

The Ohio Company

Its Inner History



ALFRED P. JAMES

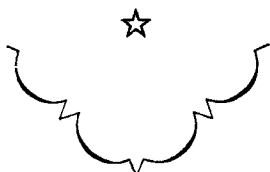
THE OHIO COMPANY
ITS INNER HISTORY

THE
OHIO COMPANY
" *ITS INNER HISTORY*

BY

ALFRED P. JAMES

*Professor Emeritus of History
University of Pittsburgh*



UNIVERSITY OF PITTSBURGH PRESS

Library of Congress Catalog Card Number: 58-7176

© 1959 University of Pittsburgh Press

Printed in the United States of America
American Book-Stratford Press, Inc., New York

To my Mother
Annie Elwood Shield James
stouthearted nonagenarian

7-23-68 P

44

Foreword

IT HAS long been known that many documents related to the Ohio Company of Virginia perished in disastrous fires, notably those at Williamsburg, Virginia (1781), those at William and Mary College (1859), those at Richmond, Virginia (1865), and those left by George Mason of *Gunston Hall*.

What papers of the Ohio Company had survived was a matter of conjecture for generations. Fortunately some papers were a matter of public record and others were in institutional depositories or in private hands. Significant use of this surviving material was made by Berthold Fernow, in his *The Ohio Valley in Colonial Days* (Albany, New York, 1890), and more particularly by Kenneth P. Bailey, in his *The Ohio Company of Virginia* (Glendale, California, 1939).

The Re-discovery of Papers

Readers of William Darlington's *Christopher Gists Journals with Historical, Geographical and Ethnological Notes and Biographies of his Contemporaries* (Pittsburgh, J. R. Weldin & Co., 1893), might well have understood that Mr. Darlington owned important Ohio Company papers, both originals and copies.

The library of Darlington was given to the University of Pittsburgh in 1918 and the estate of the Darlington family was donated by his descendants to the University in 1925. The William Darlington Library containing his books and maps was organized in 1936 and is a notable feature of the University. The real estate and personal property were devoted to library facilities and equipment. But it was twenty-two years after the donation of the library that, in 1940, the manuscript material relating to the Ohio Company was brought back into the Darlington Memorial Library. On examination this material was found to contain about two hundred thousand words. As printed later, even with some elimination of duplication in items, it filled more than three hundred pages of text.

The First Plan of Publication

On the fortunate acquisition of this material and its survey by several people, it was decided to publish not only the Darlington items but whatever additional relevant material might be located by whatever research and publication might be necessary.

The editor of this volume and Mrs. Lois Mulkearn, as assistant editor, accepted the responsibility of collecting and editing for publication by the University of Pittsburgh Press both the Darlington items and the relevant additional material.

Suspension of Operations, 1942-1948

In 1941 considerable progress was made in transcribing the manuscripts and collating typescripts. It seemed that it might be possible to complete the project in a few years. But the attack on Pearl Harbor and the entry of the United States into war changed prospects. For some time general and institutional circumstances were highly critical. A somewhat natural result was that the project was tabled. From 1942 to 1945, the University was swamped with military personnel and the faculty not in military service was much reduced. From 1945 to 1948, the registration in the University of

thousands of service men occupied much of the time of the faculty. The project of 1941 remained in abeyance.

Resumption and Change

Increased stabilization came with years of peace. In 1948 it was decided to resume the editing of the Ohio Company historical papers. By agreement, a joint editorship was established. Later it was decided that Mrs. Lois Mulkearn, librarian of the Darlington collection, should edit the items from the Darlington estate. Later still it was decided that the *Case of the Ohio Company* published in 1770, of which a sole imprint was found in the New York Historical Society, should be published as an appendix to the Darlington material.

The relevant additional documents related to the Ohio Company, in number and quantity not then fully estimated, were assigned to this editor, as was the matter of the inner history of the Ohio Company as a résumé of the whole project. Unexpectedly and unfortunately for this editor, while the *George Mercer Papers* (University of Pittsburgh Press) could be published in 1954, the amount of other relevant material that could be and was found, assumed unexpected and relatively enormous proportions which prevented the bringing out of another volume in 1954, as a companion of the *George Mercer Papers*.

Limited Narrative

In the narrative below, the inner history of the Ohio Company, the treatment is definitely narrow. Much concomitant milieu has been consciously omitted. Relations with the Indians have been left to Charles H. McIlwain's introduction to his edition of Peter Wraxall's *Abridgement of Indian Affairs*; to Julian P. Boyd's "Indian Affairs in Pennsylvania, 1736-1762" in his edition of *Indian Treaties Printed by Benjamin Franklin, 1736-1762*; to Lawrence H. Gipson's *The British Empire Before the American Revolution*, Volumes IV-V; and to annotations and commentary in Lois Mulkearn's *George Mercer Papers*. The diplomatic relations of Great Britain

and France are largely disregarded as already found well handled in Clarence W. Alvord's *The Mississippi Valley in British Politics*; in Theodore Calvin Pease's *Anglo-French Boundary Disputes in the West, 1749-1763*; and in the volumes of Lawrence H. Gipson's *British Empire Before the Revolution*. The military history of the struggle between the British and the French and of Pontiac's Conspiracy has been left, in its larger outlines, to the incomparable writings of Francis Parkman and to supplementary material found in the volumes of Gipson.

