

THE UNIVERSITY OF MINNESOTA

GRADUATE SCHOOL

Report

of

Committee on Thesis

The undersigned, acting as a Committee of the Graduate School, have read the accompanying thesis submitted by Frances Pryor Irwin for the degree of Master of Arts.

They approve it as a thesis meeting the requirements of the Graduate School of the University of Minnesota, and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts.

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THE UNIVERSITY OF MINNESOTA

GRADUATE SCHOOL

Report
of
Committee on Examination

This is to certify that we the
undersigned, as a committee of the Graduate
School, have given Frances Pryor Irwin
final oral examination for the degree of

Master of Arts.

We recommend that the degree of

Master of Arts.

be conferred upon the candidate.

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Land Speculation by Virginians in the
trans-Alleghany Region 1737 - 1763

A THESIS

submitted to the Graduate Faculty
of the
University of Minnesota

by

Frances Pryor Irwin

In partial fulfillment of the requirement for the
degree of

Master of Arts

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Land Speculation by Virginians in the
trans-Alleghany Region 1737 - 1763.

On account of the physiographic features of the coast of Virginia, there developed an agricultural life, which by its needs and processes of development, molded not only the institutional and political life of the colony itself, but also influenced the relation between the thirteen colonies and Great Britain, and later the development of the United States. For the need of lands by Virginians led to the opening of the trans-Alleghany country to settlement, by the activities of speculators in land. These "land jobbers" followed closely the traders and by surveys and written accounts made known the country over which the trader had long been travelling with his pack of goods for the Indians. This service of making known the country counted for more in the settlement of it, than did the comparatively few settlers sent out by the speculators. The throng of home seekers who had pushed to the Mississippi before the close of the Revolutionary War were not the pawns of the speculators, but the individual settlers for whom the trail

had been blazed and the route made known by the agents of the land companies. The inciting force in the great drama of western expansion was the activity of these speculative land companies.

Expansion of Virginia Westward, 1607 - 1737.

The form of industry in which Virginians engaged, required large tracts of land for cultivation and prevented the growth of towns or neighborly communities. No opportunity arose, therefore, for a group with common tastes and habits to move to the frontier and lay out towns, as their fellow colonists of New England did. The westward expansion in Virginia was largely the result of individual enterprise, either by the backwoodsman or the speculator. Because the raising of tobacco destroyed the fertility of the soil in a short time, the plantations of the early tobacco growers were large. These, with the large grants made by the kings to favorites, had taken up all the desirable lands near the coast and up the navigable rivers, as far as the fall line, in less than three quarters of a century. This rapid spread of the settlements was due to an increasingly large number of poor settlers who desired small tracts of land. Many of these settlers had been indentured servants, who, to procure passage to America, bound themselves for a term of service to some large plantation owner. This method of securing laborers was very popular not only because of the need of cheap labor, but also because the man who imported them, was

allowed fifty acres or more of land for each person brought into the colony, under the system of patenting lands called "head rights".¹ With the rapid increase of poorer settlers, lands were taken up above the fall line of the rivers in the Piedmont, the fertile land between the coastal plain and the slopes of the Blue Ridge Mountains. Gradually, large plantations were also laid out there.

The barrier of mountains at the west of the colony had been known to the settlers long before they could actually view those hills from their settlements. Captain John Smith saw them on his trip of exploration in 1608.² The fur trade had been an important industry in Virginia from earliest times and in their work, the traders had reached Indian Villages in the Blue Ridge and beyond, by the middle of the century. The explorer interested in the land as well as the trade was not far behind. Such explorations of the west were encouraged by the Virginia Council who issued several commissions to such adventurers.³ In 1650, Captain Abraham Wood led a party southwest of the colony to the falls of the Roanoke and thought he had discovered a new country. Other expeditions were made to

1. Bruce, Economic History of Virginia, 1: 487-571. Passim, Chapter on "Acquisition of Titles to Land".
2. Kemper, "The Settlement of the Valley" in the Virginia Magazine of History and Biography, 30: 169.
3. Alvord and Bidgood, First Explorations of the Trans-Alleghany Regions, 101-113.

the Blue Ridge and its summits; John Lederer, a German, who went out for Governor Berkeley, wrote a description of his expeditions and the country he visited. To Wood, however, belongs the honor of sending out the first recorded expedition of Englishmen to the country beyond the Alleghanies. In 1671 this party, led by Captain Thomas Batts and Robert Fallam, followed the traders path to the southwest, crossed the Alleghanies and advanced a little up the river, called in honor of their patron, Wood's River, but also known as the New, or Great Kanawha. They found evidence that others had preceded them in their exploration of the western waters; but Fallam's account of this trip was the first description in English of the trans-montane country. Another expedition of Wood's under James Needham opened up the Cherokee country of the southwest to the traders, who heretofore had not ventured beyond the mountains.⁴ Domestic troubles in the colony prevented further exploitation of the west by Wood or his rivals and the traders for many years were the only ones who kept the trails to the land of the western waters open.

The traditions of Wood's discoveries survived and when in the beginning of the eighteenth century, new ventures

4. Ibid. 17-97. "The Discovery of New Brittain", "The Discoveries of John Lederer", "The Expedition of Batts and Fallam", "The Journeys of Needham and Arthur", and "Coxe's Account of the Activities of the English in the Mississippi Valley in the Seventeenth Century" are reprinted in the latter part of this volume.

were made to the land beyond the Blue Ridge, they were really a continuation of this earlier trans-montane interest. In 1707, Louis Michell, a Swiss, made rather an extensive exploration in the northern part of the valley. He wished to get a grant on which he might establish a separate colony of Swiss emigrants.⁵ His route from Pennsylvania into the valley may have served as a guide to the settlers from that colony who followed him a few years later. They, however, were successful and formed a large part of the settlement of the valley. But with Governor Spottswood's famous expedition across the Blue Ridge, exploration of the trans-montane country by Virginians was continued. If Spottswood's plans for making settlements up the James and across the mountains to meet the French, had been carried out, the history of this region would have been very different. However, the famous expedition of the Knights of the Golden Horse Shoe made the valley better known and brought on the rush of speculation in land which in a short time pushed the frontier beyond the Alleghanies.⁶

The occupation of the valley marked a new era in the history of the colony. The grants were larger than any made up to this time by the council and Governor. With this increase in the size of the grants came speculation in land in a new and intense form. Large tracts were not obtained for

5. "Documents Relating to Early Projected Swiss Colonies in the Valley", in Virginia Magazine, 29: 1-17.

6. Turner, The Frontier in American History, pp. 90-91

the purpose of cultivation by one proprietor, but the grantee sought a more rapid means of acquiring wealth, by selling his land in small tracts. So the old system of granting land in proportion to the number of actual settlers was perverted and huge grants were made when the petitioner had no settlers engaged.⁷ The terms of the grant provided, however, that the land was to be settled.⁸ In order to fulfill these terms, partnerships and small companies were formed by the grantees and such extensive schemes as the importation of large numbers of "foreign protestants" from Europe were executed. Fed by the fertile tracts of the valley, and the steady stream of German and Scotch Irish emigration from Pennsylvania and Europe, this early wave of speculation was but a comparatively small forerunner of the full tide of speculation in western lands, which swept the trader, backwoodsman, and land-jobber over the Alleghanies and down the Ohio valley to the Mississippi.

The earliest date for the actual settlement of the valley was 1727, and that first settlement was made by a German, Adam Müller, from Lancaster, Pennsylvania.⁹ In the

7. Ibid. pp. 91, 92.

8. Call, Virginia Reports, 4: 21, 22.

Footnote. The form in which grants were made in the eighteenth century was as follows: "On the petition of _____, leave is granted him to take up _____ acres of vacant land lying in the county of _____; and four years allowed to survey, and pay rights, on return of the plan to the secretary's office."

9. Kemper, "Settlement of the Valley" in Virginia Magazine, 30: 173.

same year a petition was filed with the Council by Robert Lewis, Beverly Robinson, and others for a grant of 50,000 acres on the head waters of the James, because of their "trouble and charges in making Discoveries of Lands among the mountains". They agreed to settle a family on every thousand acres within six years.¹⁰ These two events in the same year are indicative of the forces which from then on caused the rapid occupation of the valley; the German immigration from Pennsylvania and the speculation in land by influential Virginians. Gradually the speculator absorbed much of the land, and as long as the scheme was profitable, directed the once independent movement of the foreign settler.

As the excitement grew, larger grants were made; by 1730 several tracts of 50,000 acres had been granted and another of 100,000. Among the speculators prominent in colonial politics and recipients of large grants were John Randolph, a member of the Council, and William Beverly. These two cooperated in settling Beverly's Manor, a tract of more than one hundred-thousand acres. Benjamin Borden had a tract of 90,000 acres adjoining. To procure settlers for this he travelled to England.¹¹ William Byrd, a member of the Council and grantee of 100,000 acres, brought over a "Number of Switzers and other

10. Calendar of Virginia State Papers, 1: 214. Petition of Robert Lewis, William Lynn and others to the Governor and Council.

11. Peyton, History of Augusta County, p. 63, ff. and Kemper, "Settlement of the Valley" in Virginia Magazine, 30: 175.

Foreign Protestants".¹² These names give an indication of the extent to which members of the Council, who with the Governor made the grants, were personally interested in promoting western settlement. This interest of officials of Virginia was an important phase of this force in the westward movement and was characteristic of the speculation up to the Revolutionary War.

On the other hand, the House of Burgesses, always more representative of the people than the Council, in 1734 passed an act for the "encouragement of all the inhabitants already settled west of the Shenandoah River and all who shall settle there before the first of January 1735."¹³ This was an inducement to the poor settler; but as the Journals of the Executive Council show few small grants during the thirties, many of the settlers who went into the Valley at that time bought from the large proprietors.¹⁴ There is evidence, however, of settlements made by adventurous backwoodsmen who ventured beyond the frontier to avoid these grants. Later, the rivalry between the poor, small settler of the back country, and the wealthy promoters of western expansion through the land company, became very great. The influence brought to bear against these companies, in the Privy Council and the Virginia

12. Calendar of Virginia State Papers, 1: 223. Grant to Wm. Byrd.

13. Henning, Statutes, 4: 450.

14. "Journals of the Executive Council of Virginia" in Virginia Magazine, 14: 227, 228, footnote.

legislature proved effective, in spite of the great political power exercised by the speculators in the Virginia and British governments.

Howard's Expedition to the Mississippi in 1742.

By the end of the decade, the land speculators were ready for "new worlds to conquer" and Virginians again looked with speculative interest at the Alleghany Mountains. In October 1737, John Howard petitioned that he "with divers other inhabitants on Shenando River" be allowed "to go upon discoveries on the Lakes and Rivers of Mississippi" at their own expense. This petition was granted and in the following month, he was also allowed a supply of ammunition "out of His Majesty's stores" for the "better enabling him to perform the Service in making Discoveries towards the River Mississippi".¹⁵ According to his account, written from prison in New Orleans, he did not start upon his trip to the west until March 8, 1742. The raids of Indians on the frontiers caused this delay, since he was sent by the government twice in pursuit of the marauders.¹⁶

Peter Salley, who wrote a more complete description of the trip said that Howard had told him that he had been promised 100,000 acres of land upon his return and that he would divide this with those who accompanied him.¹⁷ This prom-

15. Ibid. 14: 9 and 26.

16. Petition of John Howard in "Virginians on the Ohio and Mississippi in 1742" by Harrison Fairfax. Virginia Magazine 30: 209.

17. Ibid. p. 212. This journal is entitled, "A Brief Account of the Travels of John Peter Salling, a German who lives in the County of Augusta in Virginia." It is also published in Darlington, Christopher Gists' Journals. Both spellings Salley and Salling are found.

ise of so large a grant to a man engaged to explore new territory sounds very much as though Howard were but the agent for some speculative enterprise. Bienville, the French governor at New Orleans, wrote that the prisoners admitted they were looking for a suitable place for a settlement. All the explorations of which there was any record kept, and probably many others were made in the interests of speculators. Even if the promise of the grant, of which there is no record, had been made by the Council to Howard, the interest of the members in ventures in land was so great, that in any light a speculative glow is cast over the expedition.

Unfortunately, the realization of the happy dreams of the promoters was delayed for a number of years, for no more was heard of the expedition until 1745. After passing beyond the Alleghanies through the valley of the New River, and down its course to the Great Kanawha, then down the Ohio, the little band of adventurers¹⁸ travelled on, down the Mississippi as far as the present site of Natchez where they were captured by a party of French and Indians and imprisoned in New Orleans. There is no good evidence that Howard ever returned to Virginia, as his petition to the King, written from prison in 1743, is the last authentic record of his whereabouts. Salley, however, escaped from prison, crossed the wilderness east of the Mississippi and finally after many adventures

18. Howard was accompanied by his son, Josias, John Peter Salling, John Pateet, and Charles Cinekles (Sinclair).

reached Charleston, South Carolina in April 1745. The Governor of that colony helped him to return to Virginia.

Soon after his return, his account of these adventures was made available, for in a diary kept by Colonel John Buchanon, of his explorations begun in October 1745, in the interest of his enterprises in western lands, he recounted visiting Salley before he started out, in order to read Salley's journal and copy parts of it.¹⁹ This Journal was the only written account of the far west, available until after the explorations of Gist and Walker. It was evidently used extensively and was well known in Virginia. In 1751, Lewis Burwell, president of the Council sent a copy to the Board of Trade.²⁰ William Fleming, a prominent figure among the speculators of the west, had used this Journal in 1756.²¹ But by the time Salley had returned to Virginia, the movement of expansion over the Alleghanies had received such an impetus from the Treaty of Lancaster in 1744, that this expedition, instead of being the instigation of that movement, became merely a link between it and the explorations of the seventeenth century.

19. Calendar of the Preston and Virginia Papers, 4, 1QQ80, 81.
 "Memorandums Relating Sundry Passages with Respect to my Journey to Woods River commencing ye 4 octob^r 1746." See also "John Peter Salling's Adventures" by L.C. Draper in the Mississippi Valley Historical Review, 1: 262.
20. Fernow, Ohio Valley, pp. 260, 261.
21. Preston and Virginia Papers, 12, 1QQ140, 141. Letter of Fleming to Captain William Preston, December 17, 1756.

Advance of Settlements from 1737 - 1744.

The speculators were not the only ones interested in pushing farther west, for there is some evidence that the backwoodsman was taking up land in the valleys of the western mountains. In 1738 Governor Gooch of Virginia received a reply to his letter to the Shawnee King regarding the Indian depredations on the frontier; in this the Indian king agreed to keep his men west of the mountains, provided the English be restricted from going into the Indian territory to settle. To the traders, however, he promised that no harm would come.²² From his investigations in the old court records of the counties of southwestern Virginia, Chalkley affirms that the settlers preceded the speculator into that region, but that little record of their activities has been left because all these early settlements were destroyed by the Indians.²³ Several years later, when this region back of the Alleghanies was explored by surveyors for the Greenbriar Company, one or two scattered settlements were found.²⁴ But these tentative efforts were so slight that the greater schemes of the speculators in this first trans-alleghany movement, completely overshadowed them.

The barrier which the Virginians encountered west of the Blue Ridge appeared more impenetrable than had the line of

22. Calendar of Virginia State Papers, 1: 232. "Message of the King of Shawanas to Governor Gooch," August 4, 1738.

23. Chalkley, "Before the Gates of the Wilderness Road" in Virginia Magazine, 30: 193.

24. Johnston, History of Middle New River Settlements", p. 16.

these first mountains to the early settlers, for the Alleghanies extend from New York southwest to North Carolina in steep, forest and thicket clad ranges. In this southwestern part of Virginia is a gap in the mountains, through which flows the New River westward to the Great Kanawha. South from this point in the Appalachian chain, all the rivers rising in these mountains drain to the west and southwest, while in the Northern Range all the streams having their sources in these hills flow into the Atlantic. Thus the Virginians, searching for passes through the broken ranges, sought in vain for a continuous gap through the mountains, except through this southwest passage.²⁵ To the north, the Pennsylvanians followed a circuitous route, over an old Indian trail from Philadelphia to the forks of the Ohio.²⁶ The traders from Virginia therefor lagged behind their northern neighbors in penetrating into the upper Ohio and Lake country, although for nearly a century they had gone far into the Cherokee country through this southwest gap. The bulk of their trade continued to pass through this route until after 1754.²⁷ This route was described by an inhabitant of Amelia County, Vaughan by name, who accompanied a band of traders into the Cherokee country in 1740. It was then well marked by the years of travel.²⁸

25. Powell, "Physiographic Regions of the United States" in *Physiography of the United States*, p. 79.

26. Hulburt, *Washington's Road*, p. 15.

27. Volwiler, *George Croghan*, Ms. p. 20.

28. Chalkley, "Before the Gates of the Wilderness Road" in *Virginia Magazine*, 30: 185.

The valley of Virginia was by 1740 the frontier of the colony. The settlers had crowded into it from the north, settling on the branches of the Shenandoah, then lured on south by the fertile lands and the inducements offered by Borden and Beverly in order to settle their grants. Then the speculators and settlers followed the traders route to the gap in the Alleghanies and laid claim to the great tracts on the New River and its branches, west of the mountains. In spite of the fact that as early as 1730 large grants had been made far to the west of the head waters of the Potomac, including even the present site of Harper's Ferry,²⁹ the whole course of settlement turned to the south in the years following, and the first grant beyond the Alleghanies was made not in the north, but in this southwestern region, on the Greenbriar, a branch of the Great Kanawha.

Before this event, however, a preliminary strategic move was made in 1741, when the first large grant was made on waters flowing to the west. This tract of 100,000 acres was to lie on the James River and to extend west to include the "waters of the Indian or New River".³⁰ Although this land did not lie west of the Alleghanies, yet it seems to have inaugurated the trans-montane movement of population which soon afterwards began at this point. As one of the patentees of this grant, James Patten appeared on the scene of western activities. From then

29. Kemper, "Settlement of the Valley" in Virginia Magazine 30: 174, 175 and Ibid. 13: 117.

30. Chalkley, "Before the Gates of the Wilderness Road," Ibid. 30: 185, 186.

until his death in the Indian troubles of 1755, he was one of the foremost promoters in the earliest trans-Alleghany speculation and an interested participant in all transactions between the English and the Indians, over boundaries or western lands. He and Zachariah Lewis bought out the other patentees and actively promoted the immigration of settlers to their grant. Thus by 1741 the threshold of the coveted land beyond the mountains had been reached by the speculator of the southwest. It was Patton who first ventured beyond and petitioned the Council for land he had discovered there. Undoubtedly during these years there may have been other ventures across the Alleghanies than Howard's and Patton's, but they seem to be the only ones recorded. Patton was apparently the first speculator to go in person to select his lands. It is not certain just when he made his trips, but in 1743 he filed his petition. He had to wait for two years, however, before it was granted. The Governor and Council refused to grant it at that time through fear of antagonizing the French, with whom war had not yet been declared.³¹ This attitude of the government apparently checked any further speculative enterprises until after war with the French was declared and the Treaty of Lancaster made with the Indians.

31. Draper MSS. 1QQ75-77. Letter of James Patton to John Blair, January 1753.

The Treaty of Lancaster.

