

Chapter 5 (11-01-11)

Aaron Burr, Davis Floyd, and a Proposed Canal at the Falls of the Ohio on the Indiana Side

How did Davis Floyd meet Aaron Burr
and what did they do together in 1805?

Canal Project Today

Today a canal project would entail a billion dollar bi-state plan with cooperation on both sides of the Ohio River. The current study in the Falls Cities area to build two much needed bridges over the Ohio River at Louisville has been going on for many years and it seems likely that it may take many more years to just get the final plans completed and the project approved and under way. In 1805 the state of Kentucky and the Indiana Territory were not about to cooperate on the building of a canal on either side of the river. Kentucky and the Indiana Territory each wanted all or nothing. And Indiana got...!

Falls of the Ohio

The Falls of the Ohio are located on the Ohio River opposite the old town of Clarksville in Indiana and between Jeffersonville and New Albany on the river's north bank, and the City of Louisville, Portland, and Shippingport on the south bank. The northern boundary of Kentucky used to be the low water mark on the north bank which meant that most if not all of the river was in Kentucky. That essentially remains the same today except a definite underwater boundary has been decided formally upon by the two states. The Falls are not waterfalls in the usual sense but a series of rapids and diminutive falls extending two miles over ancient fossil beds. During the post-glacial period, run-off from melting glaciers carved a river bed which became the Ohio River. The bed changed location over the years and has meandered all over the Ohio River Valley but when the river

water encountered the exposed fossil bed, it could not penetrate its hard rock such as it could other earth substances in the Valley. As a result the ancient fossil beds were and are the only impediment to boat traffic on the Ohio River from Pittsburg to the confluence of the Ohio and Mississippi Rivers at the intersection of Kentucky, Illinois, and Missouri. These fossil beds make up the largest exposed fossil reefs on earth. Samples of these fossils are in museum exhibits throughout the world. The fossil beds originated in ancient tropical seas which deposited its aquatic life on the bottom and which under pressure turned into limestone.

During low water it was possible for men and animals to walk across or ford the Ohio River at this point without using boats. It is reported that mastodons were early users of the Falls. Buffalos migrated to Kentucky from Indiana and farther west to visit the famous salt licks there and used the Falls as their foot path to cross the river. Later on their path through the rich forests which existed in Indiana would be used by pioneers traveling between Clarksville and Vincennes. The Falls were the western terminus of the famous Wilderness Road which crossed the Appalachian Mountains at the Cumberland Gap. The Buffalo Trace extended this trail through the heart of Southern Indiana and elsewhere.

If the Falls of the Ohio were impassable because of low water, goods coming down the river had to be off-loaded upstream from the Falls, carried by horses and wagons downstream to a location below the Falls, and then reloaded on boats. Sometimes when the water was not drastically low, unloaded boats could make it through the Falls with the assistance of workers who pulled the boats through the low water. Such work was a profitable business for wagon owners and others in Louisville but a canal on either side would eliminate much of this work. When circumstances allowed unloaded boats to make the passage or the water was high enough for loaded boats to get through, there were three chutes or passages at the Falls. This was not a journey for the faint of heart. It was

like “white water rafting” today. It took special knowledge of the location of the rocks in the Falls and the characteristics of the flat bottom boats and keelboats of the day to safely navigate them. As a result transient boat pilots had to rely on the skill of local pilots to get them through safely. At first men familiar with the Falls would offer their services. But some of the men offering their services were not competent pilots and many boats and their cargos were damaged or lost during the passage as a result thereof.

On September 24th, 1803, Gov. Harrison and the two judges, Thomas Terry Davis of Jeffersonville and Henry Vander Burgh of Vincennes, who by the terms of the Northwest Ordinance of 1787 had the power to enact laws in the Indiana Territory, adopted a law authorizing the appointment of pilots. The law, which was adopted from the Kentucky code, read as follows:

