

Petitions of the early inhabitants of Kentucky to the General  
Assembly of Virginia : 1769-1792

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Daniel Boone

John Niblack

Isaac Shelby

W. Bartley

Patterson

Joseph Crockett

Benz<sup>n</sup> Logan

Gabriel Madison

Quine Boone

James Wilkinson

Charles Hertzberg

L. G. Small

Honorable

Richard Durrett

Levi Todd

FILSON CLUB PUBLICATIONS No. 27

PETITIONS OF THE EARLY  
INHABITANTS OF  
KENTUCKY

TO THE

General Assembly of Virginia

1769 to 1792

BY

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## PREFACE

**T**HE petitions here printed are offered as a contribution to the early period of Kentucky history. During a visit of the editor to Richmond, Virginia, in the summer of 1910, they were found in the archives of that State. The archivist had recently segregated them from a large mass of other material and an examination of the contents showed their value as a source of information on the beginnings of Kentucky.

The petitions are printed verbatim, with the thought that they will be more useful and interesting to the student of history in the language of the pioneer inhabitants of our first Commonwealth west of the Alleghany Mountains. The editor has added foot-notes which may help to explain the purpose, the subject-matter, and the effect of the various petitions.

The names attached to the petitions have been separated from them and arranged in alphabetical order, with numbers referring to the petitions on which they appear. This saves considerable space, as many of the names are signed to two or more petitions. It also makes reference to them more easy.

The appearance of the original material from which these petitions were copied may be seen in the facsimile

## *Preface*

of a petition from the settlers of Lincoln County. This is, however, better than the average in form and state of preservation. Many of the petitions are worn, the writing faded, and the style not so good as the illustration given.

The wording of the petitions, though formal, is full of life and spirit, and in some cases reflects quaintness of expression. There is always a respectful deference for the authority of the Commonwealth of Virginia at the same time that freedom of speech is indulged.

The petitions are printed in chronological order rather than topical, with the thought that the development of community life can best be seen in that way. The first petition is dated 1769 and the last 1831. Only two are earlier than 1776 and six later than 1792. Thus they are seen to pertain to the period when Kentucky was a County of Virginia and those of earlier and later date are logically connected with that period. Thus the collection presents a unity that is valuable.

The collection does not include petitions which were sent to the National Government at Philadelphia or New York which have been used extensively in the printed histories of Kentucky, as they have been more accessible than the ones here printed. Nor is the collection entirely complete, as there are some laws, passed by the Assembly of Virginia, evidently based on petitions which have not been found. The collection, however, is essentially complete, and is fully representative of the activities of the pioneer population.

## *Preface*

I desire to express appreciation to the following for assistance rendered me in the preparation of this book: To William G. Frost, President of Berea College, for encouragement and financial aid in gathering the material; to the late Colonel Reuben T. Durrett, formerly President of the Filson Club, for use of his extensive library; to R. C. Ballard Thruston, President of the Sons of the American Revolution, for his cordial interest and support; to the Filson Club and its officers for publication; to Doctor H. R. McIlwain, Librarian of the State Library of Virginia, and Doctor H. J. Eckenrode, Archivist of State Library of Virginia, for courtesies in use of source material in the Virginia archives.

JAMES ROOD ROBERTSON.

Berea College,  
Berea, Kentucky.

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NUMBER 15.

TO THE HONOURABLE SPEAKER AND THE GENERAL ASSEMBLY OF VIRGINIA.

We your Petitioners Inhabitants of Kentuckey, Humbly beg leave to address you as their Legislative Body, imploring you to take into consideration our grievances; considering us as faithful subjects to the Republick and equally intitled to the Common Privileges with our fellow Citizens who pay a due reverence to the Constitution, and a proper regard for the preservation of it.

Your Memorialists thro' the Paternal Tenderness they have for their Infant Families, the obligation which Nature binds to provide for them, Removed from the Interior parts of the Country through a Wilderness infested with the most Savage and cruel Enemies, combating with the greatest Difficulties, and yet continue to be Invaded by the Merciless Banditty, continually Harrased, confin'd to stations, and even debarr'd from applying the necessary means for the support of their Families, and have thought proper first to have recourse to redress through your Honourable Body, as Duty calls us to pay all Imagenable

## *To the General Assembly of Virginia*

Deference to your Paternal Authority and Guardianship over us which your Memorialists are bound to observe while you Act for their safety and defence.

