

John Howard of Howard's Creek

**draft
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Introduction

The pioneer who gave his name to Howard's Creek in Clark County resided not far away—in Fayette County—for over forty years. During his visit to the western country in 1775, John Howard staked out land claims at the mouth of two Kentucky River tributaries. The streams would come to be known as Upper Howard's Creek and Lower Howard's Creek. These names were in use as early as 1779. Howard was also the founder of two early Clark County businesses—Howard's Warehouse and Howard's Ferry—both at the mouth of Upper Howard's Creek.

John Howard was a prominent citizen of Fayette County. His son became governor of Missouri, and his daughter the wife of Robert Wickliffe, one of the wealthiest men in Kentucky. In spite of the notoriety of his name, John Howard remains little known outside of Fayette County. He can be positively identified as the pioneer John Howard by extensive documentation. One example is provided in Lewis Collins' *Historical Sketches of Kentucky*, written just thirteen years after Howard's death:

The two Howard's creeks in Clark County derived their names from the venerable John Howard, a well-known citizen of Kentucky, who died some years ago in Fayette county. He was the father of the late Governor Benjamin Howard, and of the first wife of Robert Wickliffe, Senior, Esq. He held a pre-emption of one thousand acres of land at the mouth of each of these creeks.

The Fayette County Howard is further linked to the pioneer by this extract from his obituary, which appeared in a Lexington newspaper:

Mr. Howard was an early adventurer to this country. He made a settlement at Boonsborough in June 1775.

The settlement referred to was the 1000-acre tract he claimed about one mile downstream from Boonesborough at the mouth of Lower Howard's Creek. This is the place where John Holder later developed a station, boatyard and other enterprises.

John Howard was the son of wealthy parents and married into a distinguished Virginia family. While still a young man, he moved across the Blue Ridge and took a conspicuous role in the affairs of the new county of Botetourt. He began his Kentucky adventure in 1774, when he acquired a military survey in Fincastle County. This was where he would later establish his plantation, near Bryan's Station northeast of Lexington, known as "Howard's Grove." He lived a long, full life, dying in 1834, reputedly at the age of 103.

John Howard was a complex, multi-dimensional man. He was bold, ambitious and accomplished, but had his dark moments and imperfections. All his flaws notwithstanding, he makes a fascinating study. This monograph provides an unglamorized examination of his life and explores in some detail his connections to Howard's Creek in Clark County.

Virginia Beginnings

John Howard was born on the James River in Goochland County, Virginia, about the year 1731. His parents were Allen and Elizabeth Howard. Allen Howard was one of the first settlers of Albemarle County, where he laid out the town of Howardsville near his home place on the James River. A brief yet intriguing sketch of Howard appears in a history of Albemarle County:

Allen Howard, like [Peter] Jefferson one of Albemarle's first settlers, came from obscure origins. Since his ears were cropped and slit, he probably possessed an exciting, unsavory past, perhaps having spent some time in prison. Although Howard first acquired only a small tract of land, within a few years he was able to enlarge his holdings, become a major in the local militia (third in rank behind Joshua Fry and Jefferson), and assume the title of gentleman, mutilated ears notwithstanding. His estate was at the mouth of the Rockfish River where the town of Howardsville later developed. There in 1744 he began construction of a "great house" called West Cote, today known as Summer Hill. By the time of his death in 1761 Howard's will, recorded in Goochland County, not Albemarle, reveals that he was master of six large plantations along the James.

Allen was an officer in the militia of Goochland and Albemarle counties. He acquired over 1000 acres of land in Goochland, served as one of the first justices of Albemarle in 1745, and represented the latter county in the Virginia House of Burgesses.

John's siblings are identified in Allen Howard's will, which named sons Benjamin, William and John and daughters Ann, Rebecca and Elizabeth. The earliest recorded event in John's life was going off to school as a teenager. At the age of fifteen, his father put John's education in the hands of the renowned Samuel Davis, who was later president of Princeton College and who took six young gentlemen into his home for instruction. After spending three years with Mr. Davis, John Howard got religion. He joined the Presbyterian Church, "which he adorned upwards of eighty years." He was said to be "a strict observer of the Sabbath, and when traveling, on that day always rested." And in spite of some decidedly unchristian-like behavior at times, it was said he was "conscientious in the discharge of his Christian duties."