WHEREAS great inconveniences have been experienced, and many boats have been lost in attempting to pass the rapids of the Ohio for want of a pilot, and from persons offering their services to strangers to act as pilots by no means qualified for the business for remedy whereof the Governor of this territory is here authorized and directed to appoint such person or persons for pilots as to him shall seem best qualified for that purpose, taking bond and security of the person so appointed payable to the governor and his successors in the sum of eight hundred dollars for the due and faithful performance of his office; and the pilot so appointed shall receive for each boat he pilots through the rapids two dollars. And any other person without being duly authorized as by this law directed, shall for every such offence forfeit and pay ten dollars to the use of the territory to be recovered before any justice of the peace of the county of Clark, at the suit of the pilot, whose duty it is hereby made to prosecute for the same, and collected by the sheriff or constable of the said county in the same manner that other fines are by law directed to be collected; and the sheriff or constable shall pay the money so collected to the treasurer of the Territory taking his receipt for the same and the sheriff or constable shall have the same fees for their services as they are entitled to by law for collecting fines and forfeitures in other cases, but nothing herein contained is meant to compel any owner or skipper of a boat to employ said pilot or pilots, but they shall be at liberty to pilot their own boats thro the said rapids.

Floyd at the Falls of the Ohio

Davis Floyd was Sheriff of Clark County at the time of the passage of this law. He and John Owens of Clark County were appointed and commissioned by Gov. Harrison as pilots of the Falls of the Ohio. John Owens was probably the "John Owens" who served on the Clark County Anti-Slavery Committee at Springville in October 1807, on which committee Floyd served as secretary. Floyd's bond and appointment appear to have been issued in April, 1804 (day omitted), but according to the *Executive Journal of Indiana Territory* (See page 32), the appointment and commission were issued on December 24th, 1803, three months after the passage of the law.

The best of the three chutes or passages for traveling through the Falls was on the Indiana side. It was known as the "Indian chute," probably because the Indians had been using it successfully for centuries. This chute was narrow and required the skills of a knowledgeable pilot to navigate the flat bottom boats and keelboats around and over the dangerous rocks. Floyd's skills probably kept many boats from hitting the rocks and saved valuable cargos. The pay for knowing how to do this without the loss of life or limb, or damage to boats or cargos was \$2.00, a very good sum at the time. It probably provided Floyd with a good living when one added his sheriff's pay to it.

It is unknown how Floyd got his pilot training but it is likely that he learned it by doing it and when the Indiana law was passed he qualified for a commission and that limited who could do it. As a commissioned pilot and sheriff, enforcement of the law would be no obstacle for him. He could not only prosecute an uncommissioned pilot, but he could also apprehend him and haul him before a justice of the peace, for which activities he could add his sheriff's fees. Most

boats came down the river at that time and few went up it. It was not until 1815 that steamboats could reliably ascend the Mississippi and Ohio Rivers from New Orleans to Pittsburg taking just three or four weeks compared to three or four months for flatboats and keelboats to ascend that distance in earlier days. Lewis and Clark aficionados know about the difficulty that the Corps of Discovery had getting their boats up the Missouri River in 1804-05. It was a back braking job. Boats were built of wood at various locations and eventually ended up in New Orleans where the wood was recycled. Floyd held his commission until he incurred the ire of Gov. Harrison and it was revoked because of his anti-slavery activities or his involvement with Aaron Burr, or both. This occurred on November 3rd, 1808.

It is reported that flatboat traffic at the Falls of the Ohio in 1800 consisted of approximately 60,000 tons. Upriver traffic consisted of about one-tenth that tonnage. The primary downriver products were tobacco, cured meats, and farm produce. The upriver products were luxuries from New Orleans.

Today with a canal and locks around the Falls, passage is easy. Dams, abutments, and gravity steer and force the water through the canal and into the locks or out of the locks. During high water, gates at the dam are opened and water flows fiercely through the spillways and over the limestone rocks and ledges comprising nature's impediment at the Falls. Millions of gallons of water rampage through the area where boats use to be swept down the river. That site today is similar to the roaring water that Floyd and Owens had to face at times. It was not like going over Niagara Falls but to the timid passenger on a boat, it probably felt like it.

