms of Spain. Delegates from Mercer and Madison counties delivered two petitions to the committee of the whole that implored the convention to draft “a spirited and manly address [that] should be sent to Congress, to obtain the navigation of the Mississippi.” \( ^{122} \) Members of the court party remained steadfast in their belief that only an independent Kentucky could secure access to the river, citing the abysmal failure of negotiations between the United States and Spain as proof. Wilkinson proved unable to sway the convention delegates despite

\[ ^{119} \] “A Farmer” [Harry Innes], Kentucke Gazette, October 18, 1788.

\[ ^{120} \] “Extracts,” Kentucke Gazette, September 13, 1788.

\[ ^{121} \] “Cornplanter” [Ebenezer Brooks], Kentucke Gazette, September 13, 1788; “A Farmer” [Harry Innes], Kentucke Gazette, October 18, 1788; “Extracts,” Kentucke Gazette, September 13, 1788; Littell, Political Transactions, 94–95; Harrison, Kentucky’s Road to Statehood, 64. Patricia Watlington notes that Brooks was answered by “Poplicola” [Morrison]—a member of the country party—in the September 20, 1788, issue of the Kentucke Gazette (no longer extant). Brief notes outlining the reply are available in DC 18 CC 161. See Watlington, The Partisan Spirit, 168–70.

\[ ^{122} \] Mercer and Madison County petitions quoted in Green, The Spanish Conspiracy, 221.
lengthy diatribes that highlighted the importance of the river to the district and outlined his involvement with Spanish officials in New Orleans. The Mississippi River, he exclaimed, was “the object upon which are based all hopes of worldly happiness, and without which poverty and misery will be their [westerners’] only fate.”123 He continued, “I speak with certainty when I say they will take up any proposition, no matter how desperate, in a cause of the utmost importance to them and their posterity.”124 Committees were organized on November 6-7 to draft addresses to both Congress and the Virginia General Assembly requesting Kentucky’s independence and admission into the union. Convention delegates scheduled an eighth meeting for July 1789. Complicating matters, the Virginia legislature passed a third Enabling Act four days after the Christmas holiday that was to be reviewed at the upcoming meeting. Kentuckians later learned that these terms were substantially different than those outlined in the second act and approved by the fifth statehood convention in September 1787.125

A Nation Divided

The national debates surrounding the ratification of the newly drafted US Constitution were affected by the tenor of the arguments made by people in the West. Members of the Danville Political Club scrutinized the new governmental system at their Saturday evening meetings and identified what they believed were deficiencies within the new plan. A number of

123 Wilkinson quoted in “Wilkinson’s Memorial and Expatriation Declaration” in Reprints of Littell, cxxiii.
124 Wilkinson quoted in “Wilkinson’s Memorial and Expatriation Declaration” in Reprints of Littell, cxxiii.
the club’s members, including Harry Innes, George Muter, Benjamin Sebastian, Samuel McDowell, and John Brown, questioned the role of the Kentucky militia in the new federal system. Club members were concerned that Kentucky’s militia units might be on expedition in a neighboring state and, therefore, unavailable to defend the state’s residents from Amerindian attacks. The president’s role in calling out the militia, the office of vice president, the omission of a declaration of rights, and jurisdiction over docks, arsenals, forts, and the new federal city, among others, arose as points of contention as well. Caleb Wallace, eager to promote Kentucky’s domestic manufactures, complained that “under this New Government Imports and Exports cannot be taxed nor prohibited without the consent of Congress.”¹²⁶ Concerns regarding power and representation in the new government largely framed the members’ reading of the Constitution. Harry Innes noted the important role that he expected the Senate to play in maintaining the balance of power between the states. “Ninety-nine men out of a hundred possessed of power will abuse it. Without a senate, one State will have a power of imposing on another, one having a greater number of representatives. A senate in this case would be a very popular check.”¹²⁷

Kentuckians were largely suspicious of the proposed government and believed that ratification of the document would make it easier for the Atlantic states to cede control of the Mississippi River to Spain. The vote at the Virginia ratification convention—scheduled to begin on June 2, 1788—was expected to be decidedly close. Future Kentucky attorney general George

¹²⁶ Caleb Wallace to William Fleming, May 3, 1788, Hugh Blair Grigsby Papers, Fleming-Christian Correspondence, 1760–1795, Section 132, Mss1 G8782 b, Virginia Historical Society, Richmond, VA.
Nicholas wrote to James Madison on April 5, 1788, that “the only danger I apprehend is from the Kentucky members, and one consideration only has any weight with them; a fear that if the new government should take place, that their navigation would be given up.”\textsuperscript{128} Madison anxiously wrote to George Washington on June 13, 1788, that “there is reason to believe that the event may depend on the Kentucky members, who seem to lean more against than in favor of the Constitution. The business is in the most ticklish state that can be imagined.”\textsuperscript{129}

Madison bluntly addressed the Mississippi River question in debates about the new Constitution, explaining that the navigation of the river would no longer be viewed as a regional, but rather as a national, matter once the new government was in place. Madison assured westerners that the inclination of the Atlantic states to cede the Mississippi River would no longer be an issue. “If we try the danger to the Mississippi under the old and under the new system by comparing them in relation to their principle, the friends of the Mississippi cannot hesitate to embrace the latter,” he wrote.\textsuperscript{130} Madison believed that westerners would have a much more powerful voice in the new federal legislature, which required a simple majority to pass legislation. He explained that Congress would be less likely to develop and enact laws that negatively affected the region and also cited trade benefits for both the western and Atlantic states. Madison maintained that the reopening of the Mississippi River would stimulate the western economy and serve as a market for eastern merchants. He also reassured westerners that