At his father's death in 1761, John received several valuable properties in Amherst County. Allen Howard's will also provided that after his wife Elizabeth's death, John was to inherit "the tract whereon they lived in Goochland County" on James River. The next year John sold part of the inherited property and not long afterward settled on the remaining acreage.

In 1764 John married Mary Preston, described as "a woman of superior understanding and highly cultivated taste." She was born in 1740 in Augusta County, the youngest daughter of John and Elizabeth Patton Preston. John Preston was a native of Ireland and the brother-in-law of Col. James Patton. Both immigrated to Virginia, where they prospered while helping to develop the "back parts" of the colony. John and Elizabeth Preston's children would marry well:

1. Letitia married Robert Breckinridge

2. Margaret married John Brown
3. William married Susanna Smith
4. Ann married Francis Smith
5. Mary married John Howard
6. James died young

Robert Breckinridge (-1773) came from Pennsylvania to settle in Botetourt County, where he served as sheriff, justice and lieutenant colonel of the militia. John Brown (c1728-1803), after graduating from Princeton College, served as a Presbyterian minister in Augusta County. His son was the noted John Brown of Frankfort, the first U.S. Senator from Kentucky. Francis Smith (-1817) was a wealthy Botetourt landowner, and served as a justice and militia captain, before moving to Woodford County, Kentucky in 1788. Col. William Preston (1729-1783) was one of the most powerful figures in western Virginia. He was a military leader, who served in the French and Indian War and the Revolutionary War, eventually commanding all the militia of Augusta County. He also served as a surveyor and justice of the county. In 1774, he was the surveyor of Fincastle County, and in that position he authorized the first legal surveys conducted in the present state of Kentucky. John Howard received many advantages from his association with these influential in-laws.

Botetourt Years

By 1769 John had moved to the western side of the Blue Ridge, in Augusta County. The next year the area where he settled became Botetourt County, where John would establish a name for himself in business and politics:

Perhaps the most interesting early addition to the community was the coming of John Howard from Rock Fish River in Albemarle and his wife Mary Preston from the Calfpasture in Augusta. They had been married since 1764 and appear here in connection with two tracts of land, 325 and 335 acres near the mouth of Welch's Run on one of which they dwelt. Their son Benjamin Howard was old enough to become a land holder here before the family moved to Kentucky. The family history gives Benjamin Howard as the first Territorial Governor of Missouri.

John Howard along with his brothers-in-law, Francis Smith and Robert Breckinridge, were appointed justices of the new county in February 1770 and took the oath of office in March. John was one of the justices authorized to engage "Workmen to Build a Prison and Court House according to such Plan as they shall think fit and on which Place at Millers Mill as they shall appoint." John was awarded a certificate from the county court for raising hemp. He also received a license to keep an ordinary at his house on Glade Creek.

As much of Botetourt was unsettled at the time the county was formed, Howard took the opportunity to claim a large quantity of vacant land. Between 1770 and 1782, he entered nearly 4000 acres and his wife Mary entered 500. Their last claims were in 1788, when Mary entered 250 acres and John 100 acres, both tracts adjoining the land where

they lived on Glade Creek. During this period Howard began advertising the sale of his property in Amherst and Goochland counties.

John Howard's "journey" to Kentucky began in 1774, when he paid Thomas Bowyer £100 for a military warrant in Fincastle County. Bowyer, a Botetourt resident, had been an officer in the French and Indian War and for his service he was awarded land warrants in Kentucky. He sold one of his warrants to John Howard:

I Thomas Bowyer do hereby assign & make over to John Howard of the County of Botetourt all my Right Title and Claim of and in One Thousand acres of Land, part of Two Thousand acres which I hold under the Governors Warrant in the County of Fincastle, for and in Consideration of one hundred Pounds Current money of Virginia to me in hand paid, the Receipt whereof I do hereby acknowledge. And I do hereby authorize and request the Surveyor of Fincastle to withdraw my Entry . . . & Enter & survey the same to the said John Howard at any other Place he may direct agreeable to the said Warrant.

William Preston sent the "Fincastle surveyors" out to Kentucky in 1774 to locate lands for these officers and their assignees. John Floyd, one of the surveyors, located a tract for William Preston on North Elkhorn Creek, where Bryan's Station was later established. Floyd located a tract for John Howard on North Elkhorn, about 2 miles northeast of Preston's. Howard received a Virginia patent for the tract in 1780.