Gen. Benjamin Hovey at the Falls of the Ohio

Even though there had been suggestions before 1804 that a canal around the Falls would expedite the passage of boats, the first serious consideration was prompted in that year by a meeting of Gen. Benjamin Hovey with U. S. Secretary of War Henry Dearborn and the infamous Gen. James Wilkinson. Hovey was from Massachusetts. He had fought the British in the Battle of Lexington in 1775 at the age of 17 years. Following the Revolutionary War he relocated to New York where he was a judge, a general of the state militia, and a state assemblyman. It was in the New York legislature that Hovey became acquainted with Aaron Burr. At the suggestion of Burr, Hovey decided to visit the Falls of the Ohio. After seeing both sides he concluded that the Indiana side would make the best site. He surveyed a two and one half mile route for such a canal and supposedly bought land. However, this was later disputed by Kentuckian John Brown. Word about Hovey's interest in the Indiana side got out so in late 1804 the Kentucky General Assembly formed the Ohio Canal Company whose purpose was to build a canal on the Kentucky side. In early 1805 General Hovey and his friends petitioned the U. S. Congress for a 25,000 acre land grant to build a canal on the Indiana side. Unfortunately, the petition or memorial, which was praised by the Senate Committee to which it was referred, was rejected with the suggestion that a corporation needed first to be organized and sanctioned by the Territorial legislature. The committee reported:

**CANAL FROM THE HEAD TO THE FOOT OF THE RAPIDS OF
THE OHIO RIVER**

Communicated to the Senate, January 28, 1805

In Senate of the United States, January 28, 1805.

Mr. Dayton, from the committee to whom was referred the memorial of Benjamin Hovey, in behalf of himself and his associates, reported:

That it appears from the representation of the said memorialists, that they have formed an association for commencing, and so far as is their power for completing a work of no less magnitude than that of

opening a passage for vessels of burden from the head to the foot of the rapids of the Ohio river, by a canal and locks on the [north] west side thereon; and their prayer is, that Congress would be pleased to afford them such aid and encouragement as may be deemed commensurate to the undertaking, either by the donation of twenty-five thousand acres of land, or the privilege of a right of pre-emption to one hundred thousand acres, to be located in the four several tracts within the Indiana Territory, at the same prices for which other lands of the United States are sold. but upon more liberal terms of credit, and without demand of interest. Your committee, all of whom have personally visited, and paid some attention formerly to this difficult and dangerous part of navigation of the Ohio, impressed with a belief of the practicability of the undertaking, of its vast benefit and importance to our whole country, especially to that part of it which is connected to the western waters, and that it must necessarily enhance the values, and greatly increase the sales of public lands, feel no hesitation in recommending a compliance with the request of the memorialists, by either making a gratuitous donation, or granting a right of pre-emption on the terms and the extent prayed for as however, these associates, although believed to be highly respectable in point of numbers, character, and property, have not yet been regularly organized and incorporated. your committee forbear to offer any specific proposition upon the subject, as the formation of an act of the Legislature, believing that such a measure would be premature and improper, until those preliminary steps have been taken by the memorialists and those who are or may be associated with him.

American State Papers, Misc., No. 188, p. 419, January 28, 1805.

Shortly thereafter Hovey met with fellow New Yorkers, Gen. John Paterson and Dr. Josiah Stephens, and also with James Glover, William Croghan, Davis Floyd, Samuel Gwathmey and Daniel Hudson. There is no doubt that Croghan, Floyd, and Gwathmey were included in the meeting since Croghan was Gen. George Rogers Clark's brother-in-law, Floyd was Clark County's representative in the newly elected Indiana Territory House of Representatives, and Gwathmey was Clark County's representative in the newly appointed Legislative Council. The latter two men could provide the punch needed to get the action of the Indiana Territorial General Assembly. There is no precise list of the number of times that Floyd went to Washington city on government or private business but there is no doubt he frequented that hub of political activity. In the meantime Burr was

ending his career as Vice-President of the United States and the presiding officer over the Senate. He was already looking for speculation opportunities and a canal at the Falls of the Ohio attracted his interest. Hovey's petition therefore ended up before three friendly U. S. Senators, John Smith of Ohio, John Brown of Kentucky, and Jonathan Dayton of New Jersey. At some point the three Senators visited Louisville and examined the sites on both sides of the Falls.