By the treaty of Albany, 1722, the Blue Ridge Mountains had been established as the boundry line between the Northern Indians and the Virginians; the English were not to go to the west nor were the Indians to come east, except when they used their road at the foot of the mountains in their expeditions to the Cherokee country. This location of the road caused trouble when the settlers located near it; the Indians then moved it west of the Blue Ridge, down the Shenandoah valley. As the settlement of the valley progressed very rapidly, the Indians protested in 1736 at the encroachment on their territory and again moved their road west, to the foot of the Great Mountains. Farther west they refused to move it.³² From the time of the occupation of the Valley to 1742 more or less frequent attacks on frontier settlements had caused some slight attempt on the part of the government to protect the frontier settlements, but it was not until a skirmish occurred in the Valley between the militia of Augusta County under Colonel Patton and a party of Shawnee that any attempt was made to adjust matters between the Virginians and Northern Indians by treaty.³³ No doubt the seriousness of this encounter was no greater than that of former instances, but new considerations of moment had arisen; speculation in land was developing on an enormous scale

32. Colden, History of the Five Nations, 2: 47-116. Minutes of the Lancaster Treaty.

33. Burk, History of Virginia, 3: 110 and Pennsylvania Colonial Records, 4: 630 ff.

and the Indian raids were detrimental to the success of such ventures. Furthermore, new territory would soon have to be opened up to meet the demands of these speculators, who were so influential in the government. The commission granted to Howard in 1737 indicates that the Council was even then looking beyond the mountains. The English were also awakening to the need of securing Indian allies against the French in the war which was expected to break out at any time. Therefore the colony could not afford to continue in this hostile relation to the Indians. This latter consideration was undoubtedly the motive which induced the Governor of Pennsylvania to offer his services in establishing better relations between the Virginians and Indians, when, through Indian traders he was informed of the fight between Patton's men and the Indians.³⁴ As he had also received complaints from the Indians over the encroachments of the back settlers of Maryland, Pennsylvania, and Virginia, he used this opportunity to adjust all these matters at a conference between commissioners from these colo-

34. The Pennsylvania Governor, in an address to the commissioners assembled at Lancaster, presented the necessity of securing the friendship of the Indians. "These Indians by their situation, are a Frontier to some of them (the colonies); and from thence, if Friends, are capable of defending their settlements; if Enemies, of making cruel Ravages upon them; if Neuters, they may deny the French a passage through their country, and give us timely notice of their Designs." Colden, History of the Five Nations, 2: 51.

nies and the Indians, to be held at Lancaster, Pennsylvania, June 1744.³⁵

The Pennsylvanians at this time stood in much greater favor with the Indians of the upper Ohio than did the Virginians. The traders of the former colony had for several years carried their goods far into the Indian country and by offering them at cheaper rates than the French, had won over the tribes of this region to the English.³⁶ Through these Indians, the Pennsylvanians received reports of the activities of the French on the Mississippi and Great Lakes. The Virginians, on the other hand were little known to the Six Nations except through the hostile encounters on the frontier and when their traders began to seek the northern Indians they had to overcome this hostility. But even with this handicap, the Virginians eventually supplanted the Pennsylvanians in the esteem of the Six Nations. At the outbreak of the French and Indian War in 1754, these Indians regarded the Virginians as their hope against the French, who were threatening the Indian allies of the English. The reasons for Virginia's assuming this leadership in the war instead of Pennsylvania, lay partly in the attitude of the Quaker Assembly of the latter colony, but a most important cause lay in the activities of the Ohio Company, that great enterprise of speculation in land and trade with the Indians, which was formed after the Lancaster treaty.

35. Pennsylvania Colonial Records, 4: 652 ff.

36. Alvord, Illinois Country, p. 187.

The two commissioners appointed by Governor Gooch of Virginia, to represent that colony were Thomas Lee, a member of the Council, and Colonel William Beverly, a member of the House of Burgesses.³⁷ Beverly was and had been for several years engaged in vast speculative enterprises in the valley, while Lee was to become one of the promoters of the Ohio Company, formed undoubtedly as a result of this Lancaster conference. Among other representatives of Virginia were the names of men who soon became prominent in the many speculative enterprises west of the Alleghanies; Colonel James Patton was also present, and deeply interested because of his ungranted petition for land west of the mountains.

In spite of the claims of the Indians, at the beginning of the Conference, that the occupation of their lands was a violation of the treaty of Albany and their refusal to move farther to the westward, by skillful handling they were eventually persuaded to yield to the English more than those worthies could have hoped for at first. The Maryland boundary was adjusted satisfactorily after the presentation of a gift. To Virginia, for goods and money amounting to £ 400, current money of Pennsylvania, the Indians gave a deed, renouncing and disclaiming "not only all the Right of the said Six Nations", but they also agreed to "recognize and acknowledge the Right and Title of our Sovereign the King of Great Britain to all

37. Treaty of Lancaster, in Virginia Magazine, 18: 396-7.

the Land within the said Colony as it is now or hereafter may be peopled and bounded by his said Majesty, our Sovereign Lord the King and his Heirs" etc.³⁸

This indefinite grant upon which the speculators based their claims, seems to have been the result of fraud and deception on the part of the Virginians or a misunderstanding on the part of the Indians. The latter was very possible, for since the Six Nations had conquered most of the tribes of the Ohio, they claimed their land. They had never relinquished any of the land beyond the mountains to the English and therefore would have no reason for thinking that the Virginians claimed the territory west of their colony to the ocean. The Indians naturally supposed the claim of the English ended at the Alleghanies. When they learned that the Virginians interpreted the treaty as containing a cession of land for settlement, far to the west of the mountains, they protested. Although³⁹ at Loggstown in 1752, part of them confirmed this treaty, the Six Nations, as a whole, remained dissatisfied with it, until a new treaty for this territory was made in 1768 at Fort Stanevix, which superceded all previous agreements.⁴⁰

38. Ibid. 13: 141 - 2.

39. Ibid. 13: 143 - 164. Minutes of Treaty of Loggstown.

40. Ibid. 13: 23 - 27. Treaty of Fort Stanevix.

In the many pamphlets written for the Vandalia scheme,⁴¹ this treaty received rough usage, for it was to the advantage of these later speculators to disprove the claims of the Virginia companies. One writer maintained that the treaty "from its very generality is certainly void. It has no certain bounds, which all deeds from the Indians have, that are made on fair and honorable grounds." It was further agreed that, "it will appear by the subsequent conferences with the Six Nations, that they were either deceived by the commissioners, or the Interpreters who explained their speeches to them, and that they never intended to sell any lands westward of the Alleghany Mountains", but only such lands "as were⁴² in the occupation of some people of Virginia".

Most Virginians asserted the validity of the treaty and used it later as an additional proof of Virginia's claims

41. The Vandalia Company was promoted by Samuel Wharton, Thomas Walpole, Benjamin Franklin, and others. A petition for a grant of land in the Illinois country had been laid before the Board of Trade in 1768, but after the establishment of the Indian boundary line at Fort Stanwix, the scheme was reorganized. A new petition was entered for 2,500,000 acres on the upper Ohio in the territory claimed by Virginia, and where the Ohio Company and other speculators were attempting to operate. Many pamphlets were written in the interest of this scheme, which was also known as the Greater Ohio Company. In spite of the powerful political influence behind this Company, the grant was not confirmed until so late that further action was checked by the outbreak of the Revolution. See Alvord, Mississippi Valley, 2: 116 ff. and Acts of Privy Council, 5: 208 - 210.
42. Wharton, Plain Facts, p. 38 and p. 152.

in the West. Whatever the justice of the claims of either party, the immediate effect was all that could be desired by the most zealous speculator, for all restriction to settlement in the country west of the Alleghanies was removed and grants were made in a more lavish manner than ever before, involving not merely one hundred, but several hundred thousands of acres; instead of mere partnerships to launch these schemes, large companies, with members in other colonies and in England, were formed; some of these companies proposed not only to settle the land, but to promote trade with the Indians. Thus with the Treaty of Lancaster, the activities of the Virginians on the Ohio, so momentous in the settlement of the west, were launched.

Long before war was actually declared between France and England in Europe, the colonies of each of these countries in America had become very suspicious of the activities of their rivals in trading with the natives of the Ohio Valley.⁴³ From Pennsylvania, traders were penetrating farther and farther to the West and were winning favor with their customers by reporting to the government the complaints of the Indians against the encroachments of the English on their lands.⁴⁴ At this time the French had established closer relations with the Indians than had the English, for they had monopolized the trade before the Pennsylvanians entered the field. The latter realized this and since

43. Virginia Magazine, 30: 207. Bienville's letter on the capture of Howard, also statements in Lancaster Treaty, Colden, History of the Five Nations, 2: 51-53.

44. Pennsylvania Colonial Records, 4: 630 ff.

the hostility of the Indians hindered trade, the protests of the traders at the causes which antagonized the Indians influenced the colonial administration of Pennsylvania. This situation largely explains the zeal of the governor of that state, in establishing peaceful relations between the Colonies and the Indians. Perhaps the claims of the English to the Ohio entered in slightly, but the immediate problems of protection of colonial interests loomed larger. From the point of view of securing the Indians friendship, the Treaty of Lancaster was as successful as from that of gaining additional territory. The Indians agreed to the Governor's plea, "not to suffer the French or any of the Indians in alliance with them to march through your country, to disturb any of our Settlements and that you will give us the earliest and best intelligence of any designs that may be formed by them to our Disadvantage, as we promise to do of any that may be to yours".⁴⁵ The Six Nations promised even more. As they exercised authority over the tribes of the Ohio in alliance with the French, they were using their influence to break that alliance and had been partially successful. "We have put the Spirit of Antipathy against the French in those people."⁴⁶

There was a very noticeable change in the attitude of the Ohio Indians toward the French, from that year, for which other causes than this treaty also contributed. War was declared between France and England. The former found it increasingly

45. Colden, History of the Five Nations, 2: 101.

46. Ibid. p. 108.

difficult to elude the English fleet in order to send supplies to her colonies. The French traders suffered and were unable either to win back their former allies or hold the few remaining ones.⁴⁷ The opportunity here was enormous and Conrad Weiser and George Croghan, greatest of the Pennsylvania traders, fully appreciated it, by pushing their trade far to the west and up to the shores of Lake Erie. In 1747 Croghan reported to the government that the Six Nations living on Lake Erie, formerly in the service of the French, had declared against them, and could be won to cut off the French in that region if presents were given by the English.⁴⁸ This method was used in 1748 to keep the favor of the Six Nations. They resented so bitterly the English claims to the west under the treaty of Lancaster; that this threatened to be a point of rupture between the Indians and English. As Virginia was interested in the Indian trade by 1748, Pennsylvania expected her to share the expense of keeping the good will of the Indians and asked her to contribute a gift. Members of the Council of Virginia had received large grants in the territory in question and Thomas Lee was promoting a scheme to secure a tract of land lying farther in the Indian country than any previous grant. The Council, therefore, decided to send the present for the Indians.⁴⁹

47. Alvord, Illinois Country, p. 185.

48. Pennsylvania Archives 1: 742. Croghan to Peters, May 26, 1747.

49. Pennsylvania Colonial Records, 5: 221 - 222.

Speculation West of the Mountains in Southwestern Virginia
The Company of James Patton.

The first trans-Alleghany surveys and settlements were to the southwest of Virginia, the region long known to the traders and here the first speculators in lands of the western waters began their operations, which more successfully opened up this western country to settlement before the French and Indian War, than the schemes on the Ohio. Here the conflicting claims of the rival companies and also those between the independent settlers and the speculator arose and continued to come before the courts of Virginia for almost a century. However, about the time of Howard and Salley's expedition, John Mitchell in his "Remarks on the Journal of Batts and Fallam" stated that "a number of People petitioned the Governor of Virginia to grant them a settlement upon the River Mississippi itself, about the mouth of the River Ohio, which they offered to maintain and defend as well as to settle at their own charge, so well were all those Western Parts of Virginia then known and frequented by our People". The Governor refused to make the grant as he preferred that the settlements to the west should be contiguous to the colony and not be so widely separated. ⁵⁰ There is no further evidence that such a petition was ever presented and it seems rather doubtful if the Virginians did know the far west at that time, as well as Mitchell thought.

50. Fernow, Ohio Valley, pp. 230-241. Also printed in Alvord, Explorations of the Trans-Alleghany Regions, pp. 196-205.

But as early as 1743, James Patton, already mentioned here, entered a petition for 200,000 acres on three branches of the Mississippi, probably Wood River and "the other two to the westward thereof" as granted to him later; he proposed to settle one family for each 1000 acres and to pay "his Majesty's rights of all Fees".⁵¹ This may have been the petition referred to by Mitchell, although Patton recorded a different reason for the Governor's refusal to allow the grant. The council were inclined to make the grant, but were restrained by the same scruples which later caused them to refer the first petition of Thomas Lee to the Crown; for they did not know "how the government at home would approve of this granting Land on these Waters as it might occasion a Dispute Betwixt them and the French who claimed a right to the Land on these Waters, and as the distance was so great from any part of the Atlantic Ocean, They could not conceive that any Benefit could arise to His Majesty's Revenues or to the strength of this Colony by an handfull of Poor People that might venture to settle on these Waters. But if a war broke out betwixt England and France they would then grant my Petition."⁵² If Patton's account is true, the declaration of war with France and the treaty with the Indians at Lancaster removed all obstacles from the unrestricted granting of western lands and allowed the extensive speculation in land west of the Alleghanies. For by 1744 the speculators were ready and eager to venture beyond

51. Draper Mss. 1q75. James Patton to John Blair, January, 1753.

52. Ibid.

the mountains.

Patton tried to oppose these arguments and to show the Council that the territory involved was a great distance from any French settlement and that as others would undoubtedly follow his scheme, a "useful Barrier might be there in time between the French, French Indians and Virginians and that these settlements would increase the Royal Revenues!" As Patton claimed to have "Discovered at vast **expence**" this land, he asked to have his petition recorded on the Council books so that he might be given preference when other claims were presented, and not lose the benefits of his efforts in opening up this country. This was done and in 1745 he was summoned before the council and granted, among others, 100,000 acres on the waters he desired. Apparently all scruples of the Council had vanished regarding grants to the west, for the first grant listed was for 100,000 acres to John Robinson, a prominent member of the Council, and others, on Greenbriar River "N^OW⁺" and West of Cow Pasture and New Foundland". Another company received 50,000 acres in the same region. These three grants were all made on April 26, 1745, and from then on many other grants were made, not only in this region but also to the North.

Patton was told at this time that as soon as he had fulfilled his promise of settling his first grant, he would be allowed the second 100,000 acres, which he had first petitioned for,⁵⁴ It would seem that he lost no time in starting his work;

53. Ibid. also Virginia Magazine, 5: 175.

54. Ibid. and Calendar of Preston Papers, p. 7. Patton to _____ January, 1753.

for Colonel John Buchanon, who together with James Wood, George Robinson, and fifteen others were partners of Patton in promoting this enterprise, started out in October of that year to Wood's River. It was on this trip that Buchanon visited Peter Salley⁵⁵ and copied extracts from his journal.

By the fall of the next year this company had established the conditions and rates for the sale of their lands. They made the terms of their sale such that the settlers had to improve the lands within the time allowed the Company. Thus the Company hoped to fulfill the terms of their grant and secure the second grant of 100,000 acres at the end of the time allowed. The price, if bought between October, 1746 and the following May was £4,5 current money, for 100 acres; 25 shillings for each 100 acres was to be paid down the first of May, 1748 and the remainder was due April 1, 1749. Furthermore, all purchasers had to "Settle, Cultivate, Improve, and Be Dwelling on Their Land Before the fifteenth Day of April 1748" or forfeit their lands and the 25 shillings paid on their taking up the land to Colonel John Buchanon, the agent of the Company. Regulations were also laid down regarding the sale of the tracts by the purchasers from the Company, and the marking of the tracts in order that confusion and conflict over the claims might be avoided. A sub-agent was

55. See note on Buchanon's Memorandum, p. 9, note 19. Also Draper MSS. 1QQ 57-58, Articles of Agreement between Patton, Wood, Buchanon, and Robinson, October 10, 1746, for sale of lands of their grant.

also appointed who was to ride through the country and show the lands, providing that the prospective purchasers paid him "for his Trouble only".⁵⁶

This Company was one of the most active and effective, for it was one of the few recorded on the Council records as having been surveyed and patented. Thomas Nelson, acting governor, in 1770 wrote to Hillsborough that this and the Loyal Company were the only speculators of the many, that had met their conditions.⁵⁷ However, in order to do this, they had to petition, in 1749, for an extension of time. The grant was renewed with two years' additional time, July 11 when the grants of the Robinson and Downs Companies were also renewed, with an extension of time. It is interesting that the petition was entered under the names of John Taylor, William Parks, and James Wood instead of that of Patton; perhaps to divert attention from Patton's activities,⁵⁸ for he seems to have aroused considerable antagonism. Settlers had entered this region, for a petition was filed by these settlers to have a road opened from the East to Woods River at the mouth of Little River in the same year,⁵⁹ but it is impossible to ascertain to what extent the activity of the company had caused these settlements.

56. Draper MSS. 1QQ 57-58.

57. Journals of House of Burgesses, 1770 - 1772, p.XXII, XXIV.

58. Virginia Magazine, 5: 177. A note was made in the record that this grant to Taylor was the same as the earlier one to Patton. Calendar of Preston Papers, p. 5. Order of Council, July 11, 1749

59. Chalkley, Abstracts of Augusta County Records, 2: 434.

Patton was a man of importance in the county; his name appears on the list of the first justices of Augusta County in 1745.⁶⁰ He had been collector of duties upon skins and furs and Colonel of Augusta militia and finally in 1752 he was appointed lieutenant of Augusta County and commander in chief of the militia of that county by Dinwiddie.⁶¹ While not an official delegate to the treaty of Lancaster, he was present and undoubtedly much interested, since he had already entered a petition for some of the western land.⁶² In 1751 he was sent out by the Virginia Government to invite the Indians to the Conference at Loggstown and appointed a commissioner to this conference by Dinwiddie,⁶³ when hostilities actually broke out he was commissioned by Dinwiddie to enlist fifty men as Rangers.⁶⁴ His activities in politics, affairs with the Indians, and western speculation are typical of many of the greatest speculators of this early period, especially in the southwest. The lives of the three Lewises, Thomas Walker, and others also reveal the close relation between government and speculative ventures in land. A characteristic of these southern speculative schemes was that the most active promoters were western men or men who had themselves traveled in the territory which they were exploiting.

60. Ibid. 1: 1

61. Calendar of Preston Papers, pp. 1,-2,-6.

62. Virginia Magazine, 18:396. His part in the trouble with the Indians has already been discussed in connection with Lancaster Treaty.

63. Dinwiddie Papers, 1:9,-10 also Virginia Magazine, 13: 143.

64. Dinwiddie Papers, 2: 93.

Either Patton's success or his aggressive activities,⁶⁵ for he seems to have journeyed frequently beyond the frontier, aroused the antagonism of the other speculators. Thomas Cresap, the agent of the Ohio Company, was afraid that Patton was opposing the operations of that Company, just before the treaty at Loggstown, and warned Dinwiddie. The Ohio Company evidently decided that Patton's operations, whether deliberately directed against them or not, were dangerous. In 1753 Patton faced the ruin of his plans by the caveat entered against him by John Mercer of the Ohio Company. This would prevent Patton's securing patents for the surveys made of his grant. At the same time the Loyal Company seized this opportunity of ruining him and also entered a caveat against him. Patton had already met the requirements of his grant and sealed one hundred families there. He had returned the plans to the secretary's office,⁶⁶ but the patents lay unsigned when the war broke out, so evidently the caveats of these rival companies were partially effective.⁶⁷ Patton was determined to fight for his lands and accordingly laid his case before John Blair, of the Council, who was also interested in speculation, but not in the area of Patton's operations. In this letter, Patton complained of the effect of these caveats upon the settlers; stating no better scheme could have been devised for checking settlement on the frontier, as it alarmed everyone by the danger of losing his purchase through illegal title. Furthermore, he thought

65. Calendar of Preston Papers, p.7. Patton to _____ January, 1753.

66. Draper MSS. 1QQ 75.

67. Calendar of Legislative Petitions, 1: 136-137. Petition of Wm. Preston, Wm. Thompson, Executors of James Patton, October 28, 1778.

that the Ohio Company's tract would not interfere with his. In order to secure peaceful relations with the Loyal Company, he was willing, if he was not allowed to survey his second 100,000 acres before the grant to the Loyal Company was renewed, to show them "a much larger Quantity than they want" if they had "fallen into a mistaken Notion that they cannot get their Quantity of Good Land when I am served"⁶⁸. Patton realized the necessity of amicable relations between the speculators, if they were to prosper. The great companies were not liked and any disputes which would unsettle the titles to the land, would increase the uneasiness of the purchasers from the Company and also the opposition of the independent settler. These caveats undoubtedly checked the settlement of the west to some extent and did much to arouse the opposition to the speculation in land.