\textsuperscript{128} George Nicholas to James Madison, April 5, 1788, series 1, Madison Papers, available online at https://www.loc.gov/item/mjm023257/ (accessed September 12, 2016).
\textsuperscript{130} James Madison to George Nicholas, May 17, 1788, series 1, Madison Papers, available online at https://www.loc.gov/item/mjm023279/ (accessed March 4, 2016).
all proposed accords required both presidential and Senate approval before any treaties, such as the Jay/Gardoqui agreement, could be enacted.  

Madison and the Federalists eagerly awaited the start of the Virginia ratification convention in June and remained keenly aware of the important role that delegates from Kentucky were expected to play. Fourteen delegates represented Kentucky at the convention—the majority of whom opposed ratification. The Kentucky delegates did not actively participate in the debates and, in the end, did not play as important a role as expected. The final vote was eighty-nine to seventy-nine in favor of ratification. Three members of the Kentucky delegation—Robert Breckinridge, Humphrey Marshall, and Rice Bullock—voted with the majority. The other ten voted against ratification and one delegate, Noltey Conn of Bourbon County, either abstained or was not present for the vote. Madison had enlisted the support of Congressman John Brown in the months preceding the ratification convention to help secure the Kentucky vote. “I have written several letters since my arrival to correspondents in the district [Kentucky] with a view to counteract anti-federal machinations,” explained Madison in a letter to George Washington. “I have little expectation however that they will have much effect, unless

---

131 James Madison to George Nicholas, May 17, 1788, series 1, Madison Papers, available online at https://www.loc.gov/item/mjm023279/ (accessed March 4, 2016).
132 Federalists sought economic and territorial security for the young republic and believed that a strong, centralized government would ensure that those goals were achieved. Federalists, unlike their antifederal counterparts, believed that republics could grow indefinitely and hoped to see the United States extend west to the Pacific Ocean, south to the Gulf of Mexico, and beyond. Antifederalists believed that power should be retained in state legislatures and that a small republic could best meet the needs of its citizenry.
133 James Madison to George Washington, April 10, 1788, series 1, Madison Papers, available online at https://www.loc.gov/item/mjm023263/ (accessed September 12, 2016).
the communication they might call from Mr. Brown in Congress, should happen to breathe the same spirit.”  

Brown had been appointed to the Virginia delegation to Congress in 1787 with special directions to shepherd Kentucky’s admission into the union. Diego de Gardoqui, hoping to draw Kentucky into the Spanish empire, propositioned Brown after Kentucky was denied admission into the national compact in July 1788. Gardoqui offered free and unrestricted access to the Mississippi River if Kentuckians agreed to separate from the union and appoint someone to negotiate with the Spanish government. Gardoqui recounted the meeting to his superiors in Madrid, noting that “I carefully observed his appearance as I told him this, and it seemed to me that I could discern the satisfaction it gave. He said he would reflect upon it and would see me and talk at leisure upon the subject.” Brown, writing to George Muter, outlined the offer and explained that “there is no reason to doubt the sincerity of this declaration.” He implored

---


135 Don Diego de Gardoqui quoted in Reprints of Littell, xxvii–xxviii. Gardoqui also solicited leaders of the short-lived state of Franklin in 1788 about a possible Franklin-Spanish alliance. See Barksdale, The Lost State of Franklin.

136 Brown’s letter to Muter was originally published in the September 4, 1790, issue of the Kentucky Gazette (no longer extant) by his political opponents in an attempt to tarnish Brown’s reputation and tie him to Wilkinson and the Spanish Conspiracy. The letter was later republished in the Palladium (Frankfort, KY), Western World (Frankfort, KY), and again in the Kentucky Gazette in September 1806. See Green, The Spanish Conspiracy, 172 (quotation); Watlington, The Partisan Spirit, 206-7. A complete copy of the letter, John Brown to George Muter, July 10, 1788, is available in Reprints of Littell, xxxi–xxxiii, and Green, The Spanish Conspiracy, 171–72.
Muter and “a few confidential friends in the district” to “make a prudent use of the information which is in part confirmed by dispatches yesterday received by Congress from Mr. Carmichael, our minister at that court [Spain], the contents of which I am not at liberty to disclose.”

Gardoqui’s overture to Brown during the summer of 1788 underscores the political instability of Kentucky and the larger trans-Appalachian West during the 1780s. At this critical point—following the denial of the national compact by the Confederation Congress—Kentuckians could have unilaterally separated from the United States and joined with Spain or Great Britain. Both hoped to stymie the development and expansion of the United States in hopes of furthering their own territorial and economic prospects in North America. Yet when James Wilkinson called John Brown to the floor of the seventh statehood convention (November 1788) to discuss Gardoqui’s offer, the congressman’s lackluster remarks largely turned the tide of the meeting and cooled any remaining secessionist sentiment. Many Kentuckians questioned the rationale for the new government, but most remained committed to the union. Despite some talk of secession from the United States, it was clear that an independent Kentucky would only exist as part of the United States. The only question remaining was, when?