Aaron Burr at the Falls of the Ohio

The petition for a land grant bill failed but interest by speculators including Burr in such a project did not. Burr decided that after he left office in March 1805 that he would travel down the Ohio River and visit the Falls. One author described Burr's options at that time as follows:

Consequently Burr was ready to remove to the West both to retrieve his political career and replenish his bank account. The former Vice-President had at least four and perhaps five options at his disposal: (1) to look into the possibilities of beginning life anew as a western congressman, (2) to investigate the possibilities of an Ohio Canal, (3) to settle upon the legally shaky Bastrop land grant, (4) to play a major military role once the expected Spanish-American War broke out, and possibly (5) to form his own country with or without foreign aid in the event that war was not joined. The five plans were not mutually exclusive. If he led troops to victory against the Spanish, his imperfect land title [to the Bastrop land grant] would be less likely to be challenged. His chances of being returned to Congress would have been improved if he became a war hero. If Burr became a congressman, his power to do something constructive relative to the Ohio Canal would be enhanced.

Sprague, Stuart Seely, "The Louisville Canal: Key to Aaron Burr's Western Trip of 1805," *The Register of the Kentucky Historical Society*, Vol. 71, January, 1973, No. 1, pp. 73-74.

Floyd would be involved in most of these options with Burr. They were together in Washington city in January 1805 after Floyd had been elected to the Indiana Territorial General Assembly. He was Clark County's Sheriff and a Commissioned Pilot at the Falls of the Ohio. He was a close friend of the Clark family. He was

witty and an adventurer. There is no doubt that the Burr and Floyd liked each other and that Burr thought he could use this man to further his exploits, whatever they might be.

Indiana Canal Company Law

Burr left the office as the vice-president of the United States on March 4, 1805. He then departed for Philadelphia in early April where he renewed his friendship with Jonathan Dayton, with whom he had attended Princeton University. Burr did not spend much time in Philadelphia and left there on April 10, 1805, for Pittsburg. There he acquired a boat which he described to his daughter as a "floating house" and then headed down the Ohio River. Dayton preceded Burr down the Ohio River and he and Senator Smith met with Burr in Cincinnati. Burr arrived in Louisville in May where a local newspaper reported that he inspected the Indiana site for a canal and made preliminary arrangements for its construction. He probably met Floyd in Jeffersonville at this time. He was introduced to Floyd at the home of Judge Thomas Terry Davis. In August Hovey petitioned the Indiana Territorial General Assembly for a charter incorporating the Indiana Canal Company. The *Journals of the General Assembly* reported on August 6th, 1805:

A Petition from Benjamin Hovey for himself and his associates praying an act of incorporation for the improvements of the Rapids of the Ohio River on the North West side thereon, was presented to the House and read; Whereupon

Order, that the said petition be referred to a Select committee of two. And the same was appointed of Messrs. Parke and Floyd.

Thornbrough and Riker, *Journals of the General Assembly of Indiana Territory--1805-1815*, pp. 63-64.

Gov. Harrison conveniently appointed Floyd to the House committee to consider Hovey's petition. Was the appointment motivated by Floyd's knowledge of the Falls of the Ohio or was it a political move to guarantee that local politicians

would benefit from the project? At that time Harrison, Parke, and Floyd were political allies.

Less than three weeks after the foregoing petition was filed the charter was granted and there is no doubt Floyd and Gwathmey played a major role in this grant. The new law read in part as follows:

AN ACT to Incorporate the Indiana Canal Company.

WHEREAS, it has been represented to this General Assembly, that Benjamin Hovey, and Josiah Stephens, and sundry other persons have associated for the purpose of making a canal at the falls of the Ohio, on the north west [Indiana] side thereof, and with a view to further this laudable design, have actually subscribed considerable sums of money thereto.... And whereas, it is highly interesting to the commerce and agriculture of this territory, that the object of the said association should be carried into effect, and the legislature being disposed to give every suitable aid thereto,

BE it therefore enacted by the Legislative Council and House of Representatives of the Indiana territory, That the said Benjamin Hovey and Josiah Stephens and their present and future associates; their successors, and assigns, be, and they are hereby created a body corporate and politic, by the name of the “President and directors of the Indiana Canal Company,” and are hereby ordained, constituted and declared to be forever hereafter a body politic and corporate, in fact and in name....

§ 2. And be it further enacted, That the capital stock of said company shall consist of twenty thousand shares of fifty dollars each, and that subscriptions to the capital stock of said company may be received by such person and persons, and under such regulations as the directors for the time being or a majority of them shall prescribe and ordain.