While little or no effort is made in this inner history to discuss the history of the period or state the broad milieu of the Ohio Company, much attention has been paid to available documentary material, whether old and familiar or newly found, and whether in the George Mercer Papers, in great depositories, or in regional and local archives. It is believed and hoped that not only additional data and new light may be furnished, but that a different and fuller interpretation of the Ohio Company and its place in history may result.

Classification of Material

No completely logical and satisfactory classification of the 1,228 items listed can be expected. Classification in general terms such as political, institutional, economic, financial, etc., gives no impression of the real factors. And many relevant items fit into several categories. But, roughly, about 340 items might be classified as political and institutional, including 180 letters, 58 minutes of the Board of Trade or Privy Council, 30 minutes or resolutions of the Ohio Company, 29 newspaper items (mainly advertisements of meetings or projected sales of lots)—a total of 42 items only in 10 other subdivisions. There are about 256 mercantile items, most of them in litigation records as petitions, declarations, warrants, accounts, promissory notes, bonds, dockets, judgments, etc. The land item documents, primary and secondary (the latter litigation items), number about 525, including 30 survey warrants, records of warrants and renewal of warrants, 18 surveys, 6 resurveys, 17 land

entries, 37 land resolutions or laws, 8 land patents, 30 land dispute depositions, 12 land deeds, and sundry other items.

Some idea of this volume of relevant data about the Ohio Company is essential. An understanding of it is necessary as an explanation of a change in the plan of publication. Of more than 1,200 relevant items, only about 150 are found in the 37 manuscripts in the George Mercer Papers.

Limited Selection of Documents

Of the thousand or more remaining items many have long been known and some of them printed, notably by Fernow and Bailey. And although of more than two score different types, many of each type are highly similar and, in some cases highly repetitive. It has therefore been decided to include, in Appendix A, of this volume, only about ninety items, or in number, about one in thirteen of the documents found.

On the selection of the items for the Appendix certain principles seemed advisable and with some consistency have been followed. In the first place, it was made a rule to omit generally those items already in print in works found in the larger libraries. The second principle was that the item must be revealing and generally significant. The third principle was that unusual items hitherto unknown should be included. And, along with the above criteria, the idea has been pursued of including at least one item of each of the more important types found.

One who examines the Appendix will find included about 30 different types or species of documents. Twenty-five additional item types are found in the larger list of assembled items, but some of them are of minor significance and the illustrative items are often of less importance.

The Locations of Documents

The largest proportion of the extant and relevant papers of the Ohio Company of Virginia are found in six places, Pittsburgh,

Philadelphia, London, Washington, D. C., Annapolis, Maryland, Winchester, Virginia, and Frederick, Maryland.

In regard to Pittsburgh and the George Mercer Papers of the Darlington Memorial Library of the University of Pittsburgh, comment is unnecessary, for each item, well edited, is now available in print in the *George Mercer Papers*.

In Philadelphia, numerous items are found in the Manuscripts Division of the Historical Society of Pennsylvania, where material relevant to the Ohio Company of Virginia is found in ten or more collections, among which may be named the Cadwallader Collection, Dreer Collection, Etting Collection, Gratz Collection, Miscellaneous Collection, Penn Papers, Penn-Hamilton Correspondence, Penn Official Correspondence, Peters Papers, and Weiser Correspondence. A few items only are found in each of two other Philadelphia depositories.

As anyone familiar with the writings of Parkman, Fernow, Alvord, Gipson, Bailey, and others, would anticipate, many of the papers of the Ohio Company are drawn from the British Public Record Office, mainly from Colonial Office papers, Classification 5. About 67 such items are found in our complete list. References in the context of these and of other items involve, of course, many additional P.R.O. documents. The British Museum Library manuscripts, notably the Bouquet Papers and the Newcastle Papers, furnish a considerable number of items in our files and more yet for footnote reference. Fortunately much of this London material has been transcribed, photostated, or microfilmed and can be consulted in Washington, D. C.; Ottawa, Canada; and elsewhere.

In the Division of Manuscripts of the Library of Congress are found not only the transcripts, photostats, and microfilms of the British Public Record Office and British Museum items, but additional items in the Washington Papers, George Mason Papers, and Campbell-Preston Papers.

In the mere number of items relevant to the Ohio Company, Annapolis, Maryland, comes first as a location of material. In fact it is a place of triple significance. In the Hall of Records building are both the Maryland Land Office and the legal records. Among

the latter are not only central archives of the Western Shore General Court and of the Court of Appeals, but also the early original records of Frederick County, whether docket books or judgment records or, in different categories, deed books and will books. Frederick County has only neatly bound volumes of photostats of these, and photostatic reproduction is made in Annapolis.

In the Land Office are more than thirty relevant Ohio Company items, including 15 or more warrants or renewals thereof, 8 or more surveys or resurveys thereof, and 7 or more patents. Photostats of these are obtainable and easily secured at Annapolis.