Reflection
Kentuckians actively shaped the national debates concerning the ratification of the US Constitution. Many Kentuckians believed that the new system would make it easier for the Atlantic states to forfeit the Mississippi River to Spain, and thus were suspicious of the proposed government. James Madison anticipated that Kentucky delegates might determine the outcome

137 Green, The Spanish Conspiracy, 172 (quotations).
of the vote at the Virginia ratification convention and worked to gain their support. Madison assured Kentuckians that access to the river would become a national issue, rather than a regional one, under the new government. He cited trade benefits for both the western and Atlantic states in his defense of the new system and explained that Congress would be less likely to develop and enact laws that negatively affected the region. The degree to which Kentuckians shaped the ongoing constitutional debates is significant. The important role that Kentucky delegates were expected to play, and the attention paid towards gaining their support, speaks to the reach and influence of Kentucky and its political leaders during the early national period. The Kentucky statehood movement was likewise shaped by the ongoing constitutional debates. Some Kentuckians began to see unilateral separation from both Virginia and the union as a viable option when faced with the prospect of a new and unfamiliar governmental system.\textsuperscript{139}

CHAPTER 4

“Injustice is necessary for our prosperity and happiness?”

If slavery is not consistent with justice, it must be inconsistent with good policy. For who would venture to assert that it would be good policy for us to erect a public monument of our injustice, and that injustice is necessary for our prosperity and happiness? That old proverb, that honesty is the best policy, ought not to be despised for its age.

–Rev. David Rice, Slavery Inconsistent with Justice and Good Policy, 1792

The final statehood conventions (numbers eight through ten) largely determined what the new Kentucky state government would look like. Kentuckians were particularly divided over which courts should hold jurisdiction over land-dispute cases. The right to hold slaves emerged as the most contentious issue discussed at the final statehood convention. Proponents of the institution argued that the Virginia Compact (Fourth Enabling Act) protected the private property rights of slave owners. Convention delegates, in the end, voted to allow slaveholding in the new state, despite the efforts of an antislavery faction led by Presbyterian minister David Rice. Kentucky officially became a state on June 1, 1792, and a plantation and slave-based economy defined much of the state by the late 1790s. The integration of political and economic systems bolstered the gentry’s foothold in the West and hastened the transformation of the Kentucky frontier. Slaveholders across the United States gained an important victory with the ratification of the 1792 constitution—precedent for the expansion of slavery into the West.


Statehood Achieved

Delegates who assembled in convention on July 20, 1789, were largely inexperienced in state-making. More than twenty of those elected had never attended any of the seven previous sessions. Members of the court party were noticeably absent from the eighth convention after failing to win their bids for reelection; thus, the majority of delegates present represented either the partisans or the country party. Samuel McDowell, however, was once again elected president of the meeting and Thomas Todd resumed his post as secretary. The convention quickly turned its attention to the recently passed (third) Enabling Act and met as committee of the whole to examine the document. Isaac Shelby, who chaired the committee, addressed the convention on Thursday, July 23. Shelby explained that the terms outlined in the document were substantially different than those put forth in the Second Enabling Act and approved by the fifth statehood convention. The second and sixth articles of the document were quite different than those agreed upon in the second act: Kentuckians were to assume a sizeable portion of Virginia’s public debt and non-appropriated lands were to remain under the auspices of the Virginia government after statehood was achieved. The act also mandated that a date of separation could be set after November 1, 1790, if delegates to the eighth convention agreed upon the terms set forth and Congress consented to admit Kentucky to the union before September 1, 1790. The document no longer contained a joint committee to settle disputes between the two states. Delegates voted twenty-five to thirteen against the Third Enabling Act and resolved that the terms of the second act promptly be restored. A committee was appointed to draft a resolution to the Virginia lawmakers, and it was decided that the convention would reconvene following the modification of the act. Before the meeting adjourned, delegates were directed to record the population count of their respective counties and create precinct boundaries. The convention also passed
resolutions condemning inadequate frontier defenses and promoting domestic manufactures, likely an indicator of the continued interest in opening the Mississippi River.\textsuperscript{142}

The Virginia General Assembly passed a fourth (and final) Enabling Act on December 18, 1789. The document remedied the criticisms leveled against the third act: Kentuckians were only required to cover a portion of the national debt (rather than the Virginia public debt as well); certificates issued after January 1, 1785, to finance expeditions against Amerindians were to be redeemed by Kentuckians themselves; and Virginia could issue warrants for Kentucky land through September 1, 1791, but could not reallocate unclaimed lands after May 1, 1792. The fourth act restored the six-member joint committee to settle disputes between the two states and called for the election of delegates in May 1790 to attend a ninth statehood convention, scheduled to begin in July 1790. An official date of independence (after November 1, 1791) could be selected by the convention so long as Congress consented to the move before that date. The ninth statehood convention was empowered to call a constitutional convention that could meet between November 1, 1791, and the actual date of independence. Delegates to the ninth convention, which assembled in Danville on July 26, 1790, wasted little time before agreeing to the outlined terms and conditions.\textsuperscript{143}