Before Patton had secured his claims the Indian raids on the frontier checked all western expansion. These raids were the precursors of the French and Indian War which in spite of the friendship of the Cherokee for the English, pushed all settlements east of the mountains. Patton was one of the first to suffer from the raids of the Indians, for he had moved his home to the frontier, on a branch of Wood's River⁶⁹. As he had even more at stake in this region than his home, he was among the leaders in the defense of the frontier. In an expedition to convey supplies to a fort on the Greenbriar he was killed by the Indians in July, 1755.⁷⁰ The executors of his estate tried for

68. Draper MSS. 1QQ 75.

69. Calendar of Virginia Papers, 1: 249.

70. Dinwiddie Papers, 2: 152.

years to secure the patents for his land. ⁷¹ So passed the earliest and one of the greatest figures in the opening of the southwest. His death, due to the War, and the blight upon his plans, from the same cause, typify the fate of many of these early adventurers who contributed to the greater good, but received little recompense for their efforts. ⁷²

Of all the companies, granted land in 1745, Patton's accomplished the most and apparently affected the actions of others accordingly. The grant to Henry Downs for 50,000 acres, in spite of a renewal, by the Council, accomplished nothing. John Robinson started his survey and sold some of his lands. This much is recorded in the lawsuits which arose later over titles, but from the few references to this grant it apparently attracted little antagonism. It was later reorganized and as the Greenbriar Company proved much more effective. ⁷³ But with the Royal Instructions for the grant to the Ohio Company in 1749, came another flurry of speculation and grants of greater size and at a greater distance from the settlements were made. Peyton Randolph, a member of the House of Burgesses, and seventeen others, secured a grant of 400,000 acres in "one or more surveys lying on New River commonly called Wood's River, and the waters thereof". ⁷⁴ Whether because

71. Calendar of Legislative Petitions, 1: 136-137.
 72. In spite of the sale of his lands he seems to have made little profit. He was charged in 1750 with making over his estate to his heirs in order to escape his creditors. Calkley, Abstracts, 1: 310. Case of Patton vs. Cahoon.
 73. Later in this discussion it is shown that this project seems to have become the Greenbriar Company, one of the most important of Virginia speculations.
 74. Virginia Magazine, 5: 177. A full list of the members is given in the Appendix to the Case for the Petitioners. I.p. 1.

of the earlier claims in this region and the difficulty of ascertaining boundaries of these grant tracts, nothing seems to have been done to secure this tract and it, joined with the others which suffered the same fate, contributed to the increasing confusion in titles and the growing opposition to these large grants.

An instance of what appears to be the ignorance of some petitioners and the Council of the actual size of the western country and its geographical features is to be found in such grants as the following: "To Bern^d Moore and others 100,000 acres on the waters of the Mississippi River. Beginning at two trees marked P.T.G. standing in the Fork of a Branch of the said river known by the name of New River, and so down the said river and the waters of the said Mississippi River." ⁷⁵ As early as 1746 a grant had been made for "50,000 acres lying on the fork of Mississippi river and to run up and down both said forks and down said river (west of Ohio)" ⁷⁶; and at the time of this renewed activity of western promoters another grant for the same sized tract "beginning at Old Fort between Ohio and Mississippi rivers, running up the Western side of Ohio and Eastern side of Mississippi ⁷⁷ in one or surveys between s'd rivers. (west of Ohio)," was made. Whether these schemes were precursors of the schemes of the Mississippi Company and Wharton's first plan or whether they were hasty projects on a misconception of the location, a misuse of the

75. Ibid.

76. Ibid. Grant to Thomas Bassett and others.

77. Ibid. Grant to Wm. Winston, Jr., and others.

name, Mississippi, they played their part in swelling the enthusiasm for settlements beyond the mountains. No direct evidence of any concrete result from these grants has been found.

The Loyal Company.

On that same day a grant was recorded which was to play a most important part in opening up this region and which was not only the largest made for twenty years but also proved to be one of the most successful of the speculations in western land. This grant, which was to influence the future western boundary of Virginia was recorded as unostentatiously as all the others of lesser note; "to Jno. Lewis, Esq. & others, 800,000 in one or more surveys beginning on the Bounds between this Colony and North Carolina and running to the westward and to the north so as to include the said quantity"⁷⁸. This has been called Lewis's grant, but the official name for this group of thirty-seven members was the Loyal Company.⁷⁹ Thomas Walker was probably, with Lewis, the foremost promoter for as agent of the company his name was prominent and his Journal of his trip west in the interests of the scheme became well known. Other prominent names included the Merriwethers, Thomas Lewis, Peter Jefferson, the father of Thomas Jefferson, and Joshua Fry, who with Jefferson made one of the early maps of the west. As in the case of the other grants the Company was allowed four years time in which to make the survey and pay the rights for their tract, after entering the plats in the secretary's office.

78. Ibid.

79. Wharton, Case for the Petitioners. Appendix I.p.1. List of members given.

Walker was employed in December 1749 "for a certain consideration to go to the Westward in order to discover a proper place for a Settlement", and accordingly set out the following March with five companions, through the southwest gap in the Alleghanies. This was not his first venture west of the Alleghanies, but he went much farther this time than on his trip in 1748, about which little is known. On the earlier trip and from his conversation then with Samuel Stalnaker, a backwoodsman, he acquired some information which was used undoubtedly, in organizing the Company. In 1750 Walker again encountered Stalnaker who had now settled on Holston's River and although the latter refused to accompany Walker he gave him a description of a route through Cumberland Gap and to the Ohio.⁸⁰ Whether Stalnaker had his information from the traders who used this route or whether he himself in his dealings and trade with the Indians had used it, is not known. Walker recounted coming upon tracks of bands of Indians, but since he evidenced no alarm, the Indians were still friendly to the English. Upon reaching the Cumberland River at Patterson's Creek, Walker left some of the party with several horses, lamed during the trip. These men were instructed to build a cabin, while they waited. This may have been intended as the evidence of an improvement by the Company. It was, at any rate, the first house built in the present state of Kentucky, nearly⁸¹ twenty years before the explorations of Daniel Boone.

With Walker, as manager, and William English or Ingles, as his agent, the Company's affairs were promoted as rapidly as

80. Journal of Walker, pp. 42 - 44.

81. Ibid.

possible, but they, too, encountered the opposition of the Ohio Company and their surveys were delayed because of a caveat against them entered by that Company.⁸² But with John Lewis on the Council and other influential members, the Company did not cease to prosper. They, in turn, were fearful of Patton's company and tried to block their operations. On account of these delays they were allowed in June 1753, an additional four years in which to meet their conditions.⁸³ After this the scheme was promoted more actively. Walker was empowered "to survey any of the said land in small parcels, and sell the same to settlers, at the rate of £ 3 per one hundred acres, over and above the expence of surveyors fees and rights." As the surveyors fees were estimated at the rate of £ 3.2.6 for each survey, unless the purchaser bought a large tract, this price was nearly twice that first offered by Patton. Smaller tracts could be procured and credit allowed at the rate of five per cent interest. The terms were apparently popular for before the end of 1754, the Company asserted they had sold lands to two hundred families, actually settled on these lands.⁸⁴ There is no evidence that attempts were made to bring settlers from Europe, but the terms of purchase were "published through the states of America".

82. Call, Virginia Reports, 4: 25 - and Leigh, Revised Statutes, 5: 627.

83. Leigh, Revised, Statutes, 5: 629. Defendant of Company stated that 973 surveys by the company involved 300,00 acres of land; this was scattered over more than 5,000,000 acres. This was probably the extent of the surveys by the company in 1783.

84. Ibid. 5: 627.

Many years later the Company asserted that they could have completed their whole survey in the time allotted, if it had not been for the Indian War which stopped their progress and "drove all of the greater part of the settlers from lands surveyed and sold them."⁸⁵ Probably this desertion of the lands was one cause for the many conflicting claims which came before the county courts years after the Revolution. From the various depositions made in these cases, it appears that no sales by the Loyal Company were made before 1753 and the usual size of the tracts surveyed was about two or three hundred acres.⁸⁶ In at least one instance men hunting in the wilderness beyond the mountains selected desirable plots and had them surveyed under the Company.⁸⁷ The number of such surveys is not an altogether true indication of the extent to which the land was actually improved or settled. Sometimes the purchaser was a speculator, also, on a small scale, and hired someone to erect a cabin and live on his tract to mark the claim.⁸⁸

From 1749 to 1754, when the outbreak of the trouble with the French prevented the formulation of any new schemes, at least ten new grants were made by the Council; in addition, old grants were renewed and larger tracts were added to some of those granted before, so that in all, several million acres had been granted west of the Alleghanies.⁸⁹ Names of members of the Council and House of Burgesses still appeared, and often those interested in one company ventured into some new scheme. The amount of spec-

85. Call, Virginia Reports, 4: 25.

86. Chalkley, Abstracts, 2: 61, 62. Cases over titles to lands.

87. Ibid. p. 124. Taylor vs. Harmon.

88. Ibid.

89. Virginia Magazine, 5: 177 - 179.

ulation in this southwestern region was very great. In addition to vast projects of large companies, the speculators also formed smaller enterprises and plunged less heavily. The fever reached people in all walks of life, the financier, the merchant, doctor, frontiersman, and even the clergy. One of these smaller speculative schemes which contained names prominent in larger enterprises was that which Thomas Jefferson and Thomas Walker promoted and after the Revolution attempted to have recognized by the Virginia assembly.⁹⁰ In May, 1748, a grant of 10,000 acres had been made to Ashford Hughes and others. Not long after, Peter Jefferson, Thomas Walker, and two of the Merriwethers purchased this land and in 1753 began to survey it. The war blocked their work, but later Walker pushed the surveying actively⁹¹ and finally Thomas Jefferson, who had inherited his father's share joined with Walker in petitioning to have their claims recognized.

Out of the many grants made between 1749 and 1754, only one was apparently promoted with much success. To the Greenbriar Company, on October 29, 1751 was granted 100,000 acres "lying on Greenbriar River northwest and west of the Cowpasture, and Newfoundland," with the usual term of four years for fulfilling the conditions of settling the land.⁹² It is peculiar that the territory designated in this grant was described in the very words of the grant of John Robinson in 1745. Since practically no detailed records of this company are available, it is impossible to ascertain the exact relation. This similarity in the wording of

90. Calendar of Legislative Petitions, 1: 25.

91. Draper MSS. 5QQ6. Walker, to _____, August, 1779

92. Call, Virginia Reports, 4: 27.

the grants indicates that the Greenbriar Company was the successor of the earlier project. In his "Memoirs of the Indian Wars," Colonel John Stuart said that the Greenbriar Company consisted of twelve members, including John Robinson, Thomas Nelson, John Lewis⁹³ and his sons. The agent for the Company was Andrew Lewis, who⁹⁴ in 1751 began the surveys. This scheme was promoted most actively⁹⁵ By 1754, Lewis is reported to have surveyed 50,000 acres. His expedition into the west to locate lands for the Company has survived as one of the few records of the Companies activities. This company as well as the Loyal Company was very influential in Virginia colonial politics. Undoubtedly Lewis and Walker were largely responsible for the sudden opposition in Virginia to the western boundary of that colony as settled at Hard Labour, by Stuart, the agent for Indian affairs in the southern department. Later, the claims of these companies were recognized by Dunmore in a proclamation which protected their surveys⁹⁶ and in 1783 the Supreme Court of Virginia and Legislative Assembly also decided that all⁹⁷ surveys made by these companies before 1776 were to be confirmed. The final success of these Companies, when other enterprises failed suggests unusual political power.

93. Biennial Report of West Virginia, 1: 196. These Memoirs not available, quoted.
94. Andrew Lewis became famous for his services in the French and Indian War and also in Lord Dinmore's War, 1774.
95. Call, Virginia Reports, 4:27. A list of the sales was laid before the Supreme Court of Virginia in the case of the Loyal and Greenbriar Companies, 1783. These lists have not been printed, if they still exist; but they would throw much light on the activities of these companies.
96. Call, Virginia Reports, 4:26. Order of Dinmore and Council, December, 1773.
97. Journal of the House of Delegates 1781-1785, p. 32. Session of 1783.

But this political influence did not arouse Virginians to an active defense of the frontier against the Indian raids; and in spite of the active services of the speculators in building frontier forts and leading bands of rangers against the Indians, the settlers abandoned their new homes and the operations of the speculators were indefinitely postponed. At the outbreak of the war there were settlements west of the mountains on the Holston, New, and in the valleys of the Greenbriar. Some of these were the result of the work of the great companies just described, but Lewis and Walker have both left records of settlements made by independent backwoodsmen. Walker recorded visiting Stalnaker's new⁹⁸ plantation on the Holston in 1750 and the next year Lewis found Jacob Martin and Stephen Sewall settled on the Greenbriar near the present site of Marlinton, West Virginia, on land claimed by the⁹⁹ Greenbriar Company. These two may have been there for sometime, for Walker mentioned plantations on the Greenbriar, although he did not visit them. On Lewis Evan's map of 1755 the two most western settlements indicated, were Stalnacker's on the Holston,¹⁰⁰ and a settlement on the Greenbriar. It is interesting to note that the movement of the independent settler preceded the speculator into this region and established rival claims for the lands. Furthermore, the most western settlement was made by Stalnacker who was not a purchaser from any company. Here is shown that rivalry which ended in the defeat of the speculator after he had advertised his discovery and aroused enthusiasm. His activities hurried on the western movement at a rate which the unknown movements of such men as Sewall and Stalnacker could never have done.

98. Walker's Journal..p. 41.

99. Biennial Reports of West Virginia, 1:17.

100. Hanna, Wilderness Trail, 2:144. Lewis Evans's Map of 1755 with

Powalls additions 1775 reproduced.

The Ohio Company, Organization.

While the southwestern speculators were more quietly promoting their schemes in the West, a great speculative company, to the north on the forks of the Ohio, was formed soon after the Treaty of Lancaster. This great project attracted much attention and with its powerful support in England and in the colonial government of Virginia, threatened to eclipse all other enterprises.

With such men as Thomas Lee, William Beverly, and James Patton, already deeply interested in land speculation, meeting the Indian traders with their reports of the extensive trade at Lancaster, it is not strange that the Virginians immediately afterwards entered upon schemes of exploiting the West, greater than any of their predecessors. This contact enlightened the Virginians as to the opportunities in trade with the Indians as well as in speculation in land in the Ohio Valley. The formation of the Ohio Company with its two lines of enterprise was undoubtedly a direct result of Thomas Lee's experience at Lancaster, for he was perhaps the most active of the early promoters of the Company.

On October 27, 1747 the following petition was entered in the records of the executive council of Virginia. "Thomas Lee, Esq., and Eleven others, for 200,000 acres to be laid out from ye Branch called Kiskomanett's and Buffalo Creeke on the south side of the River Allegany, and between the two creeks and the yellow creek on the north side and on the main River of Allegany als. Ohio." A note was made on the records that the petition had been presented and the consideration of it postponed. These few facts suggest a number

101. Virginia Magazine 18: 396-7.

102. Ibid. 5: 241. A list of early land grants and patents petitioned for in Virginia up to 1769 and preserved among the Washington

(continued on next page)

of most interesting problems; why did Lee delay in making his petition for land for so long a time after the Virginians considered that territory to have been opened up by the Indian cession at Lancaster? Other Virginians were not so slow; even fellow members on the Council procured grants as early as 1745, when the Council first made grants west of the Alleghanies. In November, another council member, John Blair received 100,000 acres on the waters of the Potomac and Youghgaighye.¹⁰³ All together, the clerk of the council recorded seven large grants as having been made before Lee presented his petition. It may be that in the meantime, surveys were being made to locate desirable tracts, for Lee's petition seems to give a more exact description of the location for the proposed grant than do most of the others. The indefiniteness of the boundaries of these early grants was a source of many conflicting claims between settlers, and rival speculators; and ambitious speculators and settlers of a later period complained bitterly over this condition.¹⁰⁴ The great distance of this proposed grant from the settlements, lends plausibility to this surmise; and the fact that an appeal was made to England to allow the grant, when the Council postponed it, suggests that the plan for the promotion of the Company's schemes was very definite and that particular tract was desired. Clearly this was no unpremeditated venture.

Papers has been published here. This list drawn up by the Clerk of the Council by the order of the Governor in 1769 is the only record extant of the grants by the Council from 1745-1769.

103. Ibid. 5: 175.

104. Fernow, Ohio Valley, pp.261-263. "Some Additions to the Accounts sent from Virginia concerning the Extent and Limits of that Colony, and the Encroachments that have been made upon it." Also Mississippi Valley Historical Review, 1:99-101. George Washington to his brother Charles, January 31, 1770.

Here a second problem is presented. Why is this the only grant until after 1752, which, according to the clerk's record, was postponed by the Council, while grants continued to be made, without delaying their consideration? Some light on this problem is seen in the correspondence between Governor Gooch and the Board of Trade; the reports of that body and the Committee of the Privy Council on this petition of Lee's. The petition was presented to the Virginia Council the last of October and its consideration postponed. On November 6, Governor Gooch wrote to the Board of Trade that he had received applications for grants of lands lying west of the Alleghanies, but that he did not think it proper to allow them without his Majesty's approval. ¹⁰⁵ In view of the fact that many large grants had been made, there must have been more than a scrupulous nicety about assuming undue authority. Apparently the Lords of Trade felt the same perplexity as to the motives for Gooch's referring this particular case to them; for after considering the letter and laying it before the Duke of Newcastle to be given to the King they replied, inquiring why, since the governor was allowed to make grants, had this grant been referred to the King. "In the meantime as His Majesty's Governor of Virginia is empowered by a Clause in his Commission to make Grants of Land to any Person or Persons provided that he take Care of the Reservation of the Quit Rents and for settling & cultivating the land agreeable to the several laws relating thereto, We desire you will acquaint us, as soon as possible, what Difficulties you are under with Respect to making such Grants as you mention, or what further Power may be necessary for that Purpose together with

105. Acts of Privy Council, Colonial Series, 4:55. Also in Fernow, Ohio Valley, p. 240.

an account on what Terms the Grants are desired & of the Nature & Situation of the Lands. ¹⁰⁶ Meanwhile the Committee of the Council for Plantations on February 23, 1748 took up the consideration of the question as to "whether it may be for His Majesty's Service and advantage of the said Colony to empower the said Lieutenant-Governor to make grants of lands to Persons in Partnership on the western side of the great Mountains as desired," and ordered a report from ¹⁰⁷ the Board of Trade on the subject.