The central courts records in the Hall of Records are voluminous and contain much Ohio Company data. In point of both number of items and duration of litigation the contest for possession of *Pleasant Valley*, a three-hundred-acre tract near Old Town, Maryland, is most significant. As first a dispute in the provincial land court, 1761-80, and then in sequence, a suit in the Western Shore General Court, in the Allegany County Court, in the Court of Appeals, and again in the Allegany County Court, it ran on, under changing writs and titles, from 1780 to 1821, with judgment records of great length, containing, imbedded, copied records of early transactions and sometimes having significant boxed files of some of the original papers involved. The docket items number 57 and the depositions, either preserved in boxed files or copied in the extensive judgment records, number a score or more. As mentioned below in a footnote to an item calendared in Appendix D, the judgment records in connection with this case fill more than four hundred folio pages.

As indicated below in the narrative and in Appendix A, George Mason took two bonds in payment for two tracts of land. These two bonds with the signatures of Thomas Beall, son of Samuel, and three co-signers on each of the two bonds were not promptly paid and George Mason brought suit about the matter. In the suit which was initiated June 4, 1791 and was settled in 1799, there were issued 8 warrants, June 4; 8 declarations including copies of the bonds, June 15, 1791; 8 scire facias writs January 7, 1793; and 8 more scire facias (really fieri facias) writs of September 7, 1797, the originals of which are found in the boxed files of the case, along with

sundry other items. In the docket books of the court are 78 items. The total of all items in this case number more than 116.

Thus, in all, there are, omitting the Land Office documents, about two hundred central government archival items relating to the Ohio Company in the Hall of Records.

At the courthouse in Winchester, Frederick County, Virginia, one finds most fortunately not only the court procedure and judgments preserved in the order books, but, remarkably preserved, files of original papers involved in the suits, neatly folded after the manner of lawyers files and arranged chronologically. This is not unique, for similar files have survived in Augusta County, Virginia, and in Allegany County, Maryland. Fires and war have done great damage to many such records elsewhere, but in places such as Winchester, Virginia, and Frederick, Maryland, much material, hitherto neglected but of great value, has survived.

Mercantile Items

The Ohio Company items found at Winchester, Frederick County, Virginia, and at Frederick, Frederick County, Maryland, are predominantly commercial and mercantile, recorded or filed in connection with litigation against those who bought goods from cargoes which were imported from Europe and jobbed or retailed along the upper Potomac, usually, probably, at the New Store. Since the related documents have been greatly neglected, emphasis is here put upon them as a new feature.

The mercantile trade of the Ohio Company was carried on partly with the Indians of the Ohio Valley, partly with military personnel using Ohio Company goods from its imported cargoes, and partly with settlers along the upper reaches of the Potomac River. At the time, these settlers who had accounts with the Ohio Company lived mainly in Frederick County, Virginia (of that day) or in Frederick County, Maryland. With few exceptions the surviving records of the commercial business of the Company are to be found in the archives of these two counties, areas each of great extent, 1750-55.

In the Darlington Library and in files of papers of suits in

Frederick County, Virginia, are 20 Frederick County commercial accounts, 13 promissory notes, and 6 commercial bonds. In connection with them there are 25 petitions, 14 declarations, 60 warrants, of which 2 are writs of attachment, and 135 trial records in the order books, as such volumes are there designated.

Of this total of 174, Frederick County, Virginia, items, it has seemed advisable, at present, to publish only type samples since there is much similarity and repetition within each of the 7 types above mentioned.

In the text and in a few footnotes will be found reference to about 40 Virginia commercial debtors of the Ohio Company against whom litigation, sometimes dragging out for a decade, had to be carried on in the county court.

Somewhat unfortunately the original trial papers once filed in Frederick County, Maryland, and now deposited in boxes at the Hall of Records at Annapolis, are few in number and irrelevant to the story of the Ohio Company. But fortunately the Maryland Courts often made inclusive judgment records, which furnish detail not only about legal processes but about transactions involved in a given case. An attempt has been made to summarize some of the data thus preserved.

The records of Ohio Company commercial transactions in Frederick County, Maryland, though different in recordation, are little less voluminous and significant than those in the Virginia county of the same name. In the Frederick County, Maryland, docket books now in the Hall of Records of Annapolis are found at least 108 items, all brief, but containing, nevertheless, valuable abbreviated notations about debt and property. Involved are the obligations of about 20 debtors and 2 or 3 others on the bail or among the executors of a debtor.

In the judgment records of Frederick County, Maryland, are 42 items in regard to suits against the debtors. Sixteen of the judgment records are, according to the Maryland policy, inclusive. Imbedded in the judgment records, are found 15 warrants, 11 declarations, 4 accounts, 2 promissory notes, and references to other accounts,

promissory notes, and amounts of indebtedness. The consideration of these 150 items is essential to the true picture of the financial operations of the Ohio Company. Among other things, the existence of 108 trial items in regard to about a score of commercial transactions may well demonstrate that wealth and money were almost nonexistent along the upper Potomac. It would follow that probably most of the Ohio Company goods were sold on credit, that cash sales were possibly few and small, and that litigation had to be entered upon against an unusually large percentage of the debtors.

In summary, among the commercial or mercantile items relating to the Ohio Company, 1750-1763, are 256 items, of which 174 transactions are from Frederick County, Virginia and 182 (including 32 imbedded documents in the judgment records) from Frederick County, Maryland. The sheer bulk of these items, some of them of considerable length and within each type, very repetitive or similar, is, as said, responsible for the decision to publish in Appendix A, only samples of them. A table of the purely financial aspects of these mercantile items will be found in Appendix B.