\begin{flushright}

\end{flushright}
Benjamin Logan and Isaac Shelby were the only members of the court party in attendance, and the assembly was again dominated by the country party. Though the partisans objected to the document (and to separation in general), the convention voted twenty-four to eighteen that Kentucky should join the union on June 1, 1792. The vote largely split along party lines, with members of the country party voting in the affirmative, effectively ending the partisan effort to derail the statehood movement. Plans for a state constitution advanced and by early 1791 the debates regularly appeared in the Kentucky Gazette. Congress assented to the move on February 4, 1791. Fourteen days later it approved the Vermont statehood application, adeptly maintaining the delicate balance of power between the northern and southern states. Two main points of contention arose at the tenth and final statehood convention, which convened in Danville on April 2, 1792, to frame a government for the soon-to-be state. On the second day of the meeting, George Nicholas presented a series of resolutions that he intended to act as a framework for the new state government. Delegates were divided about which courts should hold jurisdiction over land-dispute cases. Nicholas believed the Kentucky Court of Appeals could most efficiently settle such cases and, therefore, should exercise original and final jurisdiction in those instances. The partisans saw this as yet another ploy to strip them of their land and objected to the plan.144

---

144 Marshall, History of Kentucky, 1:355–56, 360–62, 389, 393–96; Watlington, The Partisan Spirit, 197–98, 218–22; Harrison, Kentucky’s Road to Statehood, 86–90, 104–14; Littell, Political Transactions, 34–37, 116; Tachau, Federal Courts, 40–41. Littell mistakenly stated that the elections for the upcoming constitutional convention were to begin on the first Monday in December 1792 (corrected to 1791). The elections were actually slated for the December 1791 court days—with the convention itself beginning on the first Monday in April 1792. See Ninth Convention Journal, KHS Collections; Harrison and Klotter, A New History of Kentucky, 61–64; Constitutional Convention Journal, KHS Collections. The first constitutional convention journal was later reprinted as the Journal of the First Constitutional Convention of
The right to hold slaves emerged as the most contentious issue discussed at the convention. African Americans had long had a presence on the frontier and played a significant role in the opening of the West. Slaves participated in western expeditions and faced the same challenges and dangers as their white counterparts. A 1777 census taken at Fort Harrod revealed that nineteen of the fort’s 198 inhabitants were slaves (seven under the age of ten). By 1790, approximately 11,830 African Americans (16.2% of Kentucky’s total population) peopled the area. Of the region’s 73,077 inhabitants, only 114 African Americans (0.2% of Kentucky’s total population) were listed as free blacks. Few Kentuckians owned slaves and even fewer of those individuals were considered planters (individuals who typically owned twenty or more slaves). Slaves were, on average, valued at nearly two or three times the annual income of most Kentucky smallholders.\(^\text{145}\) Some Kentuckians objected to the practice on a fundamental level, but many simply could not afford to become slaveholders. The majority of Kentucky’s slave population was concentrated in the hands of the wealthiest planters. These individuals, likely members of the country party, hoped to re-create a planter culture in the West that mirrored that of eastern Virginia. Kentucky planters often imported lavish goods, bred expensive horses, and built fine homes. Lexington quickly emerged as a bustling commercial hub as the gentry

---

\(^{145}\) Factors such as age, gender, ability, and fitness level affected the cost of slaves. See Harrison and Klotter, *A New History of Kentucky*, 168–69.
strengthened their hold on the Kentucky economy. Opponents of slavery, however, threatened to halt the gentrification of the developing economic system.\textsuperscript{146}

Presbyterian minister David Rice, elected as a delegate to the tenth convention, led the antislavery faction.\textsuperscript{147} Rice spoke in favor of emancipation and called for the cessation of slave imports into Kentucky. “A slave is a member of civil society, bound to obey the laws of land; to which laws he never consented; which partially and feebly protect his person; which allow him no property; from which he can receive no advantage; and which chiefly, as they relate to him, were made to punish him,” Rice lamented.\textsuperscript{148} “He is therefore bound to submit to a government, to which he owes no allegiance; from which he receives great injury; and to which he is under no obligations; and to perform services to a society, to which he owes nothing, and in whose prosperity he has no interest.”\textsuperscript{149} Partisan leaders largely favored gradual emancipation—not immediate abolition—and believed that steps must be taken to phase out the institution while providing compensation to slaveholders. George Nicholas emerged as the chief proponent of slavery in Kentucky and argued that the Virginia Compact (Fourth Enabling Act) protected the private property rights of slave owners. Nicholas also believed that the new state government could not support widespread, compensated emancipation and feared the degradation of the


\textsuperscript{147} Secular attacks organized by non-slaveholders played an important role in the antislavery movement as well. Approximately 90 percent of delegates at the tenth convention owned slaves.

\textsuperscript{148} Rice, \textit{Slavery Inconsistent with Justice}, 8.

\textsuperscript{149} Rice, \textit{Slavery Inconsistent with Justice}, 8.
white populace through miscegenation. Despite the efforts of Rice and others, a plantation and slave-based economy defined much of the state by the late 1790s. The number of slaves living in Kentucky increased by 241 percent—a growth rate much higher than that of the general population—while the portion of slaveholders in the population modestly rose from 23.2 to 25.2 percent during that time.\(^{150}\)