§ 3. And be it further enacted, That the stock property and concerns of the said company shall, until the first Monday in May next, be conducted by twelve directors hereafter named....

§ 4. And be it further enacted, That George Rogers Clark, John Brown, Johnathan Dayton, Aaron Burr, Benjamin Hovey, Davis Floyd, Josiah Stephens, William Croghan, John Gwathmey, John Harrison, Marston G. Clark, and Samuel C. Vance, shall be the first directors....

§ 7. And be it further enacted, That it shall and may be lawful for the said company...for the prosecution of the works and improvements contemplated by this act, or whereon, or whereby to

construct any canal, locke, dyke, embankment, pond, dam or other work intended or permitted by this act....

§ 8. And be it further enacted, That it shall be lawful for the said company...to enter upon any lands contiguous or near to the intended canal or other works, or the places which may be selected for, or intended to be used or employed for the same, with carts, wagons and other carriages, and beast of draught and burthen, and all necessary tools and implements, both for executing and making, and for altering and repairing the said works, or any of them, and to take and carry away any timber, stone, clay, gravel, sand or earth, from the same, for the making, altering or repairing of said works, or any of them....

§ 16. And be it further enacted, That it shall and may be lawful...to demand and receive...according to the following table and rates to wit: For each boat not more than 14 feet wide, and 30 feet long, three dollars; For each boat not more than 14 feet wide, and 45 feet long, four dollars; For each boat not more than 14 feet wide, and 60 feet long, five dollars; And every foot over and above 14 feet wide and 60 feet long, nine cents;--For each keel boat, perogue or canoe, not more than 35 feet long, two dollars; For each keel boat, perogue or canoe, not more than 45 feet long, three dollars; For each keel boat, perogue or canoe, nor more than 60 feet long, four dollars; And for every foot over and above sixty feet long, nine cents; And for all rafts or lumber, not laden on board or vessel such sum as shall be agreed by and between the owner or supercargo and the said company or their agent....

§ 19. And be it further enacted, That as soon as one hundred thousand dollars in gold or silver shall have been received, or the value thereof in lands actually acquired in fee simple, on account of the subscription for said stock, it shall and may be lawful for the said company to issue promissory notes payable to any person or persons, his, her or their order, or to bearer, which being signed by the president, and countersigned by the treasurer or clerk, although not under the seal of the corporation, or having been issued pursuant to any resolution or bye law of the said company, though not so signed, shall be binding and obligatory on the same, and shall be negotiable and assignable by endorsement, or if payable to bearer, by delivery....

§ 25. And be it further enacted, That it shall be incumbent on the said president and directors, to keep open their books of subscription for the space of four months from the passage hereof, at the town of Jeffersonville, in the Indiana territory. This act shall commence and be in force from and after the passage thereof.

JESSE B. THOMAS,
Speaker of the House of Representatives
B. CHAMBERS,
President of the Council

Approved, August 24th, 1805

William Henry Harrison

Philbrick, Francis S., *The Laws of Indiana Territory 1801-1809*, Historical Bureau of the Indiana Library and Historical Department, Indianapolis, Indiana, 1931, pp. 154-163.

This canal law may have been copied from another law that already existed in another jurisdiction. In §1 the Indiana Canal Company is described as “a body corporate and politic.” Many independent boards in government in Indiana today are described that way, i.e. county hospital boards and public school boards. The Indiana Economic Development Corporation (IEDC) is another example of a body corporate and politic today. Such entities are endowed with both corporate and public responsibilities. They are independent instrumentalities exercising essential public functions. The IEDC is not a state agency but rather an independent organization. The Indiana Canal Company law was imbued with many of the corporate and public responsibilities of the IEDC. There were three major differences between bodies corporate and politic today and the canal company over 200 years ago. The first difference was that the canal company could issue capital stock like for-profit corporations can do today. The second difference was that the directors were not only prominent men but men who were in the Indiana General Assembly, or had strong political connections. Nothing disallowed these men from becoming for-profit stock holders in the company. In fact, this is the very reason these men wanted to create the company. They expected to make money. They did not want it to be a governmental function. The ethics of allowing such conflicts of interest were ignored or just did not exist. The third difference was that the canal company as a for-profit stock company had the power of eminent domain. The local courts were granted the power to award damages for the taking of private property needed by the canal company. Perhaps, public utility companies that operate today as for-profit companies and by law are monopolies are the nearest comparison to the canal company.