Gooch's reason for his hesitation, according to his reply of June 16, was that he feared "such grants might possibly give some Umbrage to the French, especially when we are in hopes of entering ¹⁰⁸ into a Treaty for establishing a general peace". This may well have been the true reason, for the other grants allowed in the west did not border on the Ohio, or the area traded over by the French; most of them lay to the southwest. Nor did the Indians, with whom the French traded, penetrate into that southern territory, although it was claimed by the Six Nations. Gooch's supposition was, that the French either would not be antagonized by this extension of English settlement, or would not hear of this move until too late for the report to affect the peace negotiations. The grant in question, however, lay on the Ohio, almost in what had been the territory of the Indians formerly allied with the French. It is interesting to note that the colonials thought their relations with the Indians and French at this time of vast importance, but it is very doubtful if their activities on the Ohio would have affected the European

106. Fernow, Ohio Valley, pp. 242-243.

107. Ibid. pp. 241-242.

108. Ibid. pp. 242-244.

peace settlement. Gooch supported the plea of the company that they be allowed four years to make their surveys and pay their rights, stating that this concession was nothing unusual in the case of such large grants. He even gave a good word for them, by adding that as they planned to seat it with Strangers and build a Fort, they would need considerable time. ¹⁰⁹ Whether Gooch's scruples had been overruled by inducements from the company or whether he merely wished to shift responsibility in case complications with the French should arise, is not clear, but at any rate this letter was distinctly favorable to the petitioners and evidently had its weight with the Board of Trade. Their knowledge of this enterprise until January of the following year seems to have been based solely on Gooch's reports. Apparently not even the original petition reached them.

On September 2, 1748, the Board presented to the Privy Council a report favorable to the petitioners. That this body was not at all squeamish about "giving Umbrage" to the French is very evident from this report. As a special point in favor of the scheme, they presented the fact that trade with the Indians would be promoted and their friendship secured. Thus the French would be checked. The proposed location for the settlement would also interrupt the French communications between the Great Lakes and the Mississippi and would thus protect the colonies which were menaced by this French route. The Board at that time was very favorable to the expansion of the colonies beyond the mountains. "We cannot, therefor, but be of Opinion that all due Encouragement ought to be given to the extending the British settlements beyond the great Mountains and submit to your Lordships, whether it may not be advisable to empower

the said Lieutenant-Governor to make grants of Lands there to persons in Partnership as desired." The advantage of having a fort established at the expense of the Company was pointed out and the Board added that the maintenance of a garrison there, by the company should be a condition of the grant. This method of strengthening the frontiers would also be an incentive to other colonies.¹¹⁰ Thus, while embarking on a new colonial policy of definitely encouraging western expansion, the Board endeavored to throw as much of the burden of the protection of the frontier, as possible on the settlers and promoters. Furthermore, as they did not wish the Crown to lose any source of income from the exemption of quit rents in this area, they recommended that no one be allowed to move here from any section where quit rents were due, unless assurance was given of the continued payment of these fees on the former tract. For this reason they favored the introduction of "Strangers" into the new areas, as these new settlers would eventually be an additional source of income to the Crown.

Upon this recommendation the Council approved this plan and on November 24, 1748, ordered the Board to draft instructions for the Governor of Virginia to make the grant. These Instructions were drawn up on the basis of the report of the Board in September and submitted to Council, December 13, 1748.¹¹¹ Why then was not the grant to Lee allowed by the Council; why did his petition remain on the record books? In the manoeuvres which led to the grant recorded in the records of the Council of Virginia on July 12, 1749, may be found the answer. "To John Hanbury, of London, merchant, Thomas Lee, Esq.,

110. Ibid. pp. 244-248. Report of the Board of Trade.

111. Ibid. p. 248, also in Acts of Privy Council, 4: 55.

and others, 200,000 acres betwixt Ronsanettors (I fancy Kiscaminettos) and Buffalo Creek on the south side of the River Alleghany otherwise the Ohio, and betwixt the two creeks and the Yellow Creek on the north side of the river, or in such other Parts of the west of the great Mountains as shall be adjudged most proper by the Petitioners for making settlements thereon, on certain conditions, which being complied with they have leave to take up and survey 300,000 acres more under the like restrictions and conditions as for the first 200,000 acres, and adjoining thereto within the said limits." ¹¹²

This extensive petition was the successor of Lee's first attempt. It was the petition of the Ohio Company. Apparently Lee and his partners had not intended originally, to petition to England; their petition was presented in the regular way, but when it was held up and the matter referred to the Board of Trade, they decided that to secure their grant and perhaps greater privileges, they should bring their own case before the ministers. Accordingly, the scheme was reorganized and two new members included, at least one of whom was an Englishman, John Hanbury, long known in Virginia through his activities as a merchant, and well qualified to act as London agent to secure goods for the Indian trade. This change is shown from the statement of the first petition which mentioned twelve members, while the signers ¹¹³ of the petition to the Board were fourteen in number. Further-

112. Virginia Magazine, 5: 177.

113. Acts of Privy Council, 4:55-56. "Petition of John Hanbury of London, merchant; Thomas Lee, Esq., member of Council and judge of Supreme Court of Virginia; Thomas Nelson, member of Council; Col. Cressup; Col. Wm. Thornton; Wm. Nimmo;

(continued on next page)

more the records of the Ohio Company state that the Company was organized in 1748 by John Hanbury, Thomas Lee, and a number of others.¹¹⁴ The inclusion of Hanbury was a new move and evidently a wise one from the influence he seems to have been able to exert in England. That the Ohio Company grew out of the earlier scheme is stated in the report of the Board of Trade to the Committee. John Hanbury, himself, appeared before the Board to¹¹⁵ present his cause.

Operations of the Company to 1754.

In addition to this change in the personnel of the Company, efforts were made to build up a trade with the Indians. Even before the second petition had been sent to London, the members were sending agents to the Indians to prepare the way. They secured Maryland traders, since the Virginians traded little or not at all on the upper Ohio at this time. The Maryland and especially the Pennsylvania traders were active there, but the Virginians traded in the southwest.¹¹⁶ The Company evidently hoped by using Maryland traders to secure a partially developed trade, for they realized the inevitable rivalry which their activities on the Ohio would create with the aggressive Pennsylvanians.

Daniel Cressup; John Carlisle; Lawrence Washington; Augustus Washington; George Fairfax; Jacob Giles; Nathaniel Chapman; James Woodrup, Esq., and their associates."

114. Darlington, Christopher Gist's Journals, pp. 224-5. Record copied from the Mercer Papers of the Ohio Company.

115. Acts of Privy Council, 4:57.

116. Volwiler, George Croghan, MS. p. 20.

The Pennsylvania traders were soon aroused to the danger from the activities of the Virginians and bitterly resented the methods of the latter in winning the Indians. A letter of George Croghan's on the subject reveals the fact that two of the agents were Cresap and Parker.¹¹⁷ Two members of the Cresap family were in the Ohio Company, and Thomas Cresap was its agent; Hugh Parker became the factor of the Company when store-houses had been erected.¹¹⁸ Both of these men were well known traders who had penetrated west of the Ohio. Croghan reported that in the fall of 1748, these two had told the Indians that "Virginia was going to Settle a Branch of Ohio called Yougagain and that then they Wou'd Sup'ly'd ye Indians with goods Much Cheaper than they col'd be Suply'd from Pennsylvania!" Croghan asserted that the inducements offered by the agents did not have the desired effect. "It gave them an aversion to Mr. Parker, for the Indians Dos Nott Like to hear of their Lands being Settled over Allegany Mountains, and in particular by ye Virginians."¹¹⁹ In a letter of William Trent's, Parker's visit to the Kuskuskies, west of the Ohio is also mentioned. He, too, reported that the Maryland traders were not liked by the Indians, and Parker in particular was dislided. The Indians of this village even assaulted one of his men, mistaking him for Parker.¹²⁰ Apparently the early attempts of the agents were not altogether successful in this field of activity.

117. Pennsylvania Archives, 2: 31.

118. Darlington, Gist's Journals, p. 231.

119. Pennsylvania Archives, 2: 31.

120. Ibid. 2: 16-17. Trent to Peters, October 20, 1748 also printed in Hanna, Wilderness Trail, 1: 346-347.

These reports sent out by Parker and Cresap were the cause for the rumored expedition of the French down the Ohio, according to Croghan, when he received word from the governor of "ye French designe to hinder the English from making Settlements on Ohio". He, however, did not believe the French would come that way. He thought they would go by Lake Erie to the Wabash in order to recover some of the trade with the Twightwees and other western Indians. These Indians had been won over to the English by the Pennsylvania traders. ¹²¹ Croghan evidently felt, at this time that the French had more cause to be alarmed at the Pennsylvanians' absorption of the trade, than at the yet immature plans of colonization by the Virginians. In spite of Croghan's prediction, the French were more alarmed at the English plan for settlement and that very summer the rumored expedition of the French down the Ohio materialized. De Celeron, sent out by the Canadian Governor to establish once for all the French claim to this region, visited Loggstown and other Indian villages on the Ohio, used as trading posts by the Pennsylvanians. He ordered out the country all the English traders whom he met, buried lead plates which recorded the claim of France, and unsuccessfully ¹²² attempted to win again the favor of the Indians. At least one cause for this aggressive move of the French, after the Treaty of Aix-la-Chappelle had been signed, was the report which the French Governor received of the plan of the Virginians to set-

121. Pennsylvania Archives, 2: 31.

122. Parkman, Montcalm and Wolfe, 1: 43-53.

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tle on the Ohio. Although war was not declared again between these two countries until 1756, the expedition of de Celeron marked the beginning of a very definite effort on the part of both the British and French in America to secure for themselves the coveted area.

In England, meanwhile the affairs of the Company were progressing more satisfactorily. Either the favorable attitude of the ministry toward the petition referred by Gooch was unknown to the promoters, or what is more likely, that in view of this attitude, they wanted greater concessions, for they had enlarged their plans. On January 11, 1749, a petition from John Hanbury, Thomas Lee, and others for a grant of 500,000 acres, free from quit rents for ten years was received by the committee of the Council.¹²⁴ After due consideration this petition was referred to the Board of Trade February 9, with an order to report upon it, and to modify the Instructions to Gooch, drawn up December 13, since "their Lordships believe that the lands proposed to be granted by the said Instructions, are situated in the same place with those prayed for by the afore mentioned Petition of John Hanbury and others and may probably have some relation to each other."¹²⁵ On March 16, 1749,

123. Wharton, Plain Facts, pp. 56-57. An Indian chief, Half-King at the Treaty at Carlisle, Pennsylvania, September 1753 said, "The Governor of Virginia desired leave to build a strong house on the Ohio, which came to the ears of the Governor of Canada; this caused him to invade our country."

124. Acts of Privy Council, 4: 55 ff.

125. Fernow, Ohio Valley, p. 253.

the Board gave favorable report on the petition. This report was approved by the King and on the eighteenth instructions were sent to Gooch to make the grant.¹²⁶ On the twelfth of July of that year, Council of Virginia granted the petition.

The aims of the company as stated briefly in the petition were, the settlement of the land by transporting "Foreign Protestants" and the improvement and extension of the British trade with the Indians. As the expense of effecting these plans, and of erecting a fort and maintaining a garrison would be large, the Company petitioned for 500,000 acres to be granted in two terms, free of quit-rents for ten years. The first grant, of 200,000 acres was to be seated in seven years by one hundred families and on it a fort was to be built. When the conditions attached to the first grant had been complied with, the second grant of 300,000 acres adjoining the first, was to be allowed on the same terms as the first.¹²⁷ It would seem from this that the petitioners knew the terms upon which the Board and Council were going to allow the earlier petition, since they emphasized the settlement of foreigners and also volunteered to build and maintain the fort. From the report of the Board of Trade it is evident that all the best arguments for the scheme were skilfully presented. Hanbury evidently knew his subject and presented it well, for he obtained much better terms than had been granted the first petitioners; more territory, a term of exemption from quit

126. Acts of Privy Council, 4:55; also in Darlington, Christopher Gist, p. 226.

127. Fernow, Ohio Valley, pp.253-255; also in Acts of Privy Council, 4:55 - 58.

rents of ten years instead of four and in addition, quit rents would then be due only on the land actually settled. From the favorable attitude of the British Government it is clear that the Ohio Company had at this time and later, the interest and support of very influential men.

The reasons suggested by the Council for the endorsement of the scheme reflect the colonial policy of the time. Since goods could be transported up the Potomac and over "one small Ridge of Mountains, easily passable by Land Carriage," trade with the Indians would be easy and profitable, and might extend far down the Ohio and to the Lakes. Furthermore the Indians in these regions were for the most part now in an alliance with the English and desired to procure goods from Virginia "as they inclined to trade solely with your Majesty's Subjects". Thus a great opportunity was offered for establishing the security of the colonies by cementing the alliance with the Indians. This demand for English goods by the Indians would "greatly promote the Consumption of our own British Manufactures, enlarge our Commerce, increase our Shipping and Navigation". In this seems evident the machinations of Hanbury, the merchant, for this conception of the colonies as a market for the goods of the mother country was that of the merchants; and it greatly influenced the colonial policy of the various ministries in the years following. Other considerations were that this tract, well settled would become the strongest frontier in America and "in a short space of time very considerably increase your Majesty's Revenue of Quit Rents" and finally

"that such Settlements may likewise be a proper Step toward disappointing the views and checking the encroachments of the French by interrupting part of the communication from their Lodgements upon the great Lakes to the River Mississippi".¹²⁸

With such glowing hopes for the advancement of the prestige and power of England, through the activities of the Ohio Company, was this scheme launched, and although some of these ambitions were realized, yet in the end, the enterprise became like the boomerang in the hands of one unskilled in its use, and turned back with disastrous effect upon the government, which sent it forth.

No indication was given as to whether the Board of Trade planned to have a separate government established west of the mountains, through the agency of the Ohio Company, or whether they simply assumed that this settlement was merely an extension of the colony of Virginia. The latter interpretation is sustained by the fact that the petitioners put forward the Lancaster Treaty as the basis for the legality of the settlement of this region, and the cession of land in this treaty had been to Virginia. This was accepted by the Committee of the Council in their report. No doubt, ignorance of the geography of the interior misled them as to the actual distance from the seat of government in Virginia and the difficulties which would result therefrom. Apparently this consideration did not present itself as a problem to the members of the Company. The whole scheme was perhaps too

128. Fernow, Ohio Valley, pp. 248-253. Order of the Committee in Council to the Lords of Trade, February 9, 1749.

new and the region too little known to have such problems appear. Later speculators, however, profited by the difficulties of the first venturers. Benjamin Franklin and Thomas Walpole, in promoting the Vandalia Scheme, begun in 1768, seized upon this weakness in the earlier ventures as an argument for their plan, which provided for a government. For by that time the disorder in the settlements west of the mountains had demonstrated the serious-
¹²⁹ness of the problem. Later when the Ohio Company, struggling for its life against the powerful Vandalia Scheme, had sent George Mercer to London to promote and protect its interests, he was not willing to assume the responsibility of saying that it would set up a government, when so questioned by the ministry, even
¹³⁰though he realized the importance of that question. Even in the early days of its history, a very close relation existed between the activities of the company and those of the government. In fact, with members on the Council and in the Governor's mansion, for Dinwiddie joined before he left England or soon after his
¹³¹arrival, the company practically controlled the government, except for the House of Burgesses, which always tended to be a trifle unruly. The Company, then, with the resources of Virginia to call upon would have no reason for assuming the additional

129. Canadian Archives Reports, 1889, p 73. Banquet to Cresap, September 12, 1760.

130. William and Mary Quarterly, 1: 200. George Mercer to the Ohio Company, November 21, 1767.

131. Sparks, Washington, 2: 481-482. Dinwiddie to Lawrence Washington.

responsibility and expense of maintaining a separate government. From the beginning of his administration, Dinwiddie, while acting officially in the name of the colony, called out troops to protect the frontier and held conferences with the Indians, in reality acting in behalf of the Ohio Company.

Apparently the Company had every thing to contribute to its success; the favor of the ministry in England, the support of the Council in Virginia. The latter saw to it that no infringements were made upon the prospective domain of the Company. Burk wrote of the Assembly of 1749-50 "that the measures of this administration were few and unimportant. Surveyors were permitted to measure and locate lands on the other side of the mountains, provided they did not interfere with the grants to the Ohio Company."¹³² In the conditions attached to several petitions made during the next few years, similar stipulations are found in such phrases as; - "not to interfere with the grant already made to the Ohio Company" - and, - "at the Ohio Company's grant or entries, not to interfere with the same".¹³³ No other grants were thus protected. This grant, because of its royal confirmation and its strategic location achieved all the desired publicity for guarding its land. In fact, its very fame contributed to the failure of the project, whereas other companies, one even involving almost twice the amount of territory, worked more quietly, but with much more success and profit to their members.¹³⁴ But in the Ohio Valley, the intercross-

132. Burk, History of Virginia, 3: 139.

133. Virginia Magazine, 5: 241.

134. The Loyal Company with a grant of 800,000 acres, had its surveys confirmed by the Assembly of Virginia in 1783.

ing of many interests, those of the French, the Indians, and the Pennsylvanians with the Virginians presented so many obstacles, it is little wonder that from the beginning of its operations on American soil, the Company was balked at every turn.

The Company lost no time in putting their project into operation for as soon as Gooch had acted upon royal instructions and allowed the grant, a meeting was held and Hanbury was ordered to ship the goods necessary for carrying on trade with the Indians.¹³⁵ Meanwhile a party was sent out to locate a place to build a factory for the reception of the goods and in September surveyors¹³⁶ were sent to the lands beyond the mountains. But even at this early date the company met opposition, for those very Indians who, they said, had encouraged them at first, "had been persuaded to believe, that our design was to ruin, not trade with them, and such a spirit of jealousy is raised among them y^t without a treaty and presents we shall not be able to doe anything with them, this was not the case when the Ohio Company petitioned."¹³⁷ This gives further evidence of the activities of the agents of the company among the Indians before the grant was made; but the report of the Virginians as to the reception by the Indians differed radically from that of the Pennsylvanian traders.

The Virginia promoters blamed the Pennsylvania traders for this unfriendly attitude of the Indians. President Lee found

135. Fernow, Ohio Valley, p. 258. Lee to the Board of Trade, October 18, 1749.

136. Darlington, Gist's Journals, Second Petition of the Ohio Company, pp.226, ff.

137. Fernow, Ohio Valley, pp. 258-260.

the situation so serious that in November, 1749 he complained to Governor Hamilton of Pennsylvania, of the "insidious behavior, as I am informed of some traders from your Province, tending to disturb the peace of this Colony, and to alienate the affections of the Indians from us." After reviewing the purpose of the grant to the Ohio Company, which was to win the Indians from the French, by trading with them, he continued, "But your Traders have prevailed with the Indians on the Ohio to believe that the Fort is to be a bridle for them; and that the Roads which the Company are to make, are to let in the Catawbas upon them to destroy them; and the Indians naturally jealous, are so possessed with the truth of these insinuations that they threaten our agents, if they survey or make these Roads that they had given leave to make."¹³⁸ In this letter and an earlier one to the Board of Trade he said that under these circumstances it was practically impossible to go ahead with the plans. Dinwiddie also entered his protest, a little latter, with the Governor of Pennsylvania.