The following year, 1775, Howard was in Kentucky, at Boonesborough, and marked a claim at the mouth of Lower Howard's Creek for which the Kentucky Land Commission would grant Howard a certificate for 1000 acres. While he was out, he also marked out a claim at the mouth of Upper Howard's Creek. John Floyd mentioned the latter improvement when wrote to William Preston from Boonesborough in October:

Mr. [John] Howard is up this river 8 miles at the mouth of a Creek [Big Howard] on a very good place. I believe his hired man is making some improvement. . . . I have endeavored to get him to return home, as it does not suit him to rough it in this country, but he is fond of the place & seems determined to settle, or at least to keep hands here. . . .

One might conclude from Floyd's letter and subsequent events that while on this trip, whether suited to the country or not, Howard decided to make a new life in the Kentucky wilderness.

In 1777 Howard was still developing plans for a move, plans which his brother-in-law, William Preston, considered unreasonable. Preston wrote to his wife Suchy that "Mr. Howard has been here some Days & has some time ago quit all that of going to the Kentucke this season."

It would be fifteen years from the time he acquired his military survey before the Howard family was able to permanently relocate to Kentucky, the move coming in 1789 or 1790. During the years leading up to the move he experienced some type of physical or mental breakdown that left him for some time unable to manage his own affairs. Signs of his temper and bizarre behavior appeared as early as 1769. The distinguished Arthur

Campbell, later county lieutenant of Washington County, Virginia, described his treatment at the hands of Howard in a letter to William Preston:

[I] hoped that after seeing Mr. Howard himself and explaining my conduct, I might again enjoy a good understanding with persons to whom I have been sincerely attached to and from whom I might at least have expected civility, if not acts of friendship. But instead of these happy consequences, matters of late seem elevated to a greater height than ever, for instead of a calm, candid, impartial inquiry in my transaction, I met with affront, calumnies and virulent abuse.

By 1772 there are indications that the family was becoming alarmed, as suggested in the postscript John Brown added in a letter to William Preston:

Mr. Howard's late proceedings give no small uneasiness, but the thoughts of the perplexed Condition that I Imagine Sister Molly [Mary] must be in gives me greater concern, poor Woman. She is learning, I hope, the uncertainty of time.

Howard, perhaps aware that his behavior was abnormal, put the management of his estate in the hands of William Preston, at least for a time. A potential buyer wrote to Colonel Preston in 1774 stating that "Mr. John Howard informs me that you are the person I must purchase the lot from, as he has Given you full power to sell [his land]."

Matters were decidedly more serious by November 1779, when the Botetourt Circuit Court directed Rev. Adam Smyth, John Armstrong and William Ward, Gentlemen, to "enquire into the State and Condition of the mind of John Howard and Report the same to this Court." In December they presented their findings to the court regarding "the State and Condition of the mind of John Howard, who is Supposed to have been for some time past in a State of Insanity." The court heard Howard in his own defense, then rendered their decision:

It is the opinion of the Court that the said John Howard from the Report and what appears from several letters and papers of his ownn writing and the Testimony of William Ward and Andrew Woods that he is in a state of Insanity and that his Estate ought to be taken out of his Management and placed in the hands of Trustees for the future support of himself and benefit of his family, and that he ought to be sent to the publick Hospital.

Howard's attorney, Martin McFarran, requested an appeal, which was denied, and the court ordered the sheriff to convey Howard to the "publick Hospital." The court allowed him the tidy sum of £120 per month for his support.

In August 1780 John Howard obtained an order from the High Court of Chancery granting him an appeal of the Botetourt Circuit Court's "judgment entered against him as a person of insane memory." The Botetourt justices noted that Howard failed "to enter into bond and security according to Law" and adjourned without acting on his appeal. It appears that Howard decided to seek a hearing in adjacent Amherst County, as indicated by a receipt dated November 1783:

Received of Mr. John Howard of Botetourt full Satisfaction for all Services performed by me as Sheriff in Amherst County relating to a Triall the said Howard had there some Years ago on a Writ of Lunacy.