There was some transparency in the canal company. The law required the company to report fairly to the General Assembly on an annual basis the lands which it possessed and then the General Assembly would estimate their value. The law also said that the books of the company were always open for inspection by the General Assembly or by any person or persons appointed by it for that purpose. Finally, the subscription lists were to remain open for four months supposedly giving everyone a chance to invest.

Some authors speculate that Burr used this project as means for raising funds for the "options" he was considering for his future. However, while there is evidence in the charter law that stock was subscribed for, there is no evidence that any money actually flowed into the coffers of the canal company's treasury or that any land was transferred in fee simple to the company as a result of the stock subscriptions. Likewise, it is unlikely that any money was borrowed or any promissory notes were issued since there is no evidence that \$100,000.00 in gold, silver, and/or land were ever paid or transferred to the canal company. Author Mauck says that Gen. Clark and Davis Floyd's reputations suffered because gold, silver, and maybe land were confiscated by Burr and disappeared. But there is no proof of this. No one ever accused Burr, Floyd, or the directors of the company at the time or thereafter of absconding with funds or assigning land over to their names. Democracy was running rampant in Southern Indiana and the slightest hint of shenanigans would have appeared in newspapers, letters, or petitions. Everything else did. Burr and Floyd were accused of a lot of things but not embezzlement. If Burr collected money from anyone, it was probably Floyd. When in Corydon in the mid- 1810's, Floyd wrote a letter to Burr asking to be repaid for what Burr owed him. No money was ever forthcoming. The best evidence is the Indiana Canal project never got beyond the dreaming stages. Speculators gathered, a requested land grant from the federal government never materialized, a territorial charter was granted, money or land was never forthcoming because of subscriptions, promissory notes were

not issued, and nothing happened beyond Burr's reported preliminary plans. One cannot say it "died on the vine" because the vine was never planted.

Is it possible that Burr's other "options" were discussed with the men he encountered west of the Alleghany Mountains in 1805? The Blennerhassett's were not home when he floated past their island sanctuary in 1805. It is possible he discussed them with Floyd.

Boats at the Falls of the Ohio

The description of the boats which would use the canal is interesting. Flat boats were the primary boat used on the Ohio River. These boats had flat bottoms for carrying cargo in shallow waters or on rivers. A keel boat is similar because of the flatness of its bottom but it did have a keel which ran the entire length of the boat on the bottom from bow to stern and supported the hull. Sometimes the keel would protrude beneath the hull. The keel boat was stronger than the flat boat. Pirogues (pirogues) were canoes made by hollowing out large logs. § 16 of the law mentioned the word, "supercargo." The supercargo was the owner of a boat, or a representative thereof, who had charge of the cargo. The keel or keeled boat used by Lewis and Clark to ascend the Missouri River was 55 feet long. The two pirogues used by them were 39 and 41 feet respectively and could carry as much as 14 tons of cargo. Most authorities believe that the Lewis and Clark pirogues were made out of planks rather than carved from a single log. This way they could be made wider to carry a heavier load. The pirogues used by Lewis and Clark west of Ft. Mandan, where they spent their second winter, were constructed from hollowed-out logs.

Burr's Plans for 1806

As previously stated Burr travelled from Philadelphia to Louisville in May 1805 where he inspected the Indiana canal site and made preliminary plans for its

construction. The river drops twenty-four feet at this site so the plans would have required at least one set of locks.