Aside from any natural rivalry resulting from the penetration of a new, powerful, and well organized company into the territory worked by individual traders, only slightly and spasmodically supported by the government, the action of the Virginia Company's agents increased this competition almost to fever heat, so that Volwiler in his study of George Croghan asserts that if it had not been for the interposition of the French, the rivalry between Virginia and Pennsylvania would have developed into a bitter controversy.¹³⁹ In spite of Lee's selfrighteous extolling of the

138. Hanna, Wilderness Trail, 2:320. Lee to Hamilton, November, 1749.

139. Volwiler, George Croghan, MS. p. 20.

"laudable design" of the Ohio Company, that Company which in his words was, "by far, open trade to engage the Indians in affection to his Majesty's subjects," it is evident from the complaints of various Pennsylvania traders that its agents, in the years 1748-9 before and after the grant was made, were attempting to underbid the Pennsylvanians and win the Indian trade for themselves. That in 1749, Colonel Thomas Cresap, the agent for the company was directing such enterprises is shown in the following incident related to Secretary Richard Peters of Pennsylvania by two Seneca Indians. "Last fall Barny Carrant, a hired man of Mr. Parker, brought them a message from Cressap, to let them know that he had a quantity of goods, and from the true love that he bore the Indians, he gave them . . . an invitation to come and see him (at his post on site of Oldtown, Maryland); that he intended to let them have his goods at a low rate - much cheaper than the Pennsylvania traders sold them;" Then followed some of the prices he offered and an indictment of the way the Pennsylvanians cheated the Indians. ¹⁴⁰ Perhaps these methods were not authorized or known by the Company proper, but the effect upon the Indians and traders was the same. The Company received the full credit and were consequently handicapped by this hostility.

Another problem arose at this time which was to harass not only the Ohio Company and endanger the validity of the grant, but to continue as a source of friction between the colonies of Pennsylvania and Virginia; that was the extent of the former province toward the Ohio. This boundary had never been definitely

140. Hanna, Wilderness Trail, 1:319-320. Report of Secretary Peters of Pennsylvania.

ascertained and apparently was of no interest until the grant was made to the Ohio Company. Then Governor Hamilton, by correspondence with the Governor of Maryland, attempted to have the line surveyed, for he believed the grant included part of the province of Pennsylvania.¹⁴¹ Before this correspondence occurred, the Ohio Company had learned of Pennsylvania's claims. In his letter of October, 1749, Lee had urged that a boundary be surveyed by appointed commissioners, since the Pennsylvanians' claim to the thirty-ninth degree if allowed, would take away a large tract from Virginia and "prevent the Ohio Company settling with any certainty." In spite of frequent endeavors of both colonies to settle this dispute, the boundary line was not surveyed by an official commission until many years later. From the instructions to Lewis Evans regarding his proposed map of the western country, it would seem that he was used by Pennsylvania to spy on the Ohio Company; for in addition to detailed instructions about observing the physiography of the region, he was also to "get informed of the Stock and Scheme of the Virginia Company, trading to Ohio, and what Disadvantages they labour under, or Advantages they now or hereafter may enjoy more than we from their Situation."¹⁴²

Another immediate problem which Lee laid before the Board was that of the expense involved in erecting a fort and the need for all the money available to be put into goods for the

141. Pennsylvania Colonial Records, 5: 421-422 and Pennsylvania Archives, 2: 40, 41, 46. Correspondence between Ogle and Hamilton.

142. Pennsylvania Archives, 2: 47-49.

Indian trade. The troubles recounted above suggest the reasons for this plea and the fact also that it was felt a new treaty would have to be made with the Indians and presents given. It is interesting that Lee says the government would have to do it. "It will, therefor, I apprehend, be necessary for this government to treat with them and by presents fix them in the English interest." After writing at length, he stated that a report which Hanbury would lay before them would give further details. What the effect of Hanbury's arguments were, was not recorded; and whether the ministry insisted upon the execution of their scheme of using the company to maintain a protection to the frontier, or whether the company decided it was to their own interests, after the solicitations of the Indians upon the subject, is not clear; but in a short time the Company started the erection of two forts.

Through Colonel Thomas Cresap, the American agent, and Hugh Parker, the factor of the Company, a site for the Company's store house was purchased from Lord Fairfax, on Will's Creek, where it flows into the Potomac, (opposite the present town of Cumberland, Maryland) and there a large two story structure of timber was erected in 1750.¹⁴³ But the exploration of the lands west of the mountains had been less successful in its outcome, for the men sent out in September 1749, accomplished little.¹⁴⁴ Therefore in September 1750, official instructions were given to Christopher Gist, regarding the exploration of the lands of the Ohio. From his report the Company expected to select the best location for

143. Darlington, Gist's Journals, p. 137.

144. Ibid. p. 228. Second Petition of the Ohio Company.

their grant. He was allowed £ 150 and an additional allowance to cover expenses. In the instructions he was ordered to "search out and discover the Lands upon the River Ohio and other adjoining Branches of the Mississippi down as low as the Great Falls thereof". In addition to making notes on the passes through the mountains, the character of the country and soil, he was also to draw a map of the country, indicating on it the best tracts. "You are to take an exact account of all the large bodies of good, level, land, in the same manner as above directed, that the Company may the better judge where it will be most convenient for them to take their land You are to note all the Bodies of good Land as you go along, though there is not a sufficient Quantity for the Company's Grant." The Company also desired to learn what Indians lived there, "their strength and numbers, who they trade with and in what commodities they deal." Gist was also instructed to proceed down the Ohio to the falls, even if he found a large tract of land, for the Company was interested in the navigation of the Ohio.

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Gist set out from Colonel Cresap's place at Old town, October 31, and was engaged in this trip until the following June. He covered a large extent of territory north of the Ohio and visited many Indian towns and trading centers. On the whole, with only a few exceptions, he found the Indians decidedly friendly toward the English; but the French were active throughout the whole region, instigating the Indians against the English and offering rewards for certain well known traders, Croghan for one.

145. Ibid. pp. 31-32. Instructions to Gist, September 11, 1750.

Gist encountered Croghan who was very affable and aided him in his interview with the Wyandotts. Croghan was one of the few Pennsylvanian traders who maintained friendly relations with the Ohio Company. Gist's report, that the French were laying claim to this country, were building a new fort south of Lake Erie, and were trying to win back the Indians, was used by the Governor to arouse the Virginia Assembly to make appropriations for the protection of the frontier. But the mass of Virginians were long in believing the authenticity of the rumor of French encroachments; attributing it to the Company's machinations to secure the protection of their trade and settlements by the colony. Washington later complained that this notion was not even eradicated by his report of the French plans after his visit to their forts in 1753.

In addition to the explorations he was to make, Gist was to invite the northern Indians to a conference the following summer at Fredericksburg. As soon as they had begun operations, the members of the company had felt that such a conference was necessary and Lee had presented the matter to the Board, desiring a present for the Indians. He also felt that the cooperation of Pennsylvania was necessary to its success and invited Hamilton to assist. As an inducement he said the present "should avail for

146. Ibid. p. 38 ff. Journal, 1750-1751 and Journal of Croghan in Thwaites Early Western Travels, 1: 91.

147. Volwiler, George Croghan, MS. p. 51.

148. Winsor, Narrative and Critical History, 5: 60.

149. Sparks, Washington, 2: 218.

the benefit of all the colonys". Gist met with only partial success in his invitations.¹⁵⁰

The affairs of the company were by this time being actively promoted. Hanbury had been asked to negotiate with the proprietors of Pennsylvania and Maryland for some land in their provinces, in May 1751.¹⁵¹ It can only be surmised that this land was either for a road or sites for additional store-houses between that at Will's Creek and the Company's land, wherever it might be located, beyond the mountains. In spite of the handicaps encountered in beginning a trade with the Indians, the Company persevered and their traders were now competing with the others, north of the Ohio. Gist met several, one of whom was Barney Carrant, at Great Beaver Creek and traveled with them to Muskingum.¹⁵² No record as to the number of traders engaged by the company nor the extent of their investments or profits, has yet been made available, if such a record exists.

A wagon road from the Store House on Will's Creek to the three branches of the Youghageny River was begun that year and an application entered with the President and Masters of William and Mary's College for a survey.¹⁵³ Gist surveyed north of the Ohio, only, on his first trip. The Indians there were much opposed to settlements by the English, and as the land seemed too exposed and distant,¹⁵⁴ another exploration was planned, July 16, 1751, Gist

150. Pennsylvania Archives, 2: 58.
 151. Darlington, Gist's Journals, p. 228.
 152. Ibid. p. 34. Journal of 1750-1751.
 153. Ibid. p. 228.
 154. Ibid.

was again instructed by the Company as to their wishes. After visiting Colonel Cresap, who was to supply him with horses and other necessary equipment, he was told to find the most convenient and nearest road from the Company's store at Will's Creek to a landing on the Monongahela "and from thence you are to proceed down the Ohio on the south side thereof, as low as the Big Conhaway, and up the same as far as you judge proper and find good land"; and in addition to the usual instructions for noting large tracts of land, he was also to note any small tracts of 4 or 5000 acres on the Ohio, conveniently located as sites for store-houses, for the "better carrying on a Trade and Correspondence down that River." ¹⁵⁵ Clearly the Company must have been in a prosperous state, to consider planting its store-houses at so great a distance.

Upon his return to the colony the last of March, 1752, he recommended a road from the mouth of Will's Creek, across the Potomac, from the store-house through a gap in the Alleghanies at the southwest fork of Will's Creek, which was directly in the path to the Monongahela. The Indians recommended this route and it seemed better as well as shorter, than that used by the Pennsylvanian traders, somewhat to the north. ¹⁵⁶ By this route the Monogahela was reached at the upper fork; from whence it was navigable to the Ohio. This report was accepted and Gist was instructed to act with Cresap, while at Loggstown, in securing ¹⁵⁷ proper Indians to cut this road. Cresap directed the opening

155. Ibid. p. 67. Instructions to Gist, July 15, 1751.

156. Ibid. p. 68-79. Journal of 1751-1752.

157. Ibid. p. 234. Additional Instructions to Gist.

of this trail in 1753, which Washington said was effected at considerable expense.¹⁵⁸ So much better did it prove to be than the old route of the Pennsylvanian traders that they began to use it, also. "Nemacolin's Path," as it was called from the name of one of the Indians assisting Cresap, became of great historical importance and was one distinct contribution of the Ohio Company to the opening of the West.

Because of its construction, the course of the early events of the French Indian war were affected. Washington followed this route on his expedition to the French forts farther north in 1753. The next spring as he led his force to the fort near the forks of the Ohio, which Trent and his little band of followers were erecting, he followed the same path, widening it as he progressed, as far as Gist's plantation. In 1755 it was widened and completed to within six miles of Fort Duquesne by Braddock's army. During the French occupation of this region, the road fell into disuse again except for the marauding bands of the French Indians; but after the French menace ended, the road became a highway for the many settlers who pressed over the mountains into the Ohio country.

The proposed conference with the Indians at Fredericksburg had not been successful; few Indians had attended because of the distance, but the Northern Indians had expressed their willingness to meet the English at Loggstown. This plan was accepted and again a messenger was sent out to them to appoint the meeting

158. Sparks, Washington, 2: 302-303. Washington to Bouquet, August, 1758.

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at Loggstown in May 1752. Colonel James Patton was the messenger this time, since Gist was exploring for the Ohio Company south of the Ohio.¹⁶⁰ Gist recorded in his journal that upon meeting some Delaware Indians, he invited them to Loggstown "as Colonel Patton desired me". Patton was the appointee of the government, rather than of the company. Thomas Cresap, attempting always to know the feelings and motives actuating the Indians, received a report from Andrew Montour, the famous Indian interpreter, that the Indians had not fully understood the message delivered by Patton and he urged that Montour be sent out to make it clear, especially to the Picks and Twightwees. He did not directly blame Patton when reporting this news to the Governor; he laid it to the Pennsylvania traders who were employed by Patton as interpreters. Since these were "disaffected to us, it was in their power to deceive him and the Indians also."¹⁶¹

Cresap did not trust Patton, however, and shortly afterwards, January 23, 1752 he wrote the Governor that Patton was opposed to the Ohio Company's making a settlement on the Ohio River.¹⁶² This foreshadowed the clash which followed between these two great rival speculators; for not long after, Patton's activities on New River, where Gist had been sent by the Ohio Company, aroused that powerful group to oppose his further operations in the territory they were considering.¹⁶³

159. Fernow, Ohio Valley, pp. 260-261.

160. Calendar of Virginia State Papers, 1: 245-246. Cresap to Governor, 1751.

161. Ibid.

162. Dinwiddie Papers, 1: 17-19. Dinwiddie to Cresap, January 23, 1752.

163. Draper MSS. 10075-77. Patton to Blair, January, 1753.

That Cresap had reason to be interested in the success of the coming conference at Loggstown is evident from the immediate purpose of the government in holding of the conference. The confirmation of the Treaty of Lancaster, much opposed by the Indians, was to be sought "in Order to give the Company an opportunity of surveying the large tract of land His Majesty was pleased to grant them," according to the president of the Council of Virginia to the Board of Trade.¹⁶⁴ The gift allowed by the Board upon Lee's request, several years before,¹⁶⁵ had never been delivered to the Indians because of their failure to attend the proposed conference at Fredericksburg. The Company still seemed in disfavor with them, as did all Virginians; so much was expected from this meeting for the advantage of the Company and also for the colonies, by attempting to cement the alliance between the English and Indians. Montour, in his report to Cresap, had emphasized the importance of this and the opportunity offered at this particular time by the hostile attitude of the Indians toward the French.¹⁶⁶

According to a letter of instruction Patton had been appointed a commissioner to the conference before Cresap's revelations as to his attitude toward the company had been made.¹⁶⁷ The other commissioners from that colony were Joshua Fry, a member of the Loyal Company, and Lunsford Lomax.¹⁶⁸ Conrad Weiser had been

164. Fernow, Ohio Valley, pp. 260-261. Lewis Burwell to Board of Trade, August 21, 1751.
 165. Ibid. pp. 258-260. Lee to Board of Trade, October, 1749.
 166. Calendar of Virginia State Papers, 1: 245-246.
 167. Dinwiddie Papers, 1: 9-10.
 168. Ibid. pp. 7-9

early engaged as interpretor,¹⁶⁹ but after Cresap's report with reference to the traders, the Governor who was also a member of the company, felt a more trusted man was necessary to handle the interests of the company and accordingly directed that Montour,¹⁷⁰ so well recommended by Cresap, be secured. In addition, the Ohio Company was allowed an official representative among the commissioners in Christopher Gist.¹⁷¹ Cresap was there to watch the distribution of wampum for the company and to secure the services of the Indians in opening the proposed road to the Monongahela. Too much was at stake to leave anything to chance; elaborate instructions were given Gist not merely as to the wishes of the Company, but as to the line of argument and more material forms of persuasion to be offered the Indians.

Gist's report and perhaps other accounts had intrigued the interest of the Company in the lands on the Ohio near the Kanawha, so if the Indians were too much opposed to the Treaty of Lancaster, the Company was prepared to purchase again from them, lands on the Ohio near the Kanawha, with the understanding that settlements thereon would have the protection of the Six Nations and their allies. In case such a purchase had to be made, inducements in the form of extra pay and a tract of the Company's land were to be offered to Montour to strike as good a bargain as possible. Gist was also to get a list of the goods the Indians desired and if possible get the Indians to receive them at the

169. Ibid. pp. 6-7.

170. Darlington, Gist's Journals, pp. 231-4. Instructions to Gist.

171. Ibid.

forks of the Monogahela to save the extra expense of transporting them into the interior. The Company also considered this a good opportunity to learn the usual prices among the Indians for such goods. Much emphasis was laid on the securing of the protection of the Indians; there was to be no misunderstanding this time if possible, in regard to settlements. The advantage of these settlements was to be pointed out; to be, that the Company, by having Storehouses throughout the interior could supply the Indians with the goods they desired more quickly and more cheaply than if they had to transport them long distances. ¹⁷² Thus the plan of the Company to build up a great and well organized trade with the Indians, with trading posts from the Virginia settlements well into the interior is indicated. That store-houses would be gradually erected on other sites than on the Company's grant is indicated by Gist's instructions to note on his travels small tracts suitable for this purpose. Finally Gist was to get a deed from the Indians, with as definite a boundary as possible and ¹⁷³ above all a clear understanding of the sale of the land.

The Instructions given by the Governor to the official representatives of Virginia were less detailed, but just as favorable to the interests of the Company. First of all, the confirmation of the Treaty of Lancaster in its fullest extent

172. Ibid. pp. 231-234.

173. Ibid. p. 236. This deed was to be made in the names of, Robert Dinwiddie, John Hanbury, Marchel Capel Hanbury, of London; Presly Thornton, John Taylor, Philip Leedwell Lee, Thomas Lee, Richard Lee, Guwin Corbin, John Mercer, George Mason, Lawrence Washington, Augustus Washington, Nathaniel Chapman, James Scott, of Virginia; James Wardrop, Jacob Giles, and Thomas Cresap, of Maryland and their associates.

was to be secured, after the King's present had been given. The Indians were to be disabused of the false reports made in regard to the intentions of the Virginians in planning the erection of forts, and every effort to win their friendship was to be made. The fear of a war with the French was felt and so these directions were emphasized. If possible, information was also to be gained¹⁷⁴ regarding the French settlements in the Indian territory.

Before the formal conference had begun at Logstown, the commissioners met some of the Indian chiefs privately, presented the treaty of Lancaster and the English version of it, which in the words of the Indians gave, "all the lands in Virginia as far as it is settled, and back from thence to the sun setting, whenever he (the King) shall think fit to extend his settlements," to the Virginians. The Indians agreed that they ought to confirm whatever their tribes had agreed to at Lancaster, but they declared that they had never known that such a large cession had been made; in fact they had thought the boundary had been the warriors' Road¹⁷⁵ at the foot of the Alleghany Mountains. On June 12, the gift was presented and the discussion of the cession of Lancaster came up officially. The Indians insisted that since they had never known "that the lands then sold were to extend farther to the sun setting^{not} than the Hill on the other side of the Alleghany Hill", they could confirm this treaty until they had consulted the council at¹⁷⁶ Onandago. Other questions were taken up and the Virginians learn-

174. Virginia Magazine, 13: 147-152.

175. Wharton, Plain Facts, pp. 49-50.

176. Virginia Magazine, 13: 167.

ed that the Indians no longer opposed the erection of a fort on the Ohio, but very much desired it as they feared the attack of the French and their Indian allies. They had previously urged the Pennsylvanians to build one,¹⁷⁷ but to no avail, the Quaker assembly opposed any expenditure for warlike preparations. From then on the Indians turned to the Virginians as their hope against the French, but the Virginians, too, delayed and when they finally acted, it was too late. The Company had tried to be relieved from the expense of building a fort and the Virginia Assembly took little interest in these early alarms from over the mountains, so the request of the Indians was not granted.

The Indians wished to evade the question of allowing settlements and attempted to limit the ground allowed for this purpose to a tract about the proposed fort on the plea that they could not confirm either the Treaty of Lancaster or the settlements west of the mountains, until the Council at Onandago had been consulted.¹⁷⁸ With what effective arguments the agents of the Ohio Company were armed, has been recorded. These were undoubtedly brought into operation outside the regular meetings of the conference for eventually the Virginia commissioners carried home a deed from these Indians, recognizing and acknowledging the right of the English to the full amount of territory described in the English version of Lancaster. Furthermore it guaranteed the Indian's protection to the settlements and promised these should not be molested by their people.¹⁷⁹ Critics of this treaty among the

177. Thwaite, *Early Western Travels*, p.94. "Croghan's Journal."
 178. *Virginia Magazine*, 13: 171.
 179. *Ibid.* pp. 173-174.

promoters of the Vandavia scheme, asserted that this grant had to be confirmed by the Council at Onandago.¹⁸⁰ Certain it is, that in spite of the deed, the Northern Indians did not like this treaty any better than that of Lancaster and those not at the conference refused to recognize its validity.