By the end of August 1780 John Howard, though obviously not “cured,” was back home with his family. When William Fleming rode down to their house, he discovered that John had assaulted his wife and was forcing the children to eat “boiled Rye as it comes from the threshing floor . . . only fit for Hogs.” Fleming, who was a physician, wrote to William Preston stating that he found his sister “in extremity,” or gravely ill. He recommended that a separation from Howard was necessary to save Mary’s life.

Although released from the hospital by an Amherst County jury, Howard may not have regained control over his estate in Botetourt. There is an indication that Mary or her family made some effort to secure the Fish Pond plantation in her own name, which she might use for her support. Howard’s attorney, Thomas Anderson, wrote to him in January 1782 that “it will put me to considerable expence & Inconvenience to supersede the proceedings of Botetourt Court respecting your Insanity.” Anderson added that he understood “a farther attempt is making on the part of your Wife, or friends, respecting the right of Fish Pond land.”

Given all that had gone on, it is astonishing that John and Mary did not separate. They lived together for another thirty-some years, until Mary’s death in Kentucky in 1814. The cause of John’s abusive behavior is unknown. Alcohol is a possibility but was not mentioned in contemporary reports. Likewise unknown at this point is how well he recovered from his condition. Obviously, there is much more of this story yet to be told.

Whatever the problem, Howard was sufficiently improved in 1781 to enlist his services in the Revolutionary War. According to his obituary:

He was a firm and decided Whig in the old revolution, and was a volunteer at the battle of Guilford, when in the act of taking a wounded man from the field, he was attacked by Tarlton’s light horse, and received five wounds, three of which were pronounced mortal by the Surgeon who dressed them.

Guilford Courthouse was about 100 miles south of Botetourt, in the mountains of North Carolina. Col. William Preston commanded a company under Gen. Nathanael Greene in North Carolina. The company was left to cover the rear of the army and was attacked by British cavalry at Whitsell’s Mill on March 6, 1781. The company then fought in the battle of Guilford Courthouse on March 15. No attempt has been made to identify Howard’s other Revolutionary War service, if any.

All the children of John and Mary Howard were born in Virginia:

1. Elizabeth, who married Edward Payne
2. Mary, who married Alexander Parker
3. Sarah, who died October 2, 1822, in Fayette County, Kentucky
4. Benjamin, who married Mary Thomson Mason
5. Margaret Preston, who married Robert Wickliffe

Elizabeth, Mary and Margaret would marry prominent men of Fayette County. Benjamin would achieve prominence on his own, in Virginia, Kentucky and Missouri.

To Kentucky

During the 1780s Howard spent so much of his time in Kentucky that by 1786 his neighbors considered him a resident. One of them, Joseph Rogers, later stated in a deposition that

John Howard came to this county, he thinks, in the year 1786 and between that time and the year 1790 he settled on his military survey and has enjoyed possession ever since.

Howard continued to travel back and forth between Kentucky and Virginia. In May 1786 his nephew John Smith wrote that Howard had been detained so long on his way back to Kentucky that he arrived too late in the season to clear his own land for crops and had to rent a few acres at Bryan Station. When his money ran out, he bought a gun and commenced hunting. John had rented land from Joseph Rogers, with whom he boarded and from whom he also obtained farming tools and seed. Howard's account with Rogers included a surprising quantity of whiskey—more than six gallons. While this might be used as evidence of a drinking problem, the whiskey could have been purchased for his hands.

In November 1787, Howard employed an overseer to continue work on his plantation while he returned to Virginia. The agreement called for William White to supervise “Howards Hands where part of his hands is now at work . . . for the space of one Year.” Howard was to provide provisions, tools and the hands, who must have been the slaves he brought to Kentucky, of which four were listed for Howard on the 1787 Fayette County tax roll. White was to receive £25 and “as much coarse Cloth as will mak the said White [a] Coat & Jacket.”

Benjamin joined his father in Kentucky in 1788. John was back in Virginia in the late summer of 1789, when his nephew, James Brown, wrote home that

Benjamin Howard still lives in his little hut without any company but mine, which he has occasionally. He is impatient for the arrival of the family. I hope they will be able to accomplish their long projected Journey this fall.