Was there any connection with Burr's route in the Trans-Allegheny region in 1805 and his escapades in that same region in 1806? What else was Burr doing there in 1805? Burr left Philadelphia on April 23rd, 1805 and arrived in Pittsburg five days later. Two days later Burr's boat overtook the boat of Matthew Lyon and the two boats traveled side by side lashed together. Lyon had previously suggested to Gen. Wilkinson that Burr should run for Congress in the West. He had even suggested that Burr needed to settle permanently in Nashville, hang out his shingle, practice law, and run for Congress. In early May Burr and Lyon split up. Burr passed by Blennerhassett Island but its owners were not at home. On May 7th, Burr and Gen. Wilkinson encountered each other. What they talked about is pure conjecture. Burr was in Cincinnati on May 10th. Burr continued downstream to Louisville. He ran into Lyon again and they traveled overland to Lyon's home in Eddyville, Kentucky. He then proceeded overland to Frankfort where he arrived on May 20th. He next went to Lexington, arriving there on May 22nd, to see his friend John Brown whose term in the U. S. Senate had expired. Brown had already visited the Falls on April 14th. Brown was unhappy that Hovey had not purchased land tracts at the site and it was Brown who had been asked by Johnathan Dayton to present their case to the Indiana Territorial legislature at Vincennes so that the canal company could obtain an Indiana charter. Burr next headed to Nashville where he arrived on May 29th. There he spent several days with former congressman Andrew Jackson. From there he headed up the Cumberland River to the Ohio River where his boat was waiting for him. He traveled downriver to Ft. Massac to meet with Gen. Wilkinson. According to the General's correspondence he, Burr, Dayton and others "were deep in the project of making a canal around the rapids of the Ohio." Burr next floated downriver to the Mississippi River and then to Natchez where he arrived June 17th. Here he met with the Governor of the Mississippi Territory, Robert

Williams. Most of the players in the canal project were now on board. Burr would encounter Gov. Williams again in the following year.

Thomas Ash in the Indiana Territory in 1806

Thomas Ashe was an Englishman who came to the United States in 1806. He was interested in travel and exploration. His purpose was "to examine in a satisfactory manner this new and interesting country." His letters were published in 1808. The following is one of such letters:

Mouth of the Wabash, Indiana Territory

September, 1806.

Previously to leaving Louisville, I crossed the river and visited the town of Jefferson[ville], which is also seated about two miles above the falls. It is yet very small, but the inhabitants appear determined to add to its character and opulence, being now employed in forming a canal, by which navigators may avoid all dangers, and proceed down the river at all seasons of the year. I surveyed the line of the canal, and think it much more practicable than that marked off on the opposite shore. I entertain no doubt of the commerce of the river being adequate to the support of both undertakings, and that the proprietors will be hereafter amply remunerated.

I descended the falls by the shore, and once more enjoyed their grandeur, though from a different point of view. I then crossed over to by boat, which lay at Clarksville, a small settlement lying near the eddy formed by the recoiling flood. It is a village of no importance, however, if it forms the mouth of the intended canal its rise is certain.

Lindley, Harlow, *Indiana As Seen by Early Traveler*, Indiana Historical Commission, Indianapolis, Indiana, 1916, pp. 25-26; from Ashe, Thomas, Esq., *Travels in America performed in 1806, for the purpose of exploring the rivers Allegheny, Monongahela, Ohio and Mississippi, and ascertaining the produce and condition of the banks and vicinity*, 1808, pp. 232-33, 246-49.

There was another traveler to the Indiana Territory between 1806 and 1809. John Melish apparently made two visits. He was an English merchant and "was especially interested in the prospective lines of communication; the political and

economic views of the settlers; their attitude toward Great Britain," etc. Here are some of his descriptions:

Jeffersonville is situated on the opposite side of the river, a little above Louisville, and is the capital of Clark County, in the Indiana Territory. It was laid out in 1802, and now contains about 200 inhabitants, among whom are some use mechanics. The United States have a land office at this place, but the principal objects of my inquiry being more to the eastward, I did not visit it. There is a good landing at Jeffersonville, and, as the best passage is through what is called the Indian Shute, it is probable this place will materially interfere with the trade of Louisville, unless it be prevented by a plan to be hereafter noticed, in which case, each side will have its own share of the valuable commerce of this river; which, as it is yearly encreasing, cannot fail to convert both sides of the Ohio here into great settlements.

Clarksville, a small village, is situated at the foot of the falls on the Indiana side, as is Shippingport, on the Kentucky side; and both answer for re-shipping produce after vessels pass the falls.