By the aid of the Pennsylvanians this conference had been promoted and Croghan among others was instructed by the governor to win the Indians' friendship for the Virginians at this time; for undoubtedly they recognized the actuality of the French menace and the need of cooperation.¹⁸¹ Unfortunately the Assemblies of the two colonies were not so far sighted. This was the turning point in Pennsylvanian supremacy; from then on Virginia under the influence of the Ohio Company, took the lead. The latter, although charged with bringing on the French attack and alienating the Indians by their actions on the Ohio,¹⁸² must be given full credit for promoting what defenses were made and if the activities of Dinwiddie and other promoters had been successful, the early history of the war on the Ohio might have taken a very different course. The treaty of Logstown marked a very definite epoch in the career of the Ohio Company.

Following the treaty of Logstown, other speculators put in their petitions with the Virginia Council, but these were post-

180. Wharton, Plain Facts, p. 54.

181. Pennsylvania Colonial Records, 5: 568. Montour from Hamilton, 1752 and p. 569. Hamilton to the Shawnee.

182. Dinwiddie Papers 2: 349-350. Dinwiddie to Andrew Millar, February 24, 1756.

poned and apparently no action on them was ever taken. It is difficult to ascertain the reason, for other grants in the same year and until 1754 were made by the Council. Some of the petitioners were virginians, others were not. John Mason wanted 140,000 acres adjoining the Ohio Company's grant and Lunsford Lomax, one of the commissioners at Logstown, petitioned with nine other men for 30,000 acres. Montour, Gist, Michael and Thomas Cresap also petition in vain for a large tract. A number of other grants were made, which for the most part were located on the head waters of the Great Kanawha.¹⁸³

Feeling themselves freed from the friction with the Indians over claims to the land, the Company began to push their schemes for selecting their tract and settling it. With the reports of Gist, they worked out a plan for the location of their grant in several tracts, south of the Ohio between Kiskominettos Creek on the north and the Great Kanawha to the south and west. This plan was finished in October 1752 and a petition presented to the Governor and Council for permission to survey these tracts, amounting to 200,000 acres, the first part of their grant. This request, however, was refused and the President and Masters of William and Mary College also refused to issue a commission to a Surveyor for the Company.¹⁸⁴ The refusal was based on the divi-

183. Virginia Magazine, 5: 224.

184. Darlington, Gist's Journal, p. 228. Dinwiddie Papers, 1: 20, footnote. William and Mary College had been granted, in the charter of 1693, the right to appoint the surveyor general of the colony. The appointment of all surveyors came through this college; the fees and profits were used for the endowment of the school.

sion of the grant into several tracts; the Company affirmed, however, that this arrangement suited settlers best and most effectively protected the frontiers.¹⁸⁵ Later other speculators also tried to secure their grants in a number of small tracts, as they could thereby obtain the best land/^{and}not have to suffer any loss from marshy or rocky ground.¹⁸⁶ Perhaps another reason for this division was that the Company had discovered to what a large extent this country had been granted by the Governor and Council, and it might be difficult to secure so extensive a grant without infringing on the claims of others. They reported this condition to the Board of Trade. "The late Governor and Council having made out large grants to private persons, Land gobbers, to the amount of near 1,400,000 acres, Immediately even the same day, after your Majesty's instructions for making out your Petitioners grant and survey, became publicly known where the Lands were not properly described or limited, nor surveyed, by which means their several grants might have interfered with the Lands discovered and chosen by the Company."¹⁸⁷ To prevent this danger, the Company¹⁸⁸ opposed Patton's operations and those of the Loyal Company.

185. Darlington, Gist's Journals, p. 228.

186. The Mississippi Company petitioned for a grant of several tracts and the soldier's grant under Dinwiddie's Proclamation was made in twenty tracts.

187. Darlington, Gist's Journals, p. 229.

188. Draper MSS. 10075-77. Patton to Blair, January, 1753 and Call, Virginia Reports, 4: 25.

This refusal by the Council would indicate that the company had less political power than formerly. Two prominent members of the Company had died; Thomas Lee, very influential in the Virginia Council, and Lawrence Washington, one of the active, early promoters.¹⁸⁹ New members were taken into the Company, younger men like George Mason and John Mercer of Virginia, and Capel Hanbury, a partner of John Hanbury, of London. Governor Dinwiddie was an active member, but none of the members of the company as far as can be ascertained from signatures on deeds and petitions were on the Council.¹⁹⁰ Furthermore a scrutiny of the names on the Council reveals the fact that nearly all of them had grants or were members of companies holding grants west of the mountains along the branches of the Great Kanawha and Greenbriar, the very region in which the Ohio Company was attempting to penetrate. The greater number of these grants had not been fully surveyed, so it was not to be expected that any encouragement would be given by this Council to that Company with its powerful organization and even more formidable promise of an additional 300,000 acres. When men like John Lewis, John Blair, and Thomas Nelson with their great speculative interests, were members,¹⁹¹ it is not surprising that the Ohio Company's petition was blocked. This decrease in the political influence of the Company in Virginia may also have been due to internal troubles in the Company, itself;

189. Lee's death occurred in November, 1750, Virginia Magazine, 14: note 5; and Washington's in 1752. Sparks, Washington, 1: 549.

190. See list of members in footnote 122, p. 53. Members of the Council for 1752-1758 are listed in Legislative Journals of the Virginia Council, 2: 1059.

191. Lewis was in the Loyal Company; Blair was the recipient of a large grant and Nelson, a member of the Greenbriar Company. Discussed elsewhere in this paper.

for although there is only a brief statement to the effect that after a certain meeting at Stafford House, some members resigned,¹⁹² it may be suggestive of the cause for some of the opposition in the Virginia Assembly to the plans for protecting the frontier urged by the Company.

But opposition to the company was increasing from all sides. The poor settlers, who always pushed to the frontier for cheaper lands, but whose actions in this period were obscured by the more spectacular operations of the Ohio Company, finally were able to make themselves heard and perhaps, to influence even the distant Board of Trade in their behalf. At least one such petition reached England in April, 1752. In this, the writer emphasized the necessity of settling the west and the fact that, notwithstanding the grant to the Ohio Company, practically no settlements existed west of the mountains and north of Virginia. This condition he attributed to the delay of the company in surveying its territory. "Untill that is done, no Others can well take a grant for any Lands there-about, for fear of being Ejected by that very Extensive One that was granted before them." He continued with his suggestions that, "If like grants of smaller tracts of Lands were made to others upon the same Terms with that of the Ohio Company, and all who will settle in that country were allowed a grant free from Quit Rents and other charges for a certain Number of Years, to Encourage and Enable them to make Settlements in such remote and distant parts, it is the Opinion of these that are best Acquainted with it, that the Country on and

192. Darlington, Gist's Journals, p. 231.

about the River Ohio would soon be peopled and Secured." He next suggested that free grants be made. ¹⁹³ A recommendation was sent from the Board to the Governor of Virginia in 1752 that induce-¹⁹⁴ments be offered to encourage western settlement.

The Board felt that the policy of large grants made to settle the frontiers quickly had not been successful. The people were not satisfied and long before the renowned rebellion of Patrick Henry against the conservative, loyalists' support of the policies of the crown, the House of Burgesses registered the independent action of the people from the back country. Upon the recommendation of the Board of Trade an act was passed in 1753 entitled, "An Act for the further encouraging persons to settle on the waters of the Mississippi"; this offered the inducement of exemption from all public, county, and parish levies for fifteen ¹⁹⁵ years to those settling west of the Alleghanies, and that same month, the Committee of Propositions and Grievances of the House of Burgesses after considering various complaints presented a resolution that a petition be laid before the King to grant land west of the mountains in "small parcels, exempt from the Payment of Rights and Quit-rents for the Space of ten years, which will be an Encouragement to Protestants to settle thereon; and thereby be the most effectual Means of securing our frontiers and cultivat-¹⁹⁶ing a Friendship with the Indians." This was presented and an order based upon it limiting the size of grants to 1,000 acres to an individual petitioner in his own name or any other name in

193. Fernow, Ohio Valley, pp. 261-263. For the title of this protest see p. 23, note 53.

194. Dickerson, Colonial Government, p. 330, footnote, 774.

195. Hening, Statutes, 6: 355-356.

196. Journal of the House of Burgesses, 1752-1758, pp. 115-116.

trust for him, was issued by the Board of Trade in August 1754. ¹⁹⁷

Thus apparently, began the dispute between the wealthy and powerful companies and speculators in western land on one side, and on the other, the poor settler, or backwoodsman, who by his own effort cleared and settled his little tract and thus established his claim. This dispute was not of mere momentary consequence; but it continued throughout the development of the country west of the mountains, figuring in state politics after the Revolution and shaping the national policies regarding the opening of western lands. For these two streams of enterprise in the west are both of great importance in the actual settlement and from their very nature must be unalterably opposed as in the present day, is opposed capital and labor. History has long glorified the achievements of the hardy backwoodsman in claiming the west, but it has sadly neglected the less romantic figure, of the daring speculator. His methods savor too much of modern business methods and perhaps formerly the realm of commerce was not that scoured for national heroes and nation builders. But to the speculator in western lands all due respect must be paid for while a few hardy adventurers slowly moved to the west, each great advance in settlement came from the impetus of speculative endeavors; the way was made easy, the country made known.

In the face of official opposition, and that of rival promoters, as well as this growing sentiment among the people, of which these legislative acts were the result, the Ohio Company in

197. Acts of Privy Council, 4: 235 ff.

1753 determined to appeal to England and on the second of April 1754 the committee of the Council gave their petition to the Board for consideration.¹⁹⁸ Before this petition was sent, however, the Company had a meeting at Stratford Court House, July 25, 1753, and again in November to promote certain activities, too long delayed. Four years had elapsed since the date of the original grant and no settlement had been made; the road was not opened over the mountains and no fort had been built. Three years only were left in which to seat one hundred families on the land which had not yet been definitely located, much less surveyed. Otherwise all the expense and trouble of the enterprise would have been in vain. Therefore the Company experienced a change of heart on the matter of constructing a fort. Either the pleas of the Indians, who had again at Winchester, September 1753, urged the Virginians to build a "Strong House" on the Ohio for their protection¹⁹⁹ or the realization of the effect this would have on the Board, who had always desired it, or perhaps both considerations influenced these wily schemers. Another element may have been the continual rivalry with Pennsylvania. It was known that the Indians had first made an appeal to the Pennsylvanians and while supported by the traders were ignored by the Legislature. Even the proprietors of Pennsylvania urged this policy upon the governor several years before, and when rumors were circulated that the Virginia government was going to build a fort on the Ohio Company's land, the governor in May 1753 at the request of the proprietors

198. Ibid. pp. 244-245.

199. Thwaites, Early Western Travels, Croghan's Journals, 1: 94.

wrote to Dinwiddie offering his assistance, but yet maintaining that the Company should acknowledge that "this Settlement shall not prejudice their (the proprietors) Right to that Country, and further that I may assure the Settlers they shall enjoy the Lands they bona fide settle on the Common Quit-Rent".²⁰⁰ So at their meeting the Company decided "to erect a fort at once for the security and protection of their settlement on a hill just below Shurters (Chartiers) Creek on the southeast side of Ohio", and Mason at once ordered twenty swivel guns and other equipment from John Hanbury.

The specifications for the fort were decided upon and Colonel Cresap, Captain Trent, and Mr. Gist were appointed to get laborers and employ hunters to supply the workers with provisions. In such details the difficulties these western promoters encountered, can be observed. The land on the hill was to be reserved for the fort; but two hundred acres adjoining were to be laid off into a town with squares of two acres each divided into four lots. The Company reserved twenty of the best squares for its own use, one square on which to build a school for the education of Indian children; all the rest were to be disposed of.²⁰¹ This reservation of a square for educational purposes sounds like the plotting of the New England townships; but the Virginians had previously attempted the policy of educating Indian boys. Spoteswood had been one of the advocates, earlier. It may have originated partly from a philanthropic motive but it undoubtedly was also not entirely

200. Pennsylvania Colonial Records, 5: 629-632. Hamilton to Dinwiddie and reply.

201. Darlington, Gist's Journals, pp. 236-237, Meeting of the Company at Stratford, Westmoreland, County, July 25, 1753.

disinterested for it would bind the tribes, to which the boys belonged, closer to the colony and would thus serve as a protection. The attempt was made at Lancaster to persuade the Indians to send a few boys into the colony to be educated, but the Indians had refused.²⁰² It would clearly seem that the Ohio Company meant to conciliate the Indians by the erection of the fort.

At the November meeting, the Company levied a tax of £ 20 current money, on each member to defray the expense of building the fort and "grubing and clearing the road from the Company's store at Will's Creek to the Mohangaly, which are to be finished with the utmost dispatch".²⁰³ These projects were put into execution at once for that same month, Dinwiddie informed Governor Hamilton, "we have several workmen gone out to build a Fort at the Forks of Mohangaly . . . with the approbation and desire of the Indians".²⁰⁴ This plan of the settlement never materialized under the auspices of the Company, but the road marked out by Gist and cleared by Cresap, and the fort, which the Company started to construct, played a greater part, perhaps, in history than if the Company's projects had been completed without further conflict, as its promoters desired.

The petition, called the second petition of the Ohio Company, after reviewing the history of the trials and achievements of the company, begged for an extension in time and for definite boundaries, to follow natural lines as far as possible.

202. Colden, Five Nations, 2: 103 and p. 110.

203. Darlington, Gist's Journals, p. 237.

204. Pennsylvania Archives, 5: 713.

The boundaries suggested from Kiscominetoos Creek on the north to the Great Kanawha on the southwest, as far east as the mouth of the Greenbriar and source of the Monangahela, increased the size of the original grant, but to offset this, the Company offered to seat three hundred families and to erect and maintain two forts, one at Chartier's Creek, already begun and another farther down the Ohio, at the mouth of the Great Kanawha. The Company agreed not only to begin the settlement, but also to construct the second fort at once, to prevent the attacks of the Indians allies of the French.²⁰⁵ Although the Board of Trade had ordered the Colonial Governments to cultivate the Indians and to make few grants so that the Indians would not be antagonized by settlements in their territory,²⁰⁶ this argument of erecting forts to bar the French made a favorable impression. The Company was also able to wield some influence in England still; so according to their report, this second petition was granted. The outbreak of the war, however, prevented its execution. Just who the men were who lent their aid is not known, but Hanbury was instructed to offer the Duke of Bedford shares, "if he cared to be concerned", upon the terms of the association and suggested that it would be well for the Company to have so powerful a patron; for Bedford had been influential in securing the King's approval of the petition.²⁰⁷

An evidence of the earlier influence in English politics is the case of Dinwiddie. From his correspondence it is evident

205. Darlington, Gist's Journals, p. 231.

206. Pennsylvania, Colonial Records, 6: 59-61.

207. Darlington, Gist's Journals, p. 231.

that he was with a member before he came to Virginia or else very favorably disposed to the Company and well versed in their affairs. Hanbury had received word from Washington regarding the settlement of Pennsylvania Dutch on the Company's land and a possible sale of 50,000 acres to some Germans. Dinwiddie wrote from London to Washington regarding this, but was fearful little could be done about allowing them freedom of worship - parliament was busy with other things.²⁰⁸ Shortly after his arrival in Virginia, he informed Cresap of some goods shipped on his boat for the Ohio Company.²⁰⁹ By the following spring he was certainly a member for his name appeared upon the list of members in Gist's Instructions regarding the procedure at Logstown. Dinwiddie's appointment, then, may have been a manoeuvre of the friends of the Company. At least he, too, had some political influence and attempted to use it, for he said that Lord Halifax honoured him with a Personal Correspondence and to him Dinwiddie declared he wrote freely and fully of the situation on the frontier.²¹⁰ Halifax was at this time President of the Board of Trade.²¹¹ But even with this influence Dinwiddie was not able to secure the ammunition and appropriations he desired for the defense of the Ohio and the Company's fort.

It would not be a fair estimate of Dinwiddie to regard his promotion of the French and Indian War as purely for the Ohio Company. Through his interest in the company he received the news

208. Sparks, Washington, 2: 481-482.

209. Dinwiddie Papers, 1:17-19. Dinwiddie to Cresap, January 23, 1752.

210. Ibid. pp. 101-104. Dinwiddie to Hanbury, March, 1754.

211. Dickerson, American Colonial Policy, p. 39.

of French activities and the fluctuations in the degree of friendliness of the Indians for the English; and to those who listened the air was heavy with rumors of all sorts. The Pennsylvania traders and the general populace in Virginia blamed the Ohio Company for the French attack. However, it has been indicated here that the growing rivalry in the trade with the Indians, between the French and Pennsylvanians had alarmed the French to some extent before the rumors of the plans for a fort reached them. Croghan, who should be an authority felt the trading element was greater. However, the construction of a fort, or rather the rumor of this enterprise, undoubtedly hastened the actual clash; which appears to have been inevitable in some form or other. To Dinwiddie's credit also must go his farsightedness in realizing the value of the issues at stake and his perseverance in pushing his plans, whether they were the wisest or not, in spite of the inertia of the general population.

A rather novel view of the relation of the great grants to the war is found in a petition of 1766 for the opening of the western lands for settlement, "they conceive if such grants had not been made that the Inhabitants would have been able to have repelled the Incursions of the Indians, and saved immense Sums to the Colony." ²¹³ Dinwiddie placed the blame for the war and the alienation of the Indians on the Pennsylvanian traders. In a letter to the publisher of a pamphlet which blamed the Ohio Company's operations as the cause of the war, Dinwiddie, in 1756,

212. Dinwiddie Papers, 1: 101-104. This opposition is discussed in his letters of these years.

213. Journals of the House of Burgesses, 1766-1769. p. 37.

justified himself and the Company by asserting that the Fort built on the Ohio did not antagonize the Indians, as they had asked for it and Half-King, a leader of the Northern Indians, had been present when it was begun. He also attempted to refute the charge that the French Invasion arose from the building of the Store House at Will's Creek, "which is also wrong for y^t House is built among the Inhabitants of y's country. The Trade was formerly chiefly carried on from Pennsylvania, and all our misfortunes are chiefly owing to these Miscreants, in informing the Enemy of our different Operations".²¹⁴ Here clearly Dinwiddie implies that it was not merely from the Indians that the French heard of the operations of the Virginians, but that through their fear of the development of a trade between Virginians and the Indians, the Pennsylvania traders themselves reported to the French traders the activities of the Ohio Company and the defense of the Ohio. This is the only evidence of such duplicity on the part of the Pennsylvanians, but in the heated rivalry of the early years it is not strange that each charged the other with the basest of misdeeds.

Even though the French were aroused by both the Pennsylvanians and Virginians, the loss of the Indian allies in the Ohio region need not have followed. That was due to the stupidity of the people of the colonies in not supplying the Indians with weapons; in not demonstrating their resources in men and equipment; in fact in their whole procrastinating policy. After joining the English the Ohio Indians knew well the danger they ran if the French threats of an invasion materialized. They petition-

214. Dinwiddie Papers, 2:349-350. Another indictment of the traders is given in the same, p. 340. "Since our attempts

(continued on next page)

ed for a fort as a place of refuge for their women and children from the French. The Pennsylvanians failed them and the Virginians delayed. Finally when the Virginians began their fort, a strong enough garrison was not sent to hold it and the Indians saw the surrender of the English to the superior forces of the French. Two years before, a tribe of the Ohio, the Pickwallani had been attacked by the French,²¹⁵ and no revenge was taken by the English for this slaughter of their allies. Croghan sent in an urgent message in May 1754 regarding the situation among the Ohio Indians; their need of ammunition, and their perplexity at the inactivity of the English. This latter they were interpreting as an ominous sign for their future welfare; that the French and Virginians were planning to divide up their land. If the Pennsylvanians would join with the Virginians, Croghan felt the Indians would be reassured.²¹⁶ From such reports it seems evident that the reasons for the Indians' leaving the English for the French, in the region of the forks of the Ohio, were as stated by one of them a few years later. "The causes, why the Indians on the Ohio left you, was owing to yourselves. When we heard the French coming there, we desired the governors of Virginia and Pennsylvania to supply us with implements and

. . . . to settle the Lands on the River Ohio, it appears to me y^t our difference with the Indians or y'r want of Faith, is chiefly owing to the Traders among them, who are the most abandoned Wretches in the World." . . . "It may be justly imputed to these traders y^t we have been obstructed by the French in settling the Lands on the Ohio, as I am credibly inform'd they communicated to the Enemy every Operation that was undertaken."