Land Items

In the matter of land items there is much information not only in several state land offices but also in county courthouses among records of deeds, wills, and litigation.

On the Ohio Company landholding, known as the *New Store Tract*, opposite the mouth of Wills Creek, once Fairfax property, and, in turn, later in Frederick County, Hampshire County, and Mineral County, there is adequate information. The original entry records of 1748 have not been found, but there are as Ohio Company items 3 deeds including Lots 14, 15, and 16 dated October 25, 1754; a resurvey warrant of March 1, 1768; the resurvey of May 5, 1768; the patent to the resurvey, February 13, 1773; the indenture lease of the property, July 13, 1785; and the deed to the property on the same day. To these 8 title items must be added several de-

scriptive advertisements in 1763 for the sale of the property.

On the Gist settlement of Ohio Company property along the Youghiogheny River, in what is now Fayette County, Pennsylvania, there are numerous certificates, surveys, deeds, etc., most of them in the Pennsylvania Land Office in Harrisburg but some of them in the Fayette County archives at Uniontown.

On Ohio Company landholding in Maryland there are more than 30 title items extant, including 6 warrants with 2 renewals, 6 surveys, 4 resurveys, 6 patents, 4 deeds, 2 bonds, a deposition, and a petition, all of which may be called legal title documents as contrasted with hundreds of litigation items found in connection with (1) a quarrel about one tract (*Pleasant Valley*) which under various suits ran on from 1751 to 1821; (2) a suit of George Mason against Charles Clinton for unpatented parts of the Walnut Bottom Resurvey of June 13, 1761; and the great suit of George Mason IV, George Mason V, and the latter's executors against the signers of the two bonds submitted in 1783 in payment for *Walnut Bottom* and *Limestone Rock*. A statistical table of the Virginia and Maryland landholdings of the Ohio Company, particularly of the finances of purchases and sales by the Company, is found in Appendix C.

On the important survey made by the Ohio Company of 400,000 acres in Kentucky, in 1775, there have not been found any original Ohio Company surveys, patents, or deeds, but the material relating to the great survey of 1775 is widely scattered in the Kentucky Land Office and in Virginia and Kentucky local archives.

A Depository of Ohio Company Documents and Transcripts

The University Library has organized the manuscripts and transcripts of this collection of Ohio Company historical data and items, some of them photostatic and others microfilm, in conveniently boxed files, arranged chronologically. These files are open to anyone wishing to consult or visit the Darlington Library at the University of Pittsburgh.

They are known as the A. P. James Collection, Collated Tran-

scripts of Manuscripts Relating to the Ohio Company of Virginia.

Limited Content of this Volume

The items published in Appendix A are arranged in chronological order. Where the date is not at the top of the original manuscript it is bracketed herein. Some of the bracketed dating of items is approximation and as such cannot be fully guaranteed as to perfect accuracy. The use of the chronological order and the possible benefit of the reader seemed to call for such approximate dating.

Most of the documents published in the appendix are published in full, including also where found, addresses, endorsements, annotations, and so forth. In some cases, only extracts from documents otherwise largely irrelevant are utilized.

The total relevant items number more than 1,200, which made questionable the wisdom of including a list of them otherwise than in an Appendix, for the list in larger type if at the beginning of the volume in small type would fill about seventy pages, at a cost above value, and probably fatigue or antagonize the reader.

In a work of such scope and size, the bibliography and index are problems of proportion. It has seemed advisable to confine the bibliography to highly relevant items and to limit the index to the more significant names and subjects found in the narrative, the appendixes, and the bibliography.

Omitted here, as already in print, are materials fundamental to the history of the Ohio Company. Highly important items are the minutes, resolutions, orders, and instructions of the meetings whether of the Company as a whole or of the Committee of the Ohio Company. They are found almost entirely in the George Mercer Papers of the Darlington Memorial Library and are available in the ably edited and well printed *George Mercer Papers*. Hardly less important are the petitions, memorials, and other formal statements of the case or claims of the Ohio Company. Many of these are likewise found in the *George Mercer Papers*. Excellent service was rendered by Fernow in 1890 and Bailey in 1939 by printing, in

appendixes, many of the materials of this second type. The thorough student of the subject should have in possession or for consultation the *George Mercer Papers* (Lois Mulkearn ed.) and the *Ohio Company of Virginia*, by Kenneth P. Bailey.

Acknowledgments

In research on the scale and in the proportions involved in this project it is virtually impossible to acknowledge fully and completely obligations to all who have rendered assistance of one kind or other. A general statement of genuine appreciation and gratitude must suffice. It may be of some value to testify that everywhere, without exception, archivists, librarians, public officials in charge of records, and private individuals in possession of documents were uniformly courteous, and extended all the aid which could be expected under the circumstances.

The obligation to each other of the editors of the two volumes of the Ohio Company are so obvious to anyone that they need not be stated.

For assistance in secretarial capacity, thanks must be given to Perra Rose, Lillian E. Holbrook, Phyllis Ayers, Helen K. Bole, Mable Williams James (my wife), Alice Linton, and others, some of whom as secretaries of various officials of the University gave service beyond their normal duties.