The Falls, or rather Rapids of the Ohio, are occasioned by a ledge of rocks, which stretches quite across the river; and through which it has forces a passage by several channels. The descent is only 22 feet in the course of two miles, and in high water is only to be perceived in the increased velocity of the current, when the largest vessels pass over it in safety. When I was there, the water was low, and I observed three different passages, of which that on the Indiana side, called Indian Shute, is said to be the best, the one on the Kentucky side cannot be passed, except when the water is pretty full. But when the water is very low, they are all attended with danger, less or more, of which we saw an instance in a boat that came down the river along with us. Her cargo was unloaded at Louisville, and she proceeded down the river; but, on taking the stream, she struck on the rocks, and lay there a wreck, when I came away. Good pilots have been appointed to carry vessels over the falls.

On visiting this place, a question immediately occurs: Why is a canal not cut here, which would remove the only obstruction to the trade of this fine river? It appears that the subject has been long in contemplation, and a company was incorporated by the legislature of Kentucky to carry it into effect. The ground has been surveyed, and no impediment has been suggested to the execution of the plan, except that here is danger of the locks being injured by the freshets in the

river, which, however, can be guarded against. But sufficient funds have not yet been raised, and it is said that an opinion prevails here, that the execution of a canal would hurt the trade of Louisville. As to funds, there should be no lack, for this is an object of *national utility*, in which the rich states of Kentucky, Virginia, Pennsylvania, and Ohio are particularly interested. No very great sum can be wanted to cut a canal, with only 22 feet fall, the distance of two miles, in a situation where stones are plenty; and if it is found that individuals would not wish to embark their capital in it, there is no question but the United States, and the individual states noticed, would fill up the subscriptions, were the matter judiciously laid before them. As to the supposition that it would hurt the trade of Louisville, if it exists, it is founded on a very narrow policy, and is just as correct an idea, as that a good turnpike road leading through a town, will hurt the trade of the town. A free communication through a country is favourable to every portion of that country; and were a canal cut upon the Kentucky side here, it would not only counter-balance the benefit arising to the other side from the Indiana Shute, but would be productive of advantages to Louisville, that at present cannot be estimated. The mills alone that might be erected, and set in motion, by a judicious application of the water, would be of more intrinsic value than a gold mine.

Lindley, *Indiana As Seen By Early Travelers*, pp. 29-31; from Melish, John, *Travels in the United States of America, in the years 1806, 1807, 1809, 1810 and 1811, 1812*, Vol. II, pp. 150-157.

Mr. Melish went on report that from November 24, 1810 to January 24, 1811 197 flat-boats and 14 keel-boats descended the Falls of the Ohio carrying a variety of products including flour, pork, whiskey, apples, cider (royal and wine), peach-brandy, sherry-bounce, vinegar, porter (dark, brown beer), beans, onions, ginseng, bottled porter, Seneca oil (oil made from milkwort, a plant), butter, tallow, lard, beef, cheese, pork in bulk, bacon, soap, feathers, hemp, thread, rope-yarn, bale-rope, bagging, tow-cloth (coarse and broken fibers of hemp, flax), tarred rope, oats, corn, potatoes, hams venison, tame fowls, horses, slaves numbering 286, cherry plank, and pine plank. This gives the reader an idea of the commodities, both inanimate and animate, that were coming down the Ohio River in 1810-11.

It is possible that Mr. Melish spoke with Davis Floyd on one of his visits to the Falls of the Ohio. His report is extremely informed and contains the kind of information on which Floyd would be very knowledgeable. The boat that is described by Mr. Melish as unloading its cargo in Louisville, then proceeding down the river and taking the stream, and finally striking the rocks, probably failed to engage the services of a "good" Falls of the Ohio pilot. They were trying it on their own to save a fee.

Books and references other than those cited in this chapter:

- (1) Fatout, Paul, "Canal Agitation at Ohio Falls," *Indiana Magazine of History*, Vol. LVII, No. 5, December 1961, pp. 279-289.
- (2) Kleber, John E., *The Encyclopedia of Louisville*, The University Press of Kentucky, Lexington, Kentucky, 2001.
- (3) Wollen, William Wesley, *Executive Journal of Indiana Territory 1800-1816*, Indiana Historical Society, Indianapolis, Indiana 1985.

Images:

- (1) Vintage Postcard of the Falls of the Ohio (Ohio River Falls Between Louisville, Ky. and New Albany, Ind.) at Clarksville, Indiana.
- (2) Bond and Appointment of Davis Floyd as Pilot at the Fall of the Ohio.
- (3) Photograph of the Falls.