Kentucky officially became a state on June 1, 1792. Slaveholders across the United States gained an important victory with the ratification and adoption of the 1792 constitution—precedent for the expansion of slavery into the West. Kentucky lawmakers reaffirmed that notion in 1799 when delegates to a second constitutional convention voted to strengthen the laws protecting the institution.\(^{151}\) Kentuckians finally achieved unfettered access to the Mississippi River and the port of New Orleans via the Treaty of San Lorenzo (commonly referred to as Pinckney’s Treaty) on October 27, 1795. The integration of political and economic systems bolstered the gentry’s foothold in the West and hastened the transformation of the Kentucky frontier. Lexington quickly became the economic and political powerhouse of the state, despite the city’s lack of a navigable waterway. The cultivation of hemp soon defined the Kentucky economy, and, by the beginning of the nineteenth century, over forty thousand pounds of raw fiber were exported to the lower South. Merchants, planters, and lawyers near Lexington understood the need to link private enterprise with public finance, and Henry Clay soon emerged


\(^{151}\) See *Journal of the Convention, Begun and held at the Capitol in the town of Frankfort on Monday the twenty-second day of July, in the year of our Lord one thousand, seven hundred and ninety-nine*, n.p., n.d., KHS Collections.
as the spokesman and champion of the developing Kentucky political economy—setting the
stage for his American System.152

Reflection

The Kentucky statehood movement emerged at a critical juncture in the early republic’s
history, and, when viewed in a transatlantic context, becomes much more important to the
development of the United States and larger Atlantic world than what has generally been
recognized. The intersection of the Kentucky statehood movement and the politics of the early
republic underscores a number of political, economic, and social issues that defined the domestic
and foreign policies of the United States as the untested national government struggled to assert
its political and economic independence in the years following the Revolutionary War.
Kentucky’s political leaders shaped the nation’s policies towards Native Americans, commerce
and transportation, and territorial expansion while carefully attending to their own local political
agendas. Kentuckians also played a critical role in reshaping the national government in debates
concerning the ratification of the Constitution. The debates at the statehood conventions were
likewise shaped by national and international issues, particularly Spain’s closure of the
Mississippi River, further demonstrating the importance of viewing Kentucky, and the separatist
movement, in a wider, transatlantic context.

Statehood ensured that Kentuckians would play a much larger role in remedying their
own economic, territorial, and security concerns—issues that the Virginia legislature and

152 Harrison and Klotter, A New History of Kentucky, 60–61, 71–72, 74, 112; Aron, How
the West Was Lost, 129, 133–39. Clay’s American System was an economic plan designed to
strengthen and grow the United States. The plan was designed around three key components: a
protective tariff, a national bank, and government subsidies for internal improvements such as
roads and canals. On this shift in sectional identity, see Friend, Kentucke’s Frontiers, and Aron,
How the West Was Lost.
national government had either failed to address or improve since the late 1770s. These issues mirrored those faced by American officials in the larger trans-Appalachian West as the United States struggled to secure sustained commercial and territorial development well into the nineteenth century. Although American officials hoped to bring stability to the region through diplomacy, they were often at odds with one another and the region’s leaders about how best to accomplish that goal. Kentucky lay at the center of a complex competition between the British, Spanish, and regional Indian groups to halt US expansion beyond the Appalachian Mountains. These groups hoped to stunt the growth of the United States and protect their regional interests by quashing its efforts to achieve sustained commercial and territorial development. The national government failed to implement basic measures that ensured the physical and economic well-being of its outlying populace, and many, as a practical alternative, began to call for the creation of an independent western state. These individuals believed that their needs could best be addressed through localized government. Kentuckians assembled in convention ten times between 1784 and 1792 to discuss the possibility of separating from Virginia.\(^{153}\)

Kentuckians spoke out against the misappropriation of surveying fees, called for the establishment of a western printer, supported protection for orphans and the poor, and identified, in addition to a number of other issues, problems with the court system. They disapproved of the lack of navigable roads, bridges, and waterways in the region despite the sizeable share of taxes that Kentuckians paid to the Virginia state government. Most importantly, however, Kentuckians sought protection from antagonistic Native groups and spoke out against their inability to mount offensive strikes against them. Some Kentuckians began to question the legitimacy of the

American Revolution in the West and adapted the images, symbols, and rhetoric of the war to advocate separating from Virginia. The early statehood conventions centered on issues of land redistribution and security concerns and were framed by an East/West divide as delegates disparaged what they considered to be a distant and unresponsive state legislature. It was not until Spain closed the Mississippi River to US traffic in 1784 that the movement gained traction and began to be viewed as a North/South conflict, as legislators from Virginia sided with Kentuckians by calling for free and unrestricted access to the river.¹⁵⁴

The Mississippi River played a vital role in the developing Kentucky commercial economy. Kentuckians relied upon the river to ship their goods to market and expected the national government to quickly negotiate the reopening of the waterway. The proposed Jay/Gardoqui agreement merely heightened tensions in the region when word spread that the settlement called for the forfeiture of US navigation rights to the river for a period of twenty-five to thirty years. Kentuckians were no longer willing to tolerate a distant and unresponsive government, and some, such as Thomas Green of Louisville, threatened to take matters into their own hands. Even the ongoing debates concerning the ratification of the US Constitution were shaped by the arguments made by people in the West. Kentuckians questioned the rationale for the new government and believed the new system would make it easier for the Atlantic states to cede control of the Mississippi River to Spain. James Madison assured westerners that navigation rights to the river would become a national issue under the new government. He expected Kentucky delegates to play a decisive role at the Virginia ratification convention and lobbied to

gain their support. Kentuckians did not actively participate in the debates, despite Madison’s prediction, and the convention approved the new government in June 1788. Kentucky officially became a state on June 1, 1792. Kentuckians finally achieved unfettered access to the Mississippi River with the signing of Pinckney’s Treaty on October 27, 1795, and, by the late 1790s, a plantation and slave-based economy defined much of the state.¹⁵⁵