215. Parkman, Montcalm and Wolfe, 1: 84-85.

216. Pennsylvania Archives, 2: 144.

necessities for war, and we would defend our lands, but these governments disregarded our messages. The French came to us, treated with our people, used them kindly, and gained their affections. The Governor of Virginia settled on our lands for his own benefit, but when we wanted his assistance he forsook us." ²¹⁷ The Indian raids followed which pushed all settlements back to the east and checked the progress of the Ohio and other companies.

The activities of the Ohio Company in 1753-4 were extremely important in relation to future events. Captain Trent went out in August to view the proposed site for the fort at the forks of Monongahela ²¹⁸ and by November a group of workmen had been sent out. From Dinwiddie's letter to the Board of Trade, January 29, 1754, it appears that settlers had gone out under the company, but they were returning through fear of the threats ²¹⁹ of the French and the rumors of the raids of the Indians. The first work done by the men sent out by the company was to erect a store house at the mouth of Redstone Creek, on the Monongahela, about thirty-seven miles from the site chosen for the Company's fort. While there, Trent received a commission from Governor ²²⁰ Dinwiddie with orders to raise a company of militia. Washington was also commissioned to enlist a company of 100 men and go out to aid in the protection of the men who were building the fort. ²²¹ In all a garrison of 200 men was planned.

217. Wharton, Plain Facts, pp.67-68.

218. Pennsylvania Colonial Records, 6: 22. Letter of John Fraser, Indian trader.

219. Fernow, Ohio Valley, p. 263.

220. Croghan's Journals in Thwaites, Western Travels, 1: 95-96.

221. Dinwiddie Papers, 1:49-50. Dinwiddie to Fairfax, January 1754 and p. 59, Instructions to Washington.

Trent had previously brought out goods for the Indians at Logstown, in order to insure their continued approval of the erection of the fort. Croghan had been sent out by the governor of Pennsylvania to learn of the movements of the French and as Trent needed an interpreter Croghan remained to assist him. The Indians insisted that the fort be started at once. They hoped that a large English force would assemble there to protect them from the French. Trent had, however, been able to raise only about twenty or thirty men in this region, and as no supplies from the governor had reached him, had to provide arms and provisions for them at his own expense. He could procure no more men, as the country was uninhabited and the Indian traders, scattered over a wide area. However, he set his men to work and while they waited for reinforcements, they finished a store house and prepared timber and boards for the fort at the mouth of Chartier's Creek. As the large forces expected by the Indians did not arrive, they became more and more suspicious as to the sincerity of the Virginians. Finally, Trent left his few men under the command of ²²² Ensign Ward, while he went back to raise the rest of his company.

The French and Indian War.

This belated activity of the Virginians was the outcome of the alarming reports Washington made upon his return from the expedition to the French Forts. Word had come that the French

222. Croghan's Journals in Thwaites, Western Travels, p. 96.

were constructing a chain of forts from Lake Erie to the Ohio, so Washington was sent from Virginia in October, 1753, to protest at this encroachment on English soil. The French not only refused to recognize the English claims, but even announced their intention of building a fort at Logstown in the spring. With over two hundred canoes constructed and more in preparation, the French seemed prepared to execute their plans. Washington followed the route over the Alleghanies marked by Gist, where the Company's workmen opened a road soon after. Gist accompanied Washington as guide, and at least one of the traders of the company also went along. Washington commented upon the site selected for the fort of the Ohio Company and suggested a better position about two miles farther down the Ohio,²²³ which became the location for Fort Pitt, built by the English after Duquesne had been captured. This fort of the Ohio Company was intended to forestall the French occupation of the forks of the Ohio. In addition to the great difficulty Dinwiddie was experiencing in raising troops and extracting appropriations from the House of Burgesses, Pennsylvania again raised the question of the boundary and protested that the site chosen for the fort lay in her territory. Dinwiddie refused to admit this, but urged cooperation until the boundary could be²²⁴ officially established, because of the critical situation.

Unable to shake the colony from its apathy by reports of a French and Indian invasion, Dinwiddie sought another method to gain the necessary enlistments for he wrote that it was better

223. Ford, Washington, 1:11-40. Journal to the Ohio, October 31, 1753 to December 23.

224. Pennsylvania Colonial Records, 6: 3-5 and 7-8.

to give the land to the people than to the French.²²⁵ He issued a proclamation announcing that each man or officer in the service should receive a share of a 200,000 acre tract of land on the east side of the Ohio near the fort.²²⁶ This promise of February 1754, formed the basis for a new type of land speculation, - that of buying up soldiers' rights, which set in soon after the treaty of peace. It added to the confusion in the claims to the land west of the mountains and rendered more complex and equitable solution of the problem.

Shortly after Trent's departure, the French under Captain Contrecoeur appeared at the partially constructed fort, held by Ward, and ordered the English to leave. Ward, having only about thirty men, saw the futility of resisting the French force of several hundred. He and his men were allowed to take their tools and arms, but were ordered to leave the French territory²²⁷ and return to the settlements east of the mountains. Meanwhile Washington's company of one hundred men was advancing slowly over the trail of the Ohio Company, which they widened and improved for the carriage of guns. This advance was checked at Gist's plantation,²²⁸ near the site of Fayette City, Pennsylvania, when Ward's men, returning from the Ohio were met. Washington realized that his force was not strong enough to attack the French and therefore decided to go to the store-house of the Ohio Company, recently

225. Dinwiddie Papers, 1:93-98. Dinwiddie to Holderness, Secretary of State, 1754.

226. Pennsylvania Archives, 5: 766-767.

227. Calendar of Virginia State Papers, 1: 277. Deposition of Mayor Ward, 1777.

228. Sparks, Washington, 2: 302-303.

constructed at the mouth of Redstone Creek, erect fortifications there and wait for reinforcements from Virginia. This post offered unusual advantages with a store-house already constructed and the Monongahela for the transportation of artillery for an attack on the French fort. ²²⁹ He was not able, however, to carry out this plan and after the skirmish with Jumonville at Great Meadows, hastily erected a fort, called by him Fort Necessity. He was even driven from this, in a short time, by a superior French force. Thus by July, as no reinforcements had been sent to the west, Washington had to retreat east of the mountains, leaving to the French and Indians, the store houses, and road, constructed with so much expense and difficulty by the Ohio Company.

In a few short months the Ohio Company achieved and lost the first steps in the realization of their great scheme - a beginning which was never afterwards equalled; for in spite of the activities of the company later, it never met with success. But the company had done too much in opening up this route across the mountains, to fade into inactivity and uselessness. The storehouse at Will's Creek, while east of the mountains was on the Potomac and not far from the gap in which lay the Ohio Company's trail. This storehouse was accordingly converted into a magazine and the site was fortified, garrisoned and made one of the strongest outposts of the Virginia frontier, called Fort ²³⁰ Cumberland.

229. Ford, Washington, 1: 46-49. Washington's Journal.

230. Dinwiddie Papers, 1: 297, 305, 313.

Meanwhile the ministry was deliberately considering the problems in America, long complained of by Dinwiddie and troops under General Braddock were ordered to America. A conference of representatives from the colonies had been called in Albany, to consider means of defense and of winning the Indians. There was little practical result, except for the decision that the lands on the Ohio still belonged to the Indians. This decision was used later by Sir William Johnson to win over the Six Nations to the English cause; for in spite of these treaties of the Ohio Indians with the English, the Onandago Council refused to recognize the validity of the treaties of Lancaster and Logstown.²³¹ However, none of the colonies realized, or responded to the crisis on the Ohio, except Virginia.

In spite of the indifference of the Virginians as a whole, the activity of Dinwiddie and the Ohio Company aroused Great Britain and exaggerated the strategic importance of Fort Duquesne in an offensive campaign against the French. Instead, therefor, of sending Braddock to Niagara and thus cutting off the route from Canada to the Ohio, which would have caused the French to withdraw from Duguesne, Braddock was sent to Virginia. Furthermore, he used the path blazed by the Ohio Company through an almost uninhabited country, where supplies could be obtained only by transporting them from the eastern settlements, instead of a route through a more thickly settled part of Pennsylvania where supplies could more easily have been purchased.²³² It has also

231. Pennsylvania Colonial Records, 5: 635.

232. Hulburt, Braddock's Road, pp. 25 ff.

been suggested that the ministry was induced by an agreeable consideration to accept this. Hanbury and other members of the Company have been charged with influencing the ministry in order to secure the large profits to be made by supplying the troops with provisions.²³³ Whether these charges were justifiable or not, undoubtedly the Ohio Company again influenced the course of history, for Braddock's ill fated expedition did follow the old trail, widening it and levelling it for the wagons. The trail was thus improved to within six miles of Dunquesne. There the total route of the army by the French and Indians, put an end to any further expeditions against the fort by the English for several years. The English settlers were now pushed far east of the Alleghany Mountains by the raids of the hostile Indians.

As affairs on the upper Ohio became more alarming because of the advance of the French and the fickleness of the Indians, the government of Virginia, early tried to secure the Catawba and Cherokee Indians as permanent allies.²³⁴ The Shawnee early turned against the English and harassed the frontiers of Pennsylvania, Virginia and the Carolinas, but for several years the Cherokee remained friendly and even aided the Virginians in some expeditions against the Shawnee. A number of groups of rangers

233. Winsor, Narrative and Critical History, 5: 495. See also Gentleman's Magazine, August, 1755, p. 389. "Our land forces were sent to Virginia instead of Pennsylvania to their insuperable disadvantage, merely to answer the lucrative views of a friend of the ministry, to whose share the remittances would then fall at the rate of $2\frac{1}{2}$ per cent profit."

234. Parkman, Montcalm and Wolfe, 1: 139 and Calendar of Virginia Papers, 1: 248.

were organized in 1754 under such frontiersmen as Andrew Lewis and Patton,²³⁵ and throughout the war tried to protest western settlements. The settlers, however, were much alarmed for shortly after the French success on the Ohio, rumors reached Virginia of a French expedition of several hundred men, coming from the Mississippi to erect forts on New, Holston, and Greenbriar Rivers.²³⁶ To secure the route from the settlements in the Illinois country to Fort Duquesne, by which supplies were sent, the French did erect a fort near the mouth of the Tennessee and sent an expedition up that river in 1757.²³⁷ Small forts had been erected on the Holston and Greenbriar and later on the Tennessee by the Virginians, but they were inadequately garrisoned and did not prevent the Indian raids on the scattered settlements. Little active resistance was made by the settlers even when the forts were attacked and in the summer of 1755 several massacres occurred.²³⁸ Gradually the settlers deserted their lands and fled east of the mountains. The Indian raids killed many others. So that in a short time this southwestern country was also as deserted, except for a few forts, as when the speculators first sent their adventurous explorers into it.

Expeditions against the Indians failed because of the indifference of most of the volunteers in the militia.²³⁹ The British government sent practically no assistance to the hard

235. Biennial Report of West Virginia, 3: 19-22 and Dinwiddie Papers, 2: 93.

236. Dinwiddie Papers, 1: 282, 287.

237. Alvord, Illinois Country, p. 239.

238. Dinwiddie Papers, 2: 198-199 and 218.

239. Preston's Journal, February to March, 1756 in Calendar of Preston Papers, p. 10.

pressed Virginia frontiers until after the more critical positions to the north had been taken from the French. The Southwestern speculative companies resented this fact and blamed the government for the check put upon their operations by the war. The leaders of these companies were ardent in the defense of their grants, but the volunteers from beyond the mountains and even the settlers were rather indifferent. The Cherokee and Catawbas gave a little aid, but they became more aloof and it was only with much difficulty that they were persuaded to send any men to the attack on Duquesne.²⁴⁰

In 1759 the Cherokee, instigated by the French, who after leaving Duquesne went among the southern Indians, began a savage warfare on the frontiers of the southern colonies. The reason for the hostility of the Cherokee was the attack by Virginians upon some Cherokee warriors who were returning from Duquesne. These Indians had stolen horses from some settlers, who tried to avenge themselves. The French took advantage of the incident to incite the Indians against the English.²⁴¹ Apparently at this time the southern Indians made no complaints at the encroachment of settlement.²⁴² They were friendly during the early speculations west of the mountains. Later, when the settlers

240. Journals of Burgesses, 1758-1761, pp. 263-264. Reports of George Turner and William Byrd, also in same 1761-1765, XIV, XV.

241. Pennsylvania Colonial Records 8: 197-198 and Adair, History of American Indians, pp. 245-247.

242. This was the report made by the commissioners, Peter Randolph and William Byrd, who had gone to get aid from the Cherokee against Duquesne, Journals of Burgesses, 1761-1765, pp. XIV-XV.

pushed in greater numbers into their lands the Indians registered their complaints with John Stuart, the Indian agent of the Southern Department.

Effect of the War on Western Settlement.

The expeditions of the rangers, into the western lands and the armies of Washington, Braddock, and Forbes gave a greater impetus to western settlement at the close of the war than had the early activities of the land companies. The soldiers, ranging over this country turned an interested eye on the rich lands, after Dinwiddie's Proclamation. It was these men who brought forth the protests and complaints of Governor Fauquier as early as 1759, by their schemes of all sorts to get patents for these lands. Their reports of the country, also aroused a great wave of interest in the west. Added to this impetus given by first-hand knowledge of the country and that of Dinwiddie's proclamation was the very distinct encouragement given to the small settler by the act of 1754, abolishing quit rents and other fees for ten years on the lands settled west of the mountains. This had been recommended by the British ministry at the very outbreak of the war to strengthen the frontiers.²⁴³ Because of the English disasters on the Ohio, the settlers could not utilize this measure, but immediately following the establishment of the English on the Forks of the Ohio, now called Fort Pitt, the settlers began crossing the mountains in ever increasing numbers, filling up the fertile tracts between the Youghiagany and the Monogahela and

243. Acts of Privy Council, 4: 237-238.

settling about Fort Pitt. This western push of the settlers, independent from any organized land company, became a source of greater concern to the Ohio Company and other speculators, than any rival company of promoters, and in the end more successfully checked their operations.

After the fall of Duquesne speculative schemes were revived and new ones formed, and settlers in greater numbers than ever before crossed the mountains apparently with little thought of the problems which in part, had caused the war. But some men had realized these problems by their experience in the war and in the early speculative enterprises. One new factor was the idea of establishing a new government over the western country. Dinwiddie as early as 1756 pointed out the handicap on the settlement of the west, by the restriction of freedom of worship.²⁴⁴ The established church was still the only recognized one in Virginia and all the inhabitants had to contribute to its support. The Ohio Company had early met this difficulty and made a slight effort to have the laws of Virginia changed.²⁴⁵ In 1760, Fauquier wrote the Board that, "It seems to be the general opinion of the speculative gentlemen here, that it will be more advisable to make a separate government of all the Lands between the Mountains and the Waters." One reason given was that the church in Virginia kept out foreign protestants who would otherwise settle these lands.²⁴⁶ Another reason for favoring a separate government was the diffi-

244. Dinwiddie Papers, 2: 343.

245. Sparks, Washington, 2: 481-482.

246. Journals of House of Burgesses, 1758-1761. pp. 381-382.

culty of defending this country over the mountains when all the troops had to be sent from the coast. Furthermore a colony so exposed to attack, needed to be prepared and therefore demanded a stronger and more militaristic form of government than the eastern colonies had. Such reports to the Board of Trade made evident the problems involved in settling the west and undoubtedly influenced that ministry to restrict western expansion until they could be adjusted.

Later Activities of the Ohio Company.

The hand of an ironical Fate seemed to have directed the affairs of the Ohio Company, for after the road to the West had been opened and store-houses built at strategic points, and surveys made which contributed the first written information in English about the upper Ohio, all these things were used in carrying on the war. The Company hoped this war would eventually secure their interests, but in reality, it opened the west to the rivals of the Company in the form of other great companies and the individual, independent settler. Even the Company's road became the highway for this stream of migration to the upper Ohio, to the very lands granted to the Company. Although the Company continued to function, and to urge the recognition of their claims, their great work had been accomplished by 1754 in opening the West. Their next period of activity had a far different result from the one intended, but undoubtedly a greater one for the development of the United States. Through their influence in England and their cooperation with the Virginia

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government in protesting against the vandalia scheme, they undoubtedly were able to postpone the confirmation of that grant until the Revolutionary War and after that to influence Congress against the scheme. Thus the west, instead of becoming the property of the financial interests of the East, was opened to the small settler and homesteader who with his new and independent view point has made the west a new force in the development of the United States.

Almost immediately after the recovery of the forks of the Ohio by the English, all the former activities in that region recommenced, not only in land speculation and settlements, but also in the "furr and skin trade". The Pennsylvanians made a treaty of peace with the Six Nations at Easton in this same year,²⁴⁸ so the trade was opened with as great vigor as ever and the old rivalry between the Pennsylvanians and Virginians threatened to start again. In the fall of 1759 Colonel Stephen, interested in the settlement of the boundary dispute because of his claims to land under Dinwiddie's proclamation, wrote Fauquier that regulations for this trade were greatly needed to make the trade "useful and profitable for us" and "agreeable and easy" for the Indians. "The Pennsylvanians engross it at present and are pushing all possible measures to keep it in their hands. About 20 Tuns of Skin and Furr have been bought at this place within these months".²⁴⁹ Another writer also stated that about four

247. Virginia Magazine, 12: 159-164; Montague, agent of Virginia, to Council.

248. Journals of House of Burgesses, 1761-1765, pp. XI-XIII.

249. Ibid. 1758-1761, p. 280.

thousand inhabitants had returned to their settlements along these frontiers.²⁵⁰ For all these reasons Stephen urged that the boundary be established, or Virginia would lose the trade and the land both. Undoubtedly the Ohio Company must have been interested in the reopening of this trade, but there are no records open at present to give evidence of this.

In this connection the problem arose as to whether the settlement of the west was to be allowed at once and whether the old grants would continue to be effective, since the war had prevented the fulfillment of their conditions. Fauquier, ever the subservient agent for the royal policy and fearful of giving offense, wrote for instructions as to whether the "Crown will renew the two great grants. (Probably the Soldiers and Ohio Company.) If they should be renewed, whether the Grantees should be at liberty to take up lands within their grants in as small parcels as they please; by which means they have it in their power to skim all the fine Lands on the waters and have the lands unpatented."²⁵¹ Evidently his doubt arose, about allowing grants to the soldiers or anyone, from the action of Pennsylvania at Easton in 1758, where the proprietors released their claim to the lands west of the Alleghany mountains and promised the Six Nations that no settlements should be made west of those hills. When Bouquet came to take command at Fort Pitt, he also confirmed²⁵² this treaty with the Indians. Fauquier received word from

250. Craig, *Olden Time*, 1: 198.

251. *Journals of House of Burgesses, 1758-1761*. pp. 281-282.