The Howard family probably moved to Kentucky in late 1789 or early 1790. They settled on Howard's tract, about 7 miles northeast of Lexington. He called his home place “Howard's Grove.” The plantation lay between present-day Paris Pike (US 68) and Bryan Station Road (KY 1970) at the forks of North Elkhorn. Gainesway Farm is now located on the tract. John worked his plantation with his son Benjamin, bought and sold land, and developed a number of other business interests. Information is scarce regarding his farming operation, but he is known to have raised hemp in quantity, which he broke and sold in bales. In addition to his properties in Clark County, he acquired nearly 8000 acres along the Ohio River. This large tract, adjoining a 4000-acre tract of John Brown, lay 15 to 20 miles downstream from the mouth of the Kentucky River in what is now Trimble County.

Available records do not indicate any business ventures or political dealings in Lexington. Howard had excellent social connections within the community, however, as three of his daughters married into leading families of Fayette.

In 1791 Elizabeth Howard (1766-1820), the eldest daughter of John and Mary, married Edward Payne (1763-1844). John made a wedding gift to the couple (“You with my daughter Elizabeth”), which included 6 slaves, 1000 acres of land on the Ohio River, along with “a Trifle of a Beginning of Some Stock and a few articles of house hold furniture.” The father seemed almost apologetic for his generous gift, as he added that “if I should be able with propriety to do it and should by will or otherwise give you any thing more, look on it as proof of the continuation to you both of my faithful affection and approbation.” Edward and Elizabeth Payne lived on a large plantation just west of Lexington, known as “Anchor and Hope.”

Daughter Mary (-1854) married Alexander Parker, who came to Lexington from Pennsylvania, opened a store with his brother James, and rose to prominence in the community. He was a trustee of Lexington as well as Transylvania University, and served as an officer in the county militia. Fellow businessman William Leavy described the unfortunate marriage:

Major Parker married Miss Mary Howard, daughter of the venerable John Howard, but the union was not a happy one, I have supposed from the fractious or quick temper of the husband. I knew Mrs. Parker well, she was much esteemed member of the Presbyterian church to which I belonged for many years.

The couple was married long enough to have two children, and then in 1795 signed an agreement that they “will from henceforth and forever after live separate and apart.” As part of the agreement, Alexander agreed to give up his rights to the property Mary had received from her father. Mary came back to live with her parents at Howard’s Grove. John Howard was listed in the 1810 census. The household included two adult males (John and son Benjamin), three girls under the age of ten, and four adult females (wife Mary, daughters Mary Parker and Sarah Howard, and one other who may have been Mary Parker’s daughter).

Daughter Sarah (“Sally”) died unmarried in 1822 and was buried in the cemetery at Howard’s Grove. In her will Sarah bequeathed a sizeable estate to her sisters, nephews and nieces. Her personal assets were appraised at \$2180, not including several tracts of land she owned in her name on North Elkhorn Creek—all of which she must have obtained from her father.

Margaret (1778-1825) was the youngest daughter. In 1804 she married Robert Wickliffe (1775-1859), who became a powerful figure in antebellum Kentucky. He studied law under the celebrated George Nicholas, was appointed U.S. Attorney for the Kentucky District, and was elected to the Kentucky House of Representatives and Senate.

Mr. Wickliffe attained a reputation as one of the very ablest, certainly the most successful, real estate lawyers of his time; and in the course of fifty years practice amassed the largest fortune ever acquired by any lawyer in Kentucky. He was a man of lofty stature, noble presence, and courtly

manners—from which circumstances both friends and foes gave him the sobriquet of the Old Duke. . . . He was an earnest member of the Episcopal church. He died September 1, 1859 in his 85th year. Mr. Wickliffe was twice married; when a young man, to Margaret Preston Howard, daughter of John Howard of Howard's Grove, Fayette county, and at her death, to Mrs. Mary O. Russell, only child of Col. John Todd, who fell in command at the battle of the Blue Licks.

Wickliffe's contemporary, William Leavy, recalled the children of his first marriage:

[Robert] married as his first wife a daughter of the venerable John Howard, a wealthy farmer and land owner. His sons Robert Wickliffe Jr., Charles Wickliffe and his daughters Mrs. A. K. Wooley, Mrs. William Proctor [Preston], and Mrs. Mary Preston are all by this marriage.

Margaret ("Peggy") and her husband were buried in the cemetery at Howard's Grove.