The Spanish Conspiracy once again attracted the attention of Kentuckians, or at least the writers of Kentucky history, in 1889 with the release of John Mason Brown’s *The Political Beginnings of Kentucky*—eighty-three years after the publication of Littell’s *Political Transactions*. Brown sought to clear his grandfather, the late Kentucky senator John Brown, and his court party counterparts (not including James Wilkinson) of conspiracy charges. He instead made a counter claim that country party leader Thomas Marshall had actually entered into negotiations with Great Britain. This was followed with the publication of Thomas Marshall Green’s *The Spanish Conspiracy: A Review of Early Spanish Movements in the South-West* in 1891. Green, the grandson of Humphrey Marshall, argued against Brown’s findings and maintained that John Brown, along with Harry Innes, Benjamin Sebastian, Caleb Wallace, and James Wilkinson himself, were key players in the Spanish Conspiracy. Temple Bodley, a grandson of Harry Innes, closed the dialogue in 1926 with the release of his *Reprints of Littell’s Political Transactions in and Concerning Kentucky and Letter of George Nicholas to his friend in Virginia also General Wilkinson’s Memorial*. Bodley explained in an introduction to the material that even James Wilkinson was not involved in the conspiracy and maintained that he was more interested in undermining George Rogers Clark as commissioner of Indian affairs. The

work did little to sway readers on either side of the controversy but offered the first printed English translation of James Wilkinson’s memorial and expatriation declaration. Thus it would seem that Francois Furstenberg’s “Long War for the West” did not end in 1815 with the signing of the Treaty of Ghent, but, rather, continued into the twentieth century as the descendants of Brown, Marshall, and Innes struggled to reclaim the memory of the Spanish Conspiracy and Kentucky statehood movement.¹⁵⁶

¹⁵⁶ See Brown, *The Political Beginnings of Kentucky*; Green, *The Spanish Conspiracy; Reprints of Littell’s Political Transactions*; Furstenberg, “The Significance of the Trans-Appalachian Frontier in Atlantic History.”


*Debates and Other Proceedings of the Convention of Virginia Convened at Richmond, on Monday the Second Day of June, 1788, for the Purpose of Deliberating on the Constitution Recommended by the Grand Federal Convention*. 2nd ed. (Richmond, 1805).


Herring, George. *From Colony to Superpower: U.S. Foreign Relations since 1776*. New York:


Journal of the Convention, Begun and held at the Capitol in the town of Frankfort on Monday the twenty-second day of July, in the year of our Lord one thousand, seven hundred and ninety-nine. N.p., n.d. Kentucky Historical Society Collections, Frankfort, KY.


Kentucke/Kentucky Gazette (Lexington, KY), 1787–1789.


Rice, David. *Slavery Inconsistent with Justice and Good Policy, Proved by a Speech Delivered in the Convention, Held at Danville, Kentucky*. Philadelphia, 1792.


Robertson, James R., ed. *Petitions of the Early Inhabitants of Kentucky*. Louisville: John P.


“The ‘Infamous Jay Treaty’ [February 9, 1827].” In *The Voice of the Frontier: John Bradford’s


APPENDIX A: OFFICE OF RESEARCH INTEGRITY APPROVAL LETTER

Office of Research Integrity
February 11, 2016

Christopher Leadingham
307A Morrow Library
Appalachian Studies Association
Marshall University

Dear Mr. Leadingham:

This letter is in response to the submitted thesis abstract entitled “Forging a Bluegrass Commonwealth: The Kentucky Statehood Movement and the Politics of the Trans-Appalachian West, 1783-1792”. After assessing the abstract it has been deemed not to be human subject research and therefore exempt from oversight of the Marshall University Institutional Review Board (IRB). The Code of Federal Regulations (45CFR46) has set forth the criteria utilized in making this determination. Since the information in this study does not involve human subjects as defined in the above referenced instruction it is not considered human subject research. If there are any changes to the abstract you provided then you would need to resubmit that information to the Office of Research Integrity for review and a determination.

I appreciate your willingness to submit the abstract for determination. Please feel free to contact the Office of Research Integrity if you have any questions regarding future protocols that may require IRB review.

Sincerely,

Bruce F. Day, ThD, CIP
Director
APPENDIX B: BRIEF BIOGRAPHICAL SKETCHES OF KENTUCKY’S LEADING POLITICAL FIGURES

**John Bradford**, of Fauquier County, Virginia, was born on June 16, 1749. Bradford moved to Kentucky in 1779 and began working as a land surveyor the following year. He was persuaded in 1786 to establish a weekly paper and he, along with his brother, Fielding, traveled to Philadelphia to obtain the necessary supplies and equipment. The first issue of the *Kentucke Gazette* was printed on August 11, 1787. The paper published public announcements and advertisements in addition to local, national, and international news. He renamed the paper with the current spelling of the state in 1789. Bradford died on March 20, 1830. See Kleber, et al., eds., *The Kentucky Encyclopedia*, s.v. “Bradford, John,” for additional information.