252. *Ibid.* 1761-1765, pp. XI-XIII.

the Board to hold up all grants west of the Alleghanies until further orders were sent, for he wrote in September 1760: -

"I am extremely well pleased that your Lordship's sentiments on this head concur with and confirm mine, as I hope it will make the claimants more easy under my refusal to make the grants they require".²⁵³ The problem of the newly acquired territory, with the questions of settlement, conciliation of the Indians, and protection of the frontiers of the old colonies was before the ministry, and its temporary solution was issued in the Proclamation of October 1763. This definitely stopped western expansion for the time being beyond the boundary line which was to be established along the ridge of the Alleghanies.²⁵⁴

However, before these events, the Ohio Company began to lay plans for their operations at the close of the war. The scheme of settling their lands by importing foreigners was revived. Cresap wrote to Bouquet in July, 1760, "The Company proposes, as soon as the Wars are ended to settle the land with Germans and Switzers, which they shall send for and encourage".²⁵⁵ Other schemes must also have been brewing, for Bouquet believed that Cresap was planning to send a number of families from the frontiers of Maryland and Virginia to settle on the Ohio.

By this time the Company consisted of twenty members, each of whom had invested £ 500 in the scheme. In return each was entitled to one twentieth of the whole 500,000 acres. The

253. Ibid. 1758-1761. pp.287-289.

254. Shortt and Doughty, Constitutional Documents, pp. 119-123.

255. Canadian Archives Reports, 1889, p. 72.

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assets of the Company amounted to about £ 2,000 or 2,500. To insure the success of the new enterprises, the Company offered a membership, then vacant, to Bouquet, the commanding officer at Fort Pitt. His membership in the Company would, they hoped, give them free reign in promoting the settlements and also prevent the enforcement of such barriers as the Treaty of Easton threatened. Furthermore, the Company apparently expected Bouquet, a native of Switzerland to assist in bringing in foreign settlers. Bouquet did not at first discourage these overtures, but asked for additional information as to the form of government proposed for the colony as it was too remote to come under the jurisdiction of the older colonies. He wrote, "I could indeed procure members of German and Swiss families to settle upon those Lands. If conditions could really be made advantageous to them." He favored the establishment of such a colony and would be willing to promote it, but at present he believed the Indian Treaty at Easton prevented the settlement of their territory on the Ohio. Mercer even went so far as to lay the financial state of the Company before Bouquet but these hopes were killed when Bouquet issued his proclamation of October 1761 against hunting or settling west of the mountains without a certificate.

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A storm of opposition was aroused in Virginia and Bouquet finally wrote to Amherst to justify his action. In that

256. Ibid. p. 73. Mercer to Bouquet, (N.d.)

257. Ibid., p. 73. Bouquet to Cresap, September 15, 1760.

258. Ibid., p. 73. Proclamation of Bouquet.

letter he gave as one reason for making his "Intentions publicly known" the rumors of Cresap's colonizing schemes and the ruin he thought "that bubble" would bring to the settlers. He said that he had been offered a share in the Company, but he felt that the English must keep faith with the Indians. His attitude toward the Virginians also was unfavorable. He felt there was still hard feeling because he had opposed Forbes' use of the Ohio Company's Road for his expedition against Duquesne. The use of the Pennsylvania route prevented many Virginians from the profits of sales of provisions for the troops. ²⁵⁹ Resentment at any restriction on western settlement would have been great enough to account for Fauquier's letters to Bouquet in behalf of the complaining Virginians, without any previous cause for dislike.

The Company, despairing of obtaining any aid in America for their plans after Bouquet failed them, because as they wrote to Dinwiddie, "the government here, who from jealousy or some other cause have ever endeavored to disappoint us in every design we could form to settle and improve the lands," was apparently no longer under their influence, turned to their London members for aid in getting a patent in England for their grant. Charlton Palmers, a prominent London solicitor, had been employed and a petition for the renewal of their grant had been sent when this letter of September 1761 was written urging Dinwiddie and other members in London, to promote the scheme. If the deed for the grant could not be procured from England, the Company hoped to have positive instructions sent the governor of Virginia to

259. Ibid., p. 76. Bouquet to Amherst, April, 1762.

issue the patent "on terms most advantageous to the Company." ²⁶⁰

No thought, apparently, was entertained that western expansion would be blocked after the treaty of peace was concluded; the company merely wished to get their claims recognized in order to begin operations before the rush of other speculators and settlers began. Even after the Proclamation of 1763 which definitely stopped action on these speculative schemes, the members of the Company and other Virginians did not believe the ban was more than a temporary measure. George Washington took this attitude and like the other speculators did not wait for the removal of the prohibition to look over the land and prepare the way for future ventures. ²⁶¹ Meetings of the Ohio Company continued and late in 1763 George Mercer, now a member, was sent to England in behalf of the Company. Evidently it was felt the London members were not sufficiently interested and active.

As a result of Mercer's activity, a memorial was referred to the Board of Trade from the Committee of the Council June 31, 1765, petitioning that the instructions of March 16, 1749 (the original grant) be renewed, or some provision be recommended to Parliament for reimbursing them for their expenses, or finally,

260. Rowland, George Mason, 1:78. Mason to Dinwiddie, September 9, 1761.

261. Sparks, Washington, 2:346. Washington to Crawford, September 21, 1767. "I can never look upon that proclamation in any other light than as a temporary expedient to quiet the minds of the Indians. It must fall of course in a few years"

if all these failed, that the Board should recommend a compensa-²⁶²tion in the form of a grant of land in some other part of America. But the influence of the Company was less than formerly for little action seems to have been taken; by August 1767 the report of the Board on the Memorial had been sent to Shelburne for him to write to the government. This dismissed the action regarding the Ohio Company from ministerial shoulders, for upon Mercer's making an ardent plea on behalf of the Company in November, before the Board, he was told that "the Company's affairs were discharged from their consideration and that they could not resume any care or debate upon them without orders from the king"²⁶³. Mercer was thereupon aroused to renewed activity, for the occasion of his making this plea was an examination he was subjected to in connection with the proposed new government in the Illinois country promoted by Franklin and Walpole.

Mercer presented the prior claims of the Ohio Company and the injustice of allowing a later group of adventurers to benefit by the expense and trouble of the former without any recompense. Mercer was told that the ministry were seriously considering the establishment of a new government in the west and removing the burden and expense of managing Indian affairs and land from their shoulders. Evidently, therefore, the plan of a self maintaining government in the west offered a solution not unacceptable. When Mercer advocated the cause of the Ohio Company, he was asked "if the Company would establish a government on the Ohio at their own expense"; he had to reply evasively upon

262. Acts of Privy Council, 4: 727.

263. William and Mary Quarterly, 1: 200 - Mercer to Ohio Company, November 21, 1767.

this subject, "that they only asked what they had a very long claim to . . . and I (Mercer) believed I might venture to say on proper encouragement the Company would do everything in their power for the public good, and certainly were as capable of an extensive undertaking as any of the new petitioners".²⁶⁴

Mercer also felt that the Virginia government could be counted upon for little aid unless probed to send in the desired report to the ministry by the Company, and while Mercer was optimistic, he urged the members in Virginia to expedite matters as much as possible. These difficulties of the Ohio Company and other speculators under the new policy of the crown were a factor in alienating the Virginians from Great Britain and increasing the friction between that colony and the mother country. For the interest in western lands was not peculiar to one class in Virginia, but to all and the movement to the west was a province wide movement; from the first the restriction of the westward expansion²⁶⁵ was very unpopular.

Mercer presented another memorial to the King in behalf of the Company which apparently traversed the same long row of the previous ones for in November 1769 it was referred to the Board.²⁶⁶ Perhaps the uncertainty as to whether the Ohio Company would establish a government in their proposed settlement contributed to the indifference exhibited to their pleas, or it may have been the great prestige Benjamin Franklin had in England.

264. Ibid.

265. Journals of the House of Burgesses, 1766-1769, p. 37. Petition from Augusta County against restriction on western settlement and operations of land companies, November, 1766.

266. Acts of Privy Council, 5: 119.

Furthermore Mercer complained of neglect on the part of the Company; that his letters between 1767 - 1771 were not answered. Rowland suggests that this may be an indication of foul play by the rival speculators.²⁶⁷ It seems strange since the Treaty of Stanwix in 1768 had secured the desired territory by a legal purchase from the Indians, that the Virginia members were not more active. After this cession of territory Walpole and Franklin gave up their earlier scheme of a settlement in the Illinois region and petitioned for a grant on the Ohio of 2,500,000 acres,²⁶⁸ a tract which included the grant of the Ohio Company, the Loyal and Greenbriar and the soldiers' claims under Dinwiddie's Proclamation and that of 1763 by the King. Before the alarm of this new petition reached Virginia, Mercer again petitioned in behalf of the Ohio Company,²⁶⁹ and then, apparently realizing the power behind the new scheme thought he would save what he could by incorporating the Ohio Company in the Vandalia Company. This was done May 7, 1770 and he was allowed for the company two of the seventy-two shares thereof.²⁷⁰ However, this arrangement was never accepted by the members of the Ohio Company in Virginia - Mason in particular was most active in opposing the Vandalia scheme²⁷¹ before after the Revolution.

267. Rowland, George Mason, 1: 156.

268. Acts of Privy Council, 5: 202.

269. Ibid. 6: 556.

270. Darlington, Gist's Journals, p. 244. Agreement of May 7, 1770, also Rowland, George Mason, 1: 156. Mercer to Ohio Company, August, 1771.

271. Rowland, George Mason, 2: 413-414. "Extracts from the Virginia Charters with some Remarks on them made in the year 1773."

The Southwestern Companies.

Meanwhile in the southwest as well as on the Ohio, settlers were returning to their lands and speculators were renewing their activities in spite of the Indian wars of 1759 - 1761. Fauquier, however, had been ordered to allow no grants in the country west of the mountains as a result of his reports on the situation of the upper Ohio.²⁷² Although he was not certain whether this order applied to the southwestern region, since no complaints from the Indians were made there, in his usual scrupulous manner, he refused all petitions until further advice was given him from England. He wrote in 1760, "There is a doubt arisen here, whether in the letter . . . ye Lordships meant to include the Lands on Greenbryar, New River, or Kanawha River, as lands not to be patented. These Rivers have been tolerably seated for some time, but the settlers have abandoned their plantations on account of the late disturbances, but are now returning and applications are making for New Patents. The lands²⁷³ I wrote about are two or three hundred miles to the North."

Other applications for patents on Holston and Clinch rivers were also refused, for the Board of Trade had approved of Fauquier's postponement of these petitions and ordered him to investigate the claims of the Indians in those regions and make a report on the situation. The Board was at this time formulating the policy of restricting settlements, and regarded the settlements on Indian lands as a cause for the Indian's leaving the

272. Journals of Burgesses, 1758-1761, pp. 281-282.

273. Ibid., p. 290. Fauquier to Board of Trade.

English for the French in the late war. This reason applied rather to the upper Ohio than to the southwest for Fauquier wrote in November, 1761, that, "The irregularity of these Indians in their Marches, and the Revenge taken of their Insults by our inhabitants, and the fatal Scalping Laws (which I got repealed, etc.) have been, I too much fear the immediate cause of the Cherokee War. No mention was made of the settlement of Lands, or any complaints made about it in this expedition of Colonel Randolph and Colonel Byrd," and in conclusion, "I must now observe to your Lordships, that no complaints have ever been made as I have been informed, and as your Lordships will see by the minutes of the Council which I have enclosed to you, from any Indians whatever, or any claims made on the lands Westward of this colony, though the Indians about Pittsburg have I believe made objections to the White People's settling to the Westward of the Alleghany Hills." ²⁷⁴ Even if the Southern Indians, who hunted over the territory in question had not complained, the "Indians around Pittsburg," or the Six Nations, claimed this area by right of conquest and did not recognize the Cherokee claim; so this vindication of the settlement of the Southwest availed nothing. The Proclamation of 1763 cut off the lands of the Holston, New, and Greenbriar from the activities of speculators and settlers alike.

In 1763 before the formal proclamation both the Greenbriar and Loyal Companies petitioned for a renewal and confirmation of their grant, ²⁷⁵ and were refused, "but the board were of opinion that they were restrained, by the king's instructions,

274. Ibid. 1761-1765, p. XIV.

275. Call, Virginia Reports, 4: 26.

from granting such renewal and confirmation" -- "so that the denial arose not for want of equity in its foundation, but because the British ministry designing to oppress America and stop the settlement of that frontier (too remote to be easily subjugated) had instructed their governor not to grant any lands on the waters of the Mississippi".²⁷⁶ These and the following were arguments used in 1783 by the defendents of the companies, but they show only the attitude of the members toward this western policy of the crown, not the policy itself. Another argument used was that the refusal was made "not because the governor and council believed it to be wrong, (for they thought it right,) but because the British ministry, in order to weaken the colony, had resolved to stop the settlement of the frontier; and to that end had not only instructed the governor not to grant any lands on the waters of the Mississippi, but had issued a proclamation; - thus imagining, vainly indeed, to stifle all efforts to strengthen the country, but still sufficient to prevent the operations of the Companies, who ought not to be prejudiced by the tyranny of their rulers, whose authority they could not resist!"²⁷⁷ This apparently was the interpretation put upon the ministerial policy by speculators and settlers who brooked no restriction on their schemes for exploiting the West. Because the policy checked them, they called it tyrannical; undoubtedly this attitude toward the policy did much to create the general anti-British feeling in Virginia. A study of the formation of the Proclamation of 1763 reveals merely an

276. Ibid. p. 28.

277. Ibid.

effort of the ministry to solve the complex problems of the Indian trade, government of the newly acquired territory, and protection of the older colonies. The Proclamation was a temporary measure to alleviate some of the difficulties, and prevent further friction with the Indians until a definite solution could be made.

In spite of the fact that the companies could not secure the confirmation of their surveys or a renewal of their grants, they continued to operate. Many titles to lands from the companies in the southwest dated back to the years between 1763 and 1768, when settlement in that region was not allowed.²⁷⁸ Settlers were moving into this region so rapidly that if the companies did not make the sales, their lands would have been occupied anyway. Such at least was their plea. To such applicants the Loyal Company promised full title "if the Company should ever be able to make them titles; otherwise those, who settled, were to abide the consequences of their settlement; and on these terms, great numbers did settle."²⁷⁹ Independent settlers also went out and settled on the Greenbriar, Holston, New River, pushed north to the heads of the Monongahela. Either this push of settlers was so much greater than the earlier one or because they realized what it meant, the Indians began their protests. John Stuart wrote in 1765 that "the murder of their People by the back settlers of Virginia has not so bad an Effect and the consequences are not so much to be apprehended as of Encroachments on their Lands. The Indians can comprehend that the wicked actions of a

278. Chalkley, Abstracts, 2: 145.

279. Call, Virginia Reports, 4: 26.

few Individuals ought not to be considered as a Proof of the Intentions of the Whole Community, and will be well satisfied to have the Perpatrators brought to Justice; But grants of Land claimed by them they know they consider as incontestible Proofs of our bad Intentions and want of Faith²⁸⁰

Such agitation from the southwest as well as from Pennsylvania, plus the failure to restrict western settlements led the ministry to order a treaty with the Indians to settle the boundary proposed in the Proclamation. At the Treaty of Fort Stanwix, November, 1768, the Six Nations sold a larger tract than the ministry expected, to the English. Undoubtedly this was due to the speculators who attended the treaty, for all the land east and south of the Ohio as far as the Tennessee River which the Six Nations claimed was granted to the English.²⁸¹

The new schemes of speculation and new movements of the independent settler formed an important part of the activities after the war and before the legal purchase of the Indian lands. As early as 1749 projects were outlined for establishing settlements on the Mississippi at the mouth of the Ohio, and although a grant in that year was allowed, nothing of consequence was done. But it is interesting that in 1763, when the Mississippi Company was organized to establish a settlement at the mouth of the Ohio, the name of Bernard Moore, the grantee of 1749, appeared as a member.²⁸² It may be that his surveyors had been at work and thus

280. North Carolina Records, 7:109. Stuart to Pownall, August, 1765.

281. Virginia Magazine.

282. Carter, Illinois Country, pp.165-171. Memorial of the Mississippi Company, September 9, 1763.

the knowledge of the region, shown in the petition of the Company, had been acquired. The Mississippi Company petitioned for a larger tract than ever before granted; 2,500,000 acres. Each member was to receive 50,000 acres.²⁸³ Many of the members proposed to settle there, and in addition they agreed to seat two hundred families on the land.²⁸⁴ The return to the Crown for the exemption from "composition money, quit rents or taxes" for twelve years would be found in the rich trade developed because of the many products to be raised in that region. It would also be a barrier to the French across the river who if English settlements were restricted east of the Alleghanies might return and join with those on the Illinois. Furthermore the Indians with whom the Treaty of Easton had been made had no claim on this country.²⁸⁵

The Company when organized September 9, 1763, consisted of thirty-two members who asked Thomas Cummings in London to join and act as agent to promote their petition there. He was also to procure nine other English members "of such influence and fortunes as may be likely to promote its success". Although Virginians were the promoters they did not apply to that government for the following reason: "The Company would choose to have their Memorial laid before the King as soon as you will find it expedient to do so from having previously conciliated the favor of the Ministry thereto"... "The Company choose Letters Patents rather than a Mandamus for the Colony, because so many persons of the first influence here,

283. Ohio Archeological Quarterly, 17: 38. Articles of the Mississippi Company.

284. Carter, Illinois Country, pp. 165-171.

285. Lee to Cummings, September, 1763 in American Historical Review, 16: 312.

are concerned in Land Schemes; that a thousand nameless, artful obstructions would be thrown into their way, to prevent the success of their enterprise."²⁸⁶ George Washington and the Lees were among the well known promoters of this company.²⁸⁷ However, the Board received this petition with no more favor than that of the Ohio Company. The Proclamation of 1763 was in force and thwarted the early plans of the Company as it did all other schemes.

Other speculative schemes were formed while the West was still officially closed to settlement. Tracts were surveyed for the soldiers and speculators so that as soon as the Indian country was opened up, patents could be procured. Officers bought up soldiers' claims for a song in ^{order} to have a title to large tracts of this western land. The fever of speculation spread to Pennsylvania; Franklin and Wharton launched their scheme for a new government in the Illinois country. This scheme was later converted into the Vandalia Company which was such a bugbear to Virginians. The traders of Pennsylvania secured a grant from the Indians and tried to settle their land. Patrick Henry was interested in lands on the Mississippi, although the scheme never materialized. The Treaty of Stanwix opened up the West to English as far as the Tennessee River. The Virginia speculators alarmed for the safety of their enterprises if Virginia's claim to this region was superseded, secured most of this grant for Virginia by a treaty at Lochabar, 1770 with the Cherokee, who claimed to be

286. Ibid.

287. Carter, Illinois Country, p. 165 also Ford, Washington, 2:

244. Washington's Diary of 1763 and later.

the owners of this land. To the outbreak of the Revolutionary War, speculative enterprises multiplied and the settlements of the independent settler increased and moved farther and farther down the Ohio.

The real impetus of this westward expansion, is to be found in the activities of the first speculators. Up to 1768 it may be said that the speculators largely directed the settlement of the west. Following that date, the western movement could not be restricted by self-interested corporations; the impetus had been given. Although vast projects were formed and old ones continued, the independent settler claimed and held the West. By his petitions to the assembly or to the Crown, and even more by his determined persistence in taking up the lands he wished, in spite of the prohibitions of the government, the claims of great companies and ejections from the land, the settlers defeated the rich and powerful speculators. But the history of the settlement of the West, the rivalry with the French, and the relation between England the colonies might have been very different, if the explorations of the agents of the land companies had not widely advertised the west, if the roads and store houses of the speculators had not encouraged settlers. It is in this initiation of the western movement that the speculators of Virginia played their important role.

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Seminar in American History.

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