For support of this project, credit is here given to John G. Bowman, chancellor of the University at the inception of the work, to Rufus H. Fitzgerald, his successor, who re-established the project in 1948, and to Stanton C. Crawford who gave it much attention and encouragement. Also included in the category of supporters must be the successive University librarians, Leland D. Baldwin, A. L. Robinson, and Lorena A. Garloch, each of whom in turn manifested keen interest and gave requisite aid. Credit must particularly be amplified in the case of Dr. Robinson who long served as chairman of a supervisory committee, but whose credit must be shared with additional members of the committee, John W. Oliver, former head of the history department, and Agnes Starrett, University editor and director of the University of Pittsburgh Press.

The search for relevant material on the Ohio Company involved, as indicated above, much travel and extended correspondence. Indebtedness to the larger manuscript depositories is seen in reference to the locations of documents and is gratefully acknowledged. Among these may be mentioned the Darlington Memorial Library of the University of Pittsburgh; the library of Duke University; the Department of Archives of North Carolina; the Alderman Library of the University of Virginia; the library of William and Mary College; the files of the Colonial Williamsburg project; the archives of the Virginia State Library; the Virginia Historical Society; the manuscript division and the Division of Maps of the Library of Congress; the National Archives; the Peabody Institute; the Enoch Pratt Library and the Maryland Historical Society at Baltimore, Maryland; the archives of the Hall of Records and of the Land Office at Annapolis, Maryland; the Historical Society of Pennsylvania; the Ridgeway Branch of the Philadelphia Free Library; the library of the University of Pennsylvania; the Friends Historical Society and the American Philosophical Society in Philadelphia; the New York Public Library in New York City; the New York State archives at Albany; the libraries at Yale, Brown, and Harvard universities; the Massachusetts Historical Society; the state archives in the capitol at Boston; the Essex Institute at Salem; the American Antiquarian Society at Worcester; the small manuscript collection of Amherst College; manuscripts or archives of the Division of Archives, the Land Office and the Pennsylvania Historical Library and Museum, Harrisburg, Pennsylvania; the Mercer Museum and Library of Doylestown; the collections of the Ohio Archaeological and Historical Society at Columbus; the manuscripts of the University of Chicago Library and the Chicago Historical Society; the Draper collection of the Wisconsin Historical Society at Madison; the materials of the William L. Clements Library at Ann Arbor, Michigan; the manuscripts of the Kentucky archives, particularly in the Land Office; materials at Charleston, West Virginia in the Land Office, the division of archives and the museum; the West Virginia Collection in the library of West Virginia University; the Henry C. Huntington Library of San Marino, Califor-

nia; and the Kentucky Collection of the Western State College of Bowling Green, Kentucky. Involved in the accumulation of data were notes taken in earlier years in the great historical depositories at Detroit, Ottawa, London, and Paris.

Unusually significant in the search for papers related to the Ohio Company were visits to county courthouses in counties such as Philadelphia, Lancaster, Cumberland, Bedford, Westmoreland, Fayette, and Allegheny in Pennsylvania; Ann Arundel, Prince Georges, Charles, Montgomery, Frederick, Washington, and Allegany in Maryland; Fairfax, Stafford, King George, King William, Spotsylvania, Westmoreland, Richmond, Lancaster, Northumberland, York, Augusta, Botetourt, and Montgomery, in Virginia; Brooke, Hampshire, Mineral, Monongalia, and Ohio in West Virginia; and Harrison, Scott, Mason, Fayette, Clark, Bourbon, Nicholas, and Bath in Kentucky. Of these county archives, those of the counties of Washington, Frederick, and Allegany in Maryland, and of Frederick in Virginia proved the greatest sources of unused Ohio Company material.

(The value and significance, in historical research, of local governmental archives and records is too frequently overlooked by general and broad regional historians. Only property title tracers and genealogists seem to pay full attention to this widespread and voluminous data.)

Since repeated visits were made to the four counties last named, the officials of these counties must be given special credit and appreciation. In more particular acknowledgment, the editor is indebted to Mr. Lee Whitacre, clerk of the Court of Frederick County (and his assistant, Mrs. Kathryn Lineweaver, deputy clerk), not only for uniform courtesy and aid in research but for permission to microfilm hundreds of items so fortunately preserved and duly under his supervision. Specific and particular appreciation must be extended to Morris L. Radoff, archivist, Roger Thomas, assistant archivist, and Gus Shordas, assistant archivist, of the Hall of Records of Maryland at Annapolis, the last of whom did, in research on the project, much work beyond his regular hours. The same special gratitude must be extended to Richard N. Williams II, direc-

tor of the Historical Society of Pennsylvania, and to his assistants. Also to be mentioned personally are Lester Cappon, of the Colonial Williamsburg project, and Wilmer P. Hall, of the Virginia State Library, who furnished data which might otherwise not have been located.

It is often the complaint of those professionally engaged in the fields of the humanities and the social sciences that in comparison with those in the fields of the physical and biological sciences, they are inadequately financed. While there is much justification for such complaint there are notable cases of splendid promotion of research, writing, editorial work, and publication in the humanities and the social sciences. The promotion by the University of Pittsburgh and The Buhl Foundation of such projects as the Western Pennsylvania Historical Survey, 1931-1936, and subsidized research on Ohio Company Papers, 1941-1942 and 1948-1957, is a splendid example of such support. Mention has been made, above, of Chancellor John G. Bowman and his successor, Chancellor Rufus H. Fitzgerald. In thanks to The Buhl Foundation special mention should be made of Dr. Charles F. Lewis, its former director.