**Ebenezer Brooks** was born in Philadelphia in 1750, and, after studying divinity, moved to southwest Virginia by 1780. Brooks dabbled in a number of professions, including writing, teaching, ministering, and practicing medicine. He was a leading member of the partisans, and played important roles in the Kentucky statehood movement—first arguing for, and then against, separation. Brooks died on April 25, 1799. See James William Hagy, “Without a Proper Theatre: The Many Careers of Ebenezer Brooks,” *Register of the Kentucky Historical Society* 80 (Summer 1982): 267–80, for additional information.

**John Brown** was born in Staunton, Virginia, on September 12, 1757. Brown studied law, and, after moving to Danville, Kentucky, in the summer of 1783, served in the Virginia General Assembly as the Kentucky district’s representative from late 1783 to 1788. He represented the district in the Confederation Congress from 1787 to 1788 and as a member of the US House of Representatives (under the Constitution of 1787) from March 4, 1789, to June 1, 1792. Brown represented the state of Kentucky in the US Senate from June 18, 1792, to March 3, 1805. He died on August 28, 1837. See Kleber, et al., eds., *The Kentucky Encyclopedia*, s.v. “Brown, John,” for additional information.

**John Campbell**, born in Ulster (northern Ireland) around 1735, had moved to Pennsylvania by 1761. Campbell supported Virginia’s claim to the Pittsburgh area, and, in return, was jointly awarded four thousand acres of land near the falls of the Ohio River (present-day Louisville) in 1773. He moved to the area in late 1782 and quickly became a leading political figure in Jefferson County. Campbell was a member of the partisans and was a delegate at the 1784 and 1785 statehood conventions. He was a delegate at the 1792 constitutional convention and later served as a state senator from Jefferson and Fayette counties. Campbell died in 1799 at his senate seat. See Kleber, et al., eds., *The Kentucky Encyclopedia*, s.v. “Campbell, John,” and Watlington, *Partisan Spirit*, for additional information.

**Joseph Crockett**, of Botetourt County, Virginia, was born on May 7, 1742. Crockett held various positions in the Continental Army before moving to Lexington, Kentucky, in May 1784. He worked as a surveyor for Thomas Marshall and was a member of the Virginia General
Assembly in 1786 and 1790. Crockett served as a member of the Kentucky House of Representatives from 1792 to 1795 and in the Kentucky Senate from 1800 to 1804. He died November 7, 1829, in Georgetown, Kentucky. See Kleber, et al., eds., The Kentucky Encyclopedia, s.v. “Crockett, Joseph,” for additional information.

**John Fowler**, of Chesterfield County, Virginia, was born on April 27, 1756. Fowler attended William and Mary College and served in the Continental Army before moving to Lexington, Kentucky, in 1783. He represented Fayette County at the third statehood convention, was a delegate at the Virginia ratification convention in June 1788, and later represented Kentucky in the US House of Representatives from 1797 to 1807. Fowler died on August 22, 1840. See Kleber, et al., eds., The Kentucky Encyclopedia, s.v. “Fowler, John,” for additional information.

**John Edwards**, of Stafford County, Virginia, was born in 1748. Edwards moved to Kentucky in 1780 and obtained title to nearly twenty-three thousand acres of land. He was a member of the Virginia General Assembly from 1781 to 1783 and again from 1785 to 1786. Edwards was a delegate at some of the statehood conventions and was elected, with John Brown, in 1792 to represent Kentucky in the US Senate. He held that position until March 3, 1795, and later served in the state senate from 1796 to 1800. Edwards died in 1837. See Kleber, et al., eds., The Kentucky Encyclopedia, s.v. “Edwards, John,” for additional information.

**Harry Innes**, of Caroline County, Virginia, was born on January 4, 1752. Innes was admitted to the bar in 1773, and, after being appointed assistant judge to the supreme court of the Kentucky district in 1782, moved to Kentucky in 1783. Innes was a leading member of the court party and served as the Kentucky district’s attorney general from 1784 to 1789. He was appointed as Kentucky’s first federal judge on September 24, 1789, and served in that capacity until his death on September 20, 1816. See Tachau, Federal Courts, 31–53, for additional information.

**Benjamin Logan**, of Orange County, Virginia, was born in 1743 and moved to Kentucky in March 1776. Logan became the first sheriff of Kentucky County, and, in addition to holding a number of military appointments, served in both the Virginia and Kentucky General Assemblies. He participated in the 1792 and 1799 Kentucky constitutional conventions, and later ran unsuccessfully for governor of the state in 1796 and 1800. Logan died on December 11, 1802. See Charles Gano Talbert, “Logan, Benjamin,” in Kleber, et al., eds., The Kentucky Encyclopedia, 566–67, for additional information. See also Charles Gano Talbert, Benjamin Logan: Kentucky Frontiersman (Lexington: University of Kentucky Press, 1962).

**Humphrey Marshall**, of Fauquier County, Virginia, was born in 1760 and moved to Lexington, Kentucky, in the early 1780s. Marshall, a cousin of US chief justice John Marshall, worked as a deputy surveyor and eventually became one of the wealthiest individuals in the area. He was a member of the Danville Political Club, served in the Kentucky legislature in 1793 and 1794, and represented the state of Kentucky as a US senator from March 4, 1795, to March 3, 1801.