Benjamin, the only son of John and Mary Howard, came out to Kentucky with his father before the rest of the family. He helped clear the plantation and later acted as his father's farm manager and business agent. In 1792 he was appointed one of the officers of the Fayette County militia—paymaster of the 10th Regiment. Benjamin returned to Virginia to attend the College of William and Mary in 1796, where he studied law. In 1799 he was admitted to the bar in Botetourt County. John Howard gave his power of attorney to "my only son" for the purpose of selling his lands in Virginia, including the tract "where I formerly lived." Benjamin soon returned to Kentucky and settled at Howard's Grove. John deeded the plantation to Benjamin, reserving a life estate for himself and Mary. In 1811, John made another deed to Benjamin to replace the first one, "made twelve or fifteen years ago," that was "accidentally burnt." It stated that "the said parties have ever since continued to live together on it and to work our people together jointly by [mutual] consent." The deed mentioned a barn, stable, pasture, sawmill and gristmill belonging to Benjamin, giving an indication of his varied activities on the property. John's deed involved more than generosity, as he had come to depend on his son to run operations on his plantation. In 1804 he wrote, "As I have lost my Hearing in a great Measure, I have permitted my Son Benjamin, who is my only son, to manage mine as well as his own Affairs, commonly."

A letter Benjamin wrote about this time suggests that the Howard's were a close knit family. The letter to brother-in-law Robert Wickliffe at "Bairdstown" gives a further indication of the multiple domestic and professional roles played by Benjamin:

Dear Sir, I am sorry to part with my sister so soon as my situation has denied me much of her company since she came up. I have endeavored to persuade her to remain till your courts were over, that we might have the pleasure [of] seeing you here, but I find my influence not sufficient to keep you & her asunder any longer. I wished it also for other reasons. I was in hopes if you came up that I could prevail on my father to give you such property as he may intend at once, that you might have the benefit of it now when perhaps it might contribute more to your ease and convenience than at a more distant period. Inclosed you will find a bill of sale for a negroe woman that I have purchased for you and of whom I

have had the highest character. I should be very happy if you and Peggy would spend some time with us this winter. I shall be at home generally after the 1st of November. I have had a long siege at court here. I find as my political prospect closes my professional one expands. At a guess I must have brought nearly 25 suits during this term, besides cases in which I have been employed for defendants. I have now determined on my course & I trust will pursue it with undividing attention. . . . I am your friend, Benjamin Howard.

His dim opinions about his “political prospect” soon proved inaccurate. While practicing law in Fayette County, Benjamin’s career in politics took off. He was elected to Congress in 1807, and three years later President James Madison appointed him Governor of the District of Louisiana, which became the state of Missouri. During the War of 1812, Benjamin accepted the appointment as Brigadier General of the Eighth Military District over all the region west of the Mississippi River. Benjamin died in St. Louis on September 18, 1814.

That same year, 1814, Mary Howard died at the age of seventy-four and was buried at Howard’s Grove. John would live on for another twenty years.

Lower Howard’s Creek

Howard’s first visit to Kentucky was in 1775, when he came out to Boonesborough and made an improvement at the mouth of Lower Howard’s Creek. There is no description of the kind of “improvement” he made, but the term usually referred to building a cabin or clearing a few acres of land on which to grow corn. Howard was at Harrodsburg in October 1779 to lay his claim before the Land Commission. Two of the commissioners—William Fleming and Stephen Trigg—were John’s fellow residents of Botetourt County. The commission awarded him a certificate for 1000 acres “lying on the North side of Kentucky [River] including his improvement at the mouth of [Howards] Creek,” stating that he had a right to the preemption “by improving the same in the year 1775.”

In June 1783 when Howard placed an entry at the Kentucky land office for a tract he described as “Beginning on the River at the upper side of the mouth of Howards lower creek, and Running . . . down the River about 1½ mile, thence out from the River. . . .”

John Holder, while residing and commanding at Fort Boonesborough, had set his sights on the property at the mouth of Lower Howard’s Creek. He place an entry in 1780 and “settled on the said land in the year 1782.” He then learned that John Howard had a prior claim to the land. Holder described the sequence of events that followed:

[Holder] says that having discovered that John Howard had obtained a certificate for a preemption at that place, and that he entered the same with the Surveyor in June 1783, [he] purchased on the first day of August 1783 the said John Howard’s claim for a valuable consideration.