ALFRED P. JAMES

University of Pittsburgh

Contents

FOREWORD	vii
I. BACKGROUND: HISTORICAL ANTECEDENTS AND FORCES	I
II. ORGANIZATION AND ESTABLISHMENT	9
1747-1749	
III. EARLY PROCEDURE	28
1749-1750	
IV. TRADE AND EXPLORATION	36
1750-1752	
V. CLIMAX OF ACTIVITY	60
1752-1753	
VI. FACING TROUBLE	81
1753-1754	
VII. DISASTER AND HIATUS	95
1754-1759	
VIII. RENEWED ACTIVITY	111
1759-1762	
IX. LANDS, PETITIONS, AND MEMORIALS	122
1763-1769	
X. ACCEPTANCE AND REJECTION OF DEFEAT	146
1770-1773	

XI. THE KENTUCKY EPISODE	159
1773-1779	
XII. THE END: LAND DISPOSAL AND LAND LITIGATION	175
APPENDIX A— <i>Selected Documents from the A. P.</i>	
<i>James Collection</i>	187
APPENDIX B— <i>Table of Commercial Transactions</i>	294
APPENDIX C— <i>Table of Land Transactions</i>	296
APPENDIX D— <i>Calendar of Ohio Company Documents</i>	298
BIBLIOGRAPHY	355
INDEX	361

Map of the Kentucky Survey made for the Ohio
Company, 1775

Facing page 162

II

Background: Historical Antecedents and Forces

IMPORTANT HUMAN ORGANIZATIONS or institutions have two aspects in common. They develop out of past influences and they affect later times. No familiar metaphor describes later effects, but the slogan, "The roots of the present lie deep buried in the past," can be applied not only to all the present but also to any moment of the past.

The Ohio Company of Virginia had some roots buried deep in the history of civilized man. Human nature appears to have shown from the beginning certain definite traits, among them the desire for prestige, for power, and for economic security. These traits may not be instincts but they certainly have been factors.

In the centuries from the decay of the Roman Empire in the West to the discovery of the New World, the struggle for the acquisition of more land and greater territory was incessant, for the very good reason that the possession of landed estates was the road to distinction, power, and whatever economic security may be said to have existed.

The desire of the members of the Ohio Company of Virginia for

500,000 acres of land in the hitherto unsettled parts of North America was in keeping with the outlook of their ancestors for more than a thousand years. But more particularly it was completely in the traditions of Virginia and Maryland for more than a century. The Culpepers, the Fairfaxes, the Byrds, the Calverts, and numerous others were exemplars and possibly the inspiration for the gentlemen of the Ohio Company.

In the background of the Ohio Company was the Age of Discovery and European colonization and settlement of North America. The work of Columbus and Cabot and of the London Company was continued and carried farther west by the Ohio Company.

The colonial rivalries of European states from the fifteenth to the middle of the eighteenth century were instrumental in the formation of the Ohio Company. A significant part of these rivalries was what the famous English historian John R. Seeley aptly called "The Second Hundred Years War" between England and France, which he showed as beginning in 1689 and lasting until 1815. On this there are many thousands of documents in the public archives of Great Britain, France, the United States, and Canada.

These extensive materials embody information on many unusually complicated problems; the more important were ten questions:

1. Did the international law of the seventeenth century give the discoverer of the mouth of a river claim to the possession of the entire basin drained by it?
2. If so, did the discovery (and occupation) of the mouth of the St. Lawrence River give France claim to the St. Lawrence River drainage system, including the entire Great Lakes area?
3. Did the French in 1669 explore what is now called the Allegheny River?
4. Did the discovery of the mouth of the Ohio River by the French give them claim to the entire Ohio Valley?
5. Did the occupation of the mouth of the Mississippi by the French give them a valid claim to the entire Mississippi Basin?
6. Was La Belle Riviere (the Ohio and the Allegheny), as the French claimed, a tributary of the Wabash, or was the Wabash, as the English claimed, a tributary of the Ohio?
7. Were the Iroquois Indians territorial overlords of all Mississippi

Valley lands as far south as the Cumberland River and as far west as the Mississippi River?

8. Did the Iroquois Indians, therefore, and not the French nor the English, possess legal title to the lands controlled by them?

9. Did the Iroquois have the right to sell territory occupied by other Indians actually in physical possession of the territory?

10. Did the British by treaties with the French and the Iroquois establish overlordship of all the above mentioned area?

These, and other such problems of less significance, imbedded in diplomatic interchanges, pamphlets, maps, and letters, gravely affected the position and policies of the Ohio Company.

Five aspects of the background of the Ohio Company were particularly American, and little, if at all international:

1. the earlier exploration of the Piedmont, Appalachian, and trans-Appalachian frontier, the continuation of which exploration was a notable accomplishment of the Company; ¹

2. the land distribution systems of the American colonies, particularly those in vogue in New England, New York, Pennsylvania, Maryland, and above all in Virginia,² systems greatly affecting and affected by the desire for land possession and speculation in landed property as a traditional trait of civilized men;

3. trade with the Indians;

4. westward expansion of white settlement;

5. the conflicting territorial claims of various British American colonies.

The last three of these call for some elaboration.