**Thomas Marshall**, of Westmoreland County, Virginia, was born on April 2, 1730. He was appointed surveyor general of Kentucky County around 1780, and, after the division of that county, was appointed surveyor general of Fayette County in 1781. Marshall headed the country party and is best known for being the father of US chief justice John Marshall. He died in Mason County, Kentucky, on June 22, 1802. See Paxton, *The Marshall Family*, 19–23, for additional information.

**Samuel McDowell** was born in Pennsylvania in 1735 and, at the age of two, moved with his father to Virginia. McDowell relocated to Lexington, Kentucky, in 1783 and began working as a surveyor before being appointed as a district court judge that same year. McDowell served as convention president at all but the first and ninth statehood conventions. He died on September 25, 1817. See Speed, *The Political Club*, 56–59, for additional information.

**George Muter**, of Orange County (now Madison County), Virginia, moved to Kentucky in the early 1780s. Muter was a member of the Danville Political Club and later served as the chief justice of the Kentucky court of appeals. See Speed, *The Political Club*, 47–50, for additional information.

**George Nicholas** was born in Williamsburg, Virginia, in 1754 and studied law at the College of William and Mary. He represented Hanover and Albemarle counties in the Virginia General Assembly before moving to Kentucky in 1788. Nicholas quickly became one of Kentucky’s most influential political figures and played an important role in shaping Kentucky’s first constitution. Nicholas died on July 25, 1799. See Andrew Cayton, “Nicholas, George,” in *American National Biography Online*, available at http://www.anb.org/articles/02/02-00246.html (accessed April 9, 2017).

**David Rice**, of Hancock County, Virginia, was born on December 29, 1733. Rice and his family moved to Kentucky in 1783 after receiving a petition, signed by nearly three hundred Presbyterian settlers, asking that he establish churches in their frontier communities. Rice owned slaves and, though he led the antislavery movement in Kentucky, did not free them until his death on June 18, 1816. See Salafia, *Slavery’s Borderland*, 46–48, and Ramage and Watkins, *Kentucky Rising*, 257–58, for additional information.

**Benjamin Sebastian** was born in northern Virginia in 1745. He was educated as a minister and lawyer before coming to Kentucky in 1784. Sebastian was appointed as a judge to the Kentucky court of appeals in 1792. He resigned in 1806 following the formation of an investigative committee to examine his dealings with Spain. Sebastian died in March 1834. See Stephen Aron, “Sebastian, Benjamin,” in *American National Biography Online*, available at http://www.anb.org/articles/02/02-00281.html (accessed April 9, 2017).
Isaac Shelby was born on December 11, 1750, near Hagerstown, Maryland. He moved to Lincoln County, Kentucky, in late 1783 and soon became one of Kentucky’s leading political figures. Shelby was elected as Kentucky’s first governor on May 17, 1792, and served in that capacity until June 1, 1796. He was elected to a second term as governor sixteen years later and that time led the state from August 24, 1812, to September 5, 1816. Shelby died on July 18, 1826. See Lowell H. Harrison, “Shelby, Isaac,” in Kleber, et al., eds., The Kentucky Encyclopedia, 815–16, for additional information.

Thomas Todd, of King and Queen County, Virginia, was born on January 23, 1765. Todd studied law with Harry Innes, and, by 1784, had moved to Danville, Kentucky. He served as clerk at all of the statehood conventions except the first. Todd worked as a law clerk to Harry Innes, and then to the Kentucky House of Representatives, before being appointed to the Kentucky court of appeals in 1801. He eventually served as chief justice of the court and was later appointed to the US Supreme Court on March 3, 1807. Todd died on February 7, 1826. See Kleber, et al., eds., The Kentucky Encyclopedia, s.v. “Todd, Thomas,” and Edward C. O’Rear, “Justice Thomas Todd,” Register of the Kentucky Historical Society 38 (April 1940): 112–19, for additional information.

Caleb Wallace, of Lunenburg County (now Charlotte County), Virginia, was born in 1742. Wallace worked as a minister until moving to Kentucky in 1782. He began practicing law and was appointed as a judge to the supreme court of the Kentucky district on July 2, 1783. Wallace later served on the Kentucky court of appeals from 1792 to 1813. He died in Woodford County, Kentucky, in 1814. See Kleber, et al., eds., The Kentucky Encyclopedia, s.v. “Wallace, Caleb,” for additional information.

James Wilkinson, of Calvert County, Maryland, was born on March 24, 1757. He was educated as a physician, and, after holding various positions within the Continental Army, moved to Kentucky in December 1783. Wilkinson was a leading member of the court party and at least purported to draw Kentuckians into the Spanish empire in what became known as the Spanish Conspiracy. He later became the senior officer of the US Army. Wilkinson died on December 28, 1825. See Linklater, An Artist in Treason, for additional information.
APPENDIX C: TIMELINE OF SELECT EVENTS

1784
- Spain closes Mississippi River to American traffic (June 26)
- First convention meets (December 27)

1786
- First Enabling Act (January 16)
- Fourth convention selected to convene, but lacks quorum (September 26)

1788
- Virginia ratification convention begins (June 2)
- Congress declines to admit Kentucky to the union (July 5)
- Sixth convention meets (July 28)
- Seventh convention meets (November 4)
- Third Enabling Act (December 29)
- Eighth convention meets (July 20)
- Fourth Enabling Act (December 18)

1790
- Ninth convention meets (July 26)

1791
- Congress approves statehood application (February 4)

1792
- Tenth convention meets to draft a constitution (April 2)
- Statehood achieved (June 1)