Justinian Cartwright, a deputy surveyor for Fayette County, surveyed the tract for John Howard in September 1785. John Holder was the marker; Edward Hall and Henry

Heronimus were chain carriers. The tract was described as beginning just upstream from the mouth of Howard's Creek "at a forked Dogwood and a sassafras on the bank of said River and corner to William Bushs land." Howard transferred the survey to John Holder. Transferring or "assigning" a survey was an early means of conveying legal ownership of property. John Howard added the following notation to the plat returned to the land office: "I Hereby assign the within plot of one thousand acres of Land unto John Holder and desire the patent may Issue in said Holders Name. Witness my hand this 18th day of November 1785.

After this date John Howard had no further involvement on Lower Howard's Creek. John Holder built a station near the mouth of the creek for protection against the Indians. Later he built a boatyard and warehouse for shipping local produce to New Orleans by way of the Kentucky, Ohio and Mississippi rivers. Exploiting the creek's water power potential, Holder successfully promoted the development of mills, distilleries and other manufactures on Lower Howard's Creek, and the area has been credited as the first industrial complex in Kentucky.

Howard had a fairly long business relationship with John Holder. As part of Howard's agreement to sell Holder the 1000 acres at Lower Howard's Creek, Holder was to make a 1000-acre survey for Howard at the mouth of Upper Howard's Creek and resolve all conflicting claims. While this agreement was reached in 1783, it was many years before Howard had clear title to the land.

Upper Howard's Creek

John Howard found another desirable location on the Kentucky River, at the mouth of Upper Howard's Creek. At an early date, but certainly before 1780, he built a cabin, at the first fork of the creek, to help establish his claim. According to the deposition of Edward Hall in a later land trial:

He [Hall] became acquainted with Howard's Upper Creek in 1780. It empties into Kentucky River on the north side. The creek was known in many states by Hunters. The creek took its name from John Howard. He built a cabin on it. I saw cabin in 1780.

Howard entered 1000 acres on a Treasury Warrant in March of 1783. Cuthbert Combs told a story about the dramatic fashion in which Howard tried to prove his claim:

Howard had a claim . . . at the mouth of Howard's Upper Creek. He lived in Lexington. I was present when he established his claim. He made a square & said if they would dig in that square, they would find the broken glass of a green bottle, that if they didn't find it, it wasn't his land & he didn't want it.

Howard did not succeed in getting the land right away due to the fact that there were prior claims on the land, at least one of which was superior to his. Thomas Maxwell had a military survey running up the creek from the mouth, amounting to 200 acres, which was made by John Floyd in 1775. Military surveys took precedence over all others, and

Maxwell had received a patent for the full 200 acres in 1780. Joseph Combs had subsequently entered 1000 acres there, part of which overlapped Maxwell's claim.

In order to make good on his entry, Howard struck a deal with John Holder. Howard was to give Holder the 1000 acres on Lower Howard's Creek. In exchange, Holder was to locate, enter, and have surveyed 1000 acres at the mouth of Upper Howard's Creek for Howard's benefit. The contract called for "Colo. Daniel Boon [to] survey at his own Discretion, paying Regard to the said Howards advice so far as he sees fit." Then Holder was to extinguish all other claims, namely those of Maxwell and Combs. In the words of the contract, "the said Holder or his heirs shall clear out of the way of such survey all prior surveys, entrys & claims, so that the said Howard shall have clear Title for the Land." All this Holder was to do at his own expense. If he should fail, Holder was to quit "all Claim & Pretentions to the thousand acres of Land included in the said Howard's preemption Claim which includes the mouth of Howard's lower Creek & Juets Creek & whereon the said Holder now lives, [and] on that Case he will then remove from it, leaving it to be possessed & peaceably enjoyed by the said John Howard." Howard and Holder signed their agreement on August 12, 1783.

In 1785, however, it was Jesse Cartwright, not Daniel Boone, who surveyed off 1000 acres for Howard. Soon afterwards while on a visit to Boonesborough, Howard sent a note to Holder. First he chided Holder for taking so long to complete their agreement: "I presume you know that Mr. Joseph Combs has a Preemption Warrant not only entered, but also surveyed on Howard's upper Creek, including the Mouth of it . . . where you was to have let me have one thousand acres of Land." Howard then complained that the tract Holder had surveyed was not at all suitable. Daniel Boone, who was "by your agreement with me to have surveyed the Land," had recommended running the survey up the creek "as you may observe Combs has done," and "not in a right Square, taking in broken Hills, as you have got a Survey made for me." He requested Holder to "let me know what I may depend you will do on this affair." Holder responded immediately, "Please to Com by on your Return from Boonsborough & I will satisfy you that I intend nothing Else but to Comply with our agreement."