Trade with the Indians antedated permanent white settlement in Virginia, New France, and New England. The famous fur trade began with white settlement and ran with shifts and changes but without serious breaks throughout two centuries. Competition with

¹ The literature on this earlier exploration is voluminous. Special mention should be made here of Clarence W. Alvord and Lee Bidgood, *The First Explorations of the Trans-Allegheny Region by the Virginians, 1650-1674*. An important purpose in the establishment of the Ohio Company is fully understood only through a knowledge of these earlier explorations.

² The imperial policy of land grants is a remote but important aspect of this problem.

the French appeared early in New England and New Netherland. Soon, by a shift, competition was mainly between New France and New York. Later the competition was mainly between French Canadians and Pennsylvanians. In the meantime Virginians and Marylanders began to trade, particularly with the Indians of the South and of the Ohio Valley. In the upper Ohio Valley the Ohio Company brought Virginians and Marylanders directly into fur trade competition not only with the French but also with New York and Pennsylvania.³

The story of the Ohio Company is an important item in the history of the westward expansion of the United States, which in turn is a feature of the Europeanization of the modern world. The history of American westward expansion, written by whites, neglects the retreat and retrenchment of Indians, a much neglected tragedy. Westward expansion of the whites of Virginia and Maryland was in stages, first to the headwaters of tidal navigation, then to the foothills of the Blue Ridge Mountains, next into the Great Valley, and finally, mainly in connection with the Ohio Company, over the Appalachian Mountain ridges into the valley of the Ohio River, a region hitherto visited only by Indians and rambling fur traders of New France, New York, and Pennsylvania, or by random adventurous explorers.

Many conflicting territorial claims grew out of colonial charters. The Ohio Company of Virginia found itself involved in matters highly complicated by charter provisions of Pennsylvania, Maryland, and Virginia.⁴ With such matters the Company wrestled valiantly but vainly.

There were regional factors, almost local, in the more immediate background of the Ohio Company. The oldest of these was the land

³ On this the records are voluminous and the bibliography of printed works very extensive. Not only were the financial aspects of the fur trade involved here, but also the whole question of Indian relations in other matters such as military diplomacy and land cessions.

⁴ Alfred P. James, "The Role of Virginia and Virginians in the Early History of Southwestern Pennsylvania," *Western Pennsylvania Historical Magazine* (hereinafter cited as *W. Pa. Hist. Mag.*), XXXIV (1951), 51-63.

situation in the Northern Neck of Virginia lying between the Rappahannock and the Potomac rivers. To the dismay of earlier comers, Charles II granted in 1673 title to more than 5,000,000 acres of land between the two rivers to a few Cavalier friends who had lost estates in England during the Great Rebellion. In a relatively short time, Thomas Lord Culpeper bought out the other grantees and the territory became a Culpeper holding. By the marriage to Thomas Lord Fairfax of Catherine, granddaughter and sole heiress of the Culpeper estate, this vast landed estate in Virginia came into the possession of the Fairfax family.

An early Virginia manager of the estate was "King" Robert Carter, who lived at Weems, Virginia, in a mansion overlooking Carters Creek, the Corrotoman River, and the wider waters of the Rappahannock. From him are descended many distinguished Americans. His tombstone still survives at Old Christ Church at Tombs, Virginia. His position as land agent enabled him to amass vast landed estates for himself and his children.

But Catherine Fairfax became dissatisfied with the revenues sent her by "King" Carter and, in 1713, replaced him with Thomas Lee, nephew of Thomas Corbin, a rich tobacco merchant of London. To this appointment, as Fairfax land agent, Thomas Lee owed his rapid acquisition of property in Virginia and the high position he and his descendants were later to hold in Virginia affairs.

As manager of the Fairfax property in Virginia, 1713-47, Thomas Lee became interested in western expansion and familiar with western problems. Under him much surveying was done in the Piedmont region and extensive sales made on the quit rent plan. It was under him that settlement of the lower Shenandoah Valley began in the decade before the organization of the Ohio Company.

Among other things, Thomas Lee knew that Germans from Pennsylvania were on the move south and west along the valleys of the Appalachian Mountains. Probably he came to believe that with good land titles and adequate protection they could be relied upon to settle upon lands farther west, beyond the giant Fairfax estate. One explanation of the formation of the Ohio Company is the migration of Germans to the Shenandoah Valley, 1735-45.

Since the Germans and the Scotch-Irish of Pennsylvania crossed first from Pennsylvania into western Maryland, a similar westward movement north of the Potomac was natural. The history of Frederick County, Maryland, parallels in time that of Frederick County, Virginia, with great similarities in settlement and acquisition of lands.

Probably another highly immediate factor in the origin of the Ohio Company arose when Thomas, sixth Lord Fairfax, a bachelor, took up permanent residence in Virginia in 1747 and shortly afterwards appointed as his land agent, his cousin William Fairfax, father of George William Fairfax and ancestor of the Fairfaxes of later Virginia. Thomas Lee faced the end of his earlier role and the necessity of turning elsewhere for speculative activity.

The influence of the Fairfax property and family on Lawrence, Augustine, and George Washington is well known. Like Thomas Lee, the Washingtons looked westward with the Fairfaxes to the Allegheny Mountains, and were ready, if opportunity arose, to project themselves into the lands of the upper Ohio Valley.