Your Memorialists humbly beg you to have a Retrospect to the year Seventy nine, at which time your Honourable House thought proper to open a Land office for the Population of the Country & the migration of Foreigners, as Express'd in the Act of Assembly, at which time and ever since, every person was at Liberty to purchase without Cultivating as much Lands as He or She should think proper, which has been very injurious to the Indigent Inhabitants, and of but small advantage to the commonwealth, it has not only prevented sufficient Immigration, but has been Destructive to all Ages Sexes and Conditions of Existence, which has occasioned a continual Deme-gration, with those exterminated out of being by the Savage Barbarians that your Memorialists find their Number of Fighting Men considerably deminished since the year seventeen Hundred and Eighty, notwithstanding the small continued Imme-grations since that Time.

Your Memorialists beg leave to point out a way for the Emolument and happiness of the Indigent Inhabitants, as also the most easy and Indubitable way of defending this Country, unless you can without an Infringment of the Rights of the People, Revive the antient Cultivation Law which seems very difficult to your Memorialists after such Lands has been appropriated with Reserve.

Your Memorialists beg leave to inform you that the Persons granted Land by the Act of May Session in Eighty one, in Consideration of their settling here since Seventy nine, and for other causes, have been prevented from acquiring such Lands by an Inundation of Warrants being in the County where the Land office continued open before the county courts issued certificates, but there being great Quantities of Waste and un-enter'd Lands yet in the other Counties in the District of Kentuckey which your Memorialists Conceives may be held in



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Reserve for the aforesaid settlers, as also for the Immediate Peopling of this Country, and such megrants to be allowed according to Antient Custom, who shall immediately cultivate such lands or become Inhabitants with your Memorialists, as all other means has hitherto been found inadequate to the happiness and Safety of this Country, your Memorialists conceives this Method to be the most easy and least injurious to the Publick weal, and as the Depretiation of Land Warrants being equal to that of the Paper Currency has become a Publick notority, and that the one Exchanges for the other without being in credit for scarcely any other Commodity. And your Memorialists must beg leave to add that the moneys in their hands died being in this Exterior part, they conceive this Mode if adopted, will quickly raise a Fund sufficient for the Redemption of such Warrants upon the same Terms they shall Receive for their Paper Currency. Your Memorialists wish to have their Locations secured to them who came early into this Country, and many of them through illetrisy, and unable to ascertain the true meaning of the Law with the Troubles of Indians, have not Enter'd their Lands so special and precise as the Law Requires—many of whose Entries have been Reenter'd by others, which without the kind interposition of your House, will produce Tedious Letigations.

Your Memorialists pray you to take into consideration their Scatter'd Situation, which is neither Eligible nor happy, and neither Aids nor any apparent Redress of their Grievances has appeared, which has produced Considerable Desentions amongst them, which an Inflammatory Pamphlet intituled publick Good has augmented which, we pray you to take into Consideration and Create them a power Sufficient for their Controul and better Government, as well as for the Controul and Management of all Civil and Military affairs in this Country which they only claim according to the Rights of Constitution, or otherwise that you will grant them a Separation with your Intercession with the Honourable the Continental Congress

*To the General Assembly of Virginia*

for their Incorporation with them, at the same time they pay a proper Deference to your wise Determinations, Reploring [Reposing?] special Trust and Confidence in you. And your Petitioners as in Duty bound shall ever pray &c.

[Names.]

The Committee of the Courts of Justice to whom the Petition of sundry Inhabitants from Kentucky was referr'd, has gone thro' the same and come to several Resolutions thereupon, as follow.

Resolved, That so much of the said Petition as relates to the revival of the ancient cultivation Law be rejected.

Resolv'd, That so much thereof as relates to the claims of poor persons under the act of May Session 1781 and prays for the Liberty of locating their Claims in other Counties, is reasonable; and that where other Entries on Warrants of a subsequent Date should be offer'd at the same time for the same Land, such claims shall have the preference.

Resolv'd, That so much thereof as prays for all other unappropriated Lands to be set apart for encouraging the Settlement of the Country be rejected.

Resolv'd, That that part which prays a confirmation of former Locations, tho' not made with that exact precision which the Law directs, provided they are so describ'd as that the Location can be known and that the Claimants shall not be at Liberty to lay off their Land in such a manner as to injure any one adjoining Claim in order to favor another or to make a vacancy adjoining thereto for themselves or others, is reasonable.

Resolv'd, That so much thereof as prays for the establishment of some kind of controuling power for the better management of their civil and military affairs, is reasonable.

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Endorsement on back of petition: May 30th 1782—Ref'd to Courts of Justice—Security for their Entries—do. for poor persons—in having civil and military Governmt. ref'd to Propositions. June 13th 1782—Some parts Reasonable—Other parts rejected—Reported.

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The request for some kind of controlling power was provided in an act entitled, An Act for establishing a District Court on the western waters.

"Whereas the mode of administering justice has become exceedingly inconvenient and burdensome to suitors living westward of the Alleghany mountains, Be it enacted," etc. Henings Statutes, Vol. 11, 85.