In 1795 Howard finally obtained the rights to about 500 acres at the mouth of the creek. The conveyances were recorded as deeds of purchase: 200 acres from Thomas Maxwell for which Howard paid £100 and 301 acres from Joseph Combs for which he paid £226. While there is no indication in the deeds that Holder arranged and paid for these transactions, it seems probable that he did. Howard still held a contract that could have put Holder out of business at Lower Howard's Creek. On this property at the mouth of Upper Howard's Creek, John Howard established several commercial enterprises, including a tobacco warehouse and Kentucky River ferry.

That year, 1795, Howard's son Benjamin pursued the remainder of his father's claim, the nearly 500 acres still owed on the contract. It appears that Holder came through on this part of the bargain as well. On November 30 Benjamin left a note at "Holders Store" for Phillip Deatherage, a deputy surveyor of Clark County, requesting his services:

I would thank you to attend here tomorrow morning if possible with your Instruments to do some surveying for me. I shall take it as a favour if you will certainly attend early in the morning.

On December 7 Deatherage ran a survey for 1000 acres on the Kentucky River between Upper Howard's Creek and Bull Run. Deatherage recorded the metes and bounds, and on the same document Holder added and signed the statement, "I do Certify Mr. Datherage has surveyed the above measured survey to my satisfaction."

That same day John Holder wrote out an order for Benjamin to purchase land within this survey belonging to John Graham for which Holder agreed to pay:

Capt. Benjamin Howard will please to buy from John Graham the land that Lays within his thousand acre survey at the mouth of Howards upper Creek by Exchanging Land for it or upon the Best turns he can for me, which Bargan I oblige myself to Comply with.

Thus did John Howard finally obtain title to approximately 1000 acres at Upper Howard's Creek. When Howard sold all of this land in 1828 in four parcels, the total area came to 937 acres.

Obituary of John Howard

November 12, 1834

DIED—In this City on Friday last at the residence of Maj. Woolley, Mr. John Howard, at the advanced age of 103. He was born in Goochland county, Virginia, near Carter's Ferry. His father, Col. Allen Howard, placed him at the age of 15, with the celebrated Samuel Davis, who was afterwards President of Princeton College and who received into his family six young gentlemen for instruction. After spending three years with Mr. Davis, Mr. Howard united with the church, a rare instance at that time of a youth with a liberal education and peculiar advantages, put early in possession of a valuable property, and the expectation of considerable more, which he realized. Notwithstanding the allurements of fortune and the dissipated place and age in which he was brought up, it pleased Providence to convert him amidst these temptations and make him an eminent and an exemplary member of the Presbyterian church, which he adorned upwards of eighty years. He was a strict observer of the Sabbath, and when traveling, on that day always rested. He was conscientious in the discharge of his Christian duties. Enoch-like, he walked with his God.

He had outlived all his family, except his second daughter. His only son, Gov. Benjamin Howard, died in St. Louis in 1814.

Mr. Howard was an early adventurer to this country. He made a settlement at Boonsborough in June 1775. He was a firm and decided Whig in the old revolution, and was a volunteer at the battle of Guilford, when in the act of taking a wounded man from the field, he was attacked by Tarlton's light horse, and received five wounds, three of which were pronounced mortal by the Surgeon who dressed them.

His sight and activity continued good until his hundredth year. He never used spectacles and would ride with ease thirty miles a day and walk several to visit his neighbors in preference to riding. An unfortunate fall injured him so severely that he was confined to his bed upwards of two years. In that time he has been a pattern of untiring patience and resignation and was never heard to murmur or repine. Previous to his fall his bodily vigor was such as to promise a comfortable life eight or ten years.

Mark the righteous and the perfect Man,
His end is peace.
Servant of God, well done,
The battle's fought, the victory won,
Enter thy Master's joy.

Source: *Lexington Observer & Kentucky Reporter*, November 12, 1834