Neighbors, and some of them relatives of the Fairfaxes, the Lees, and the Washingtons, were Presley Thornton, John Carlyle, Jacob Giles, Nathaniel Chapman, and James Scott. These men were the nucleus of those who promoted the Ohio Company in 1747. Other neighbors, acquaintances, and relatives later became members.⁵

Not to be disregarded among those who probably instigated the organization of the Ohio Company was the famous Maryland frontier figure, Thomas Cresap.⁶ After much trouble elsewhere, he moved to western Maryland and finally settled at Old Town about 1741. Here an old Indian trail crossed the Potomac River, and with the passing Indians, Thomas Cresap carried on a lively trade. Rival Pennsylvania traders and high political authorities in Philadelphia believed that the very conception of the organization of the Ohio

⁵ Elaborate detail concerning the gentlemen of the Northern Neck of Virginia in the eighteenth century is found in the first volume of Douglas Southall Freeman, *George Washington, A Biography*.

⁶ See Kenneth P. Bailey, *Thomas Cresap, Maryland Frontiersman*.

Company originated in the restless disposition and fertile mind of Thomas Cresap.

Marylanders and Virginians in the 1740's were bent upon aggressive westward expansion. Thomas Bladen, Esquire, governor of Maryland, secured a warrant,⁷ October 21, 1743, for 2,000 acres, of which about 1,000 acres were to be located "between the Lowest Old Town and the mouth of Savage river and Evetts creek and Wills creek. . . ." Thrice renewed, this warrant provided surveys of lands, title to which was later secured by George Mason for the Ohio Company. Almost simultaneously, in Virginia, James Patton and others put in a petition⁸ for 200,000 acres on Woods River, and although not successful, claimed to have been granted preference in the future.

Of great significance was the Indian Conference at Lancaster, Pennsylvania, June 22 to July 4, 1744, and the resulting Indian Treaty.⁹ Virginia was represented by Thomas Lee and William Beverley. The deed signed by the Indians, July 2, 1744, became vital in the Ohio Company's affairs. In it the Six Nations Indians "renounce and disclaim not only all the Right of the Six Nations, but also recognize and acknowledge the Right and Title of our Sovereign the King of Great Britain to all the Lands within the said Colony, as it is now or hereafter may be peopled and bounded by his said Majesty and Sovereign Lord the King his Heirs and Successors."¹⁰

A tempting bait dangled before the land speculators and politi-

⁷ See a copy in Maryland Hall of Records, Court of Appeals Judgments, Liber T. H. No. 16 (1815), folio 138 and the record, *ibid.*, Land Office, Liber L. G. No. 2, folio 182.

⁸ *Executive Journals of the Council of Colonial Virginia*, ed. Wilmer L. Hall, Vol. V; Etting Collection, Ohio Company Papers in Historical Society of Pennsylvania (hereinafter cited as H.S.P.), and printed in Kenneth P. Bailey, *The Ohio Company Papers*, p. 345.

⁹ *Pennsylvania Colonial Records* (hereinafter cited as *Pa. Col. Recs.*), IV, 698-737; *Indian Treaties Printed by Benjamin Franklin, 1736-1762*, pp. 138-42.

¹⁰ Copy in Public Record Office (London) Colonial Office Papers (hereinafter cited as P.R.O. C.O.) 5: 1330, Library of Congress transcript, pp. 138-42.

cians of Virginia. The language of the deed was vague and the right of the Six Nations to sell the territory appeared questionable, but the opportunity thus established proved irresistible. Direct action began within three months. On April 26, 1745, four petitions¹¹ totaling 300,000 acres were granted, with four years to fulfill the terms of the grants.

On November 4, 1745, John Blair, William Russell and Company petitioned for and received a grant of 100,000 acres westward of Lord Fairfax's line on the waters of the Potomac and Youghiogheny,¹² with four years to fulfill the terms of the grant. This vague general grant both anticipated and foreshadowed other petitions for land grants in that region, but for several years there was no real activity in carrying out the terms of the grant.

Marylanders, in 1745, more than matched the interest of Virginians in Western lands. In addition to the warrant of 1743, frequently renewed, Thomas Bladen secured a warrant, April 15, 1745, for 2,000 acres, and another warrant, April 16, 1745, for 3,000 acres.¹³ Unlike in Virginia, the Maryland warrants were quickly followed by surveys¹⁴ establishing named tracts of land, of which the Ohio Company in later years bought several, either from Bladen or from the Cresap family.

¹¹ Data on these and other Virginia grants are found in many places, notably in P.R.O. C.O. 5: 1423 and 1429; in Etting Collection, H.S.P.; in Draper Collection in Wisconsin Historical Society; in the Washington Papers in the Library of Congress; and in George Mercer Papers of the Darlington Memorial Library of the University of Pittsburgh (hereinafter cited as D.M.L. MS.), which are in print in *George Mercer Papers*, ed. Lois Mulkearn.

¹² The somewhat vague geographical language of this grant implies that it was intended to be located within rather than beyond the Appalachians.

¹³ These two items are from the Maryland Land Office, Liber L. G. No. D., folios 396 and 397. The warrant of April 16, 1745 is printed below in Appendix A, p. 188. There is some indication that the warrant of April 15, 1745, was a replacement or further guarantee of the warrant of October 21, 1743.

¹⁴ Two of these surveys are printed below in Appendix A, pp. 188-