The act provided that Jefferson, Fayette, and Lincoln counties should be united into one district after August 1st, for a supreme court of judicature of original jurisdiction separate of all other courts except the Court of Appeals. It was to have jurisdiction in cases of treason, felonies, misdemeanors and crimes, except those triable in the General Court according to the Constitution. Also all matters in common law and equity arising therefrom. There were to be three judges, four sessions of court to be held each year on the first Monday of March, June, September, and November, lasting eighteen days exclusive of Sunday. Three days were set for criminal matters, five for chancery and the remainder for other cases.

The court was to be a court of record, was to take cognizance of matters relating to probating of wills, deeds, and the granting of letters of administration, escheat, and forfeiture, and caveats.

A grand jury of twenty-four was to be chosen at the beginning of each term. The court appointed a clerk and gaoler and the attorney of the Commonwealth was selected by the Assembly.

A tax of twenty shillings was charged at the beginning of a suit and the judge at the close was to receive fifty pounds. Assistants received twenty shillings a day for attendance, the attorney for the Commonwealth received thirty-seven pounds and ten shillings a quarter and the remainder was to go toward buildings, etc.

The court was to be held at Harrodsburg and could adjourn to places thought proper.

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TO THE HONORABLE THE SPEAKER AND GENTLEMEN OF THE HOUSE OF DELEGATES

The petition of sundry inhabitants of the County of Bourbon humbly sheweth, That a Number of your petitioners are settled in that part of the said County of Bourbon which is commonly known by the name of Limestone Settlement about forty miles distant from the place agreed on for holding the Court

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of the said County, and which is not only a distinct settlement at present from the part of the said County but must remain so for many years by the Intervention of a Mountainous tract of Barren Land running down on each side of the main branch of Licking Creek, that cannot be inhabited. And exposes your petitioners to be surprised & murdered by the savages who frequently infest such places. And the main branch of Licking being a considerable and Rapid Water course often obstructs a convenient communication with the other part of the County and renders it inconvenient and expencive to suitors and others to attend the present Courthouse. And altho it may be objected that the number of Inhabitants in the neighborhood of Limestone are too inconsiderable to be separated from the other part of the County at present. Yet when it is considered that one of the principal inlets for Emigrants into the Country is at this place, and from the Rapid Settlement that is now making. There is no doubt but a sufficiency of Inhabitants will soon be collected. Your Petitioners therefore pray that your Hon. House will take their situation into consideration, and Erect all that part of the said County of Bourbon, which lies North of the main branch of Licking, To begin at the mouth of the said Licking Creek, thence up the main branch thereof to the Head thence a direct line to the Junction of the Maddison & Russell County lines thence along the Russell line to Bigg Sandy, thence down the same to the mouth, thence down the Ohio River to the Beginning into a distinct County, and your petitioners as in duty bound will ever pray

August 25th 1786

[Names.]

I do hereby certify that advertisements have been exhibited according to Law for them shewing the Intention of the within petitioners In presenting the same to the next General Assembly

John Edward Cl

Endorsement on back of petition: Octo. 20. 1786—Refd. to Props.—Rejected—recommitted next session.

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NUMBER 56.

TO THE HONORABLE THE GENERAL ASSEMBLY OF VIRGINIA—

The Petition of Sundry Inhabitants of the county of Bourbon Humbly sheweth that Every other county in the District of Kentucky have been indulged with the advantages of Publick warehouses for the reception of Tobacco and that your Petitioners living near the Courthouse & on Licking Creek in the most populous part of said County—too far remote from either of the other—Inspections to remove their Tobacco by Land without much labour and Expence. and your petitioners fully sensible of the disposition of your Honorable House to do Justice & upon all occations to afford relief to such of the community as you conceive is intitled to your patronage we your petitioners therefore pray that an inspection for the reception of Tobacco may be established on the South fork of Licking Creek at the Confluence of Stoner and Hinksons forks of said Creek and in the fork near Isaac Ruddles Mill which your petitioners conceive will be of great publick utility and of singular advantage to them provided the article of Tobacco should continue to be of value and your petitioners as in duty bound will ever pray

[Names.]

July 1788 I do hereby certify that the within Petition has been legally advertised at the Door of the Courthouse the several days required by Law given under my hand.—

John Edwards Clerk Bourbon County

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Endorsement on back of petition: 25th Octo. 1788. Referred to propositions—reasonable—on Isaac Ruddles land—(repd.)

The request was granted in an act entitled, An Act for establishing an inspection of tobacco on the lands of Isaac Ruddle, in the county of Bourbon. Henings Statutes, Vol. 12, 677.

According to this act it was not lawful to build houses within fifty yards, in which fire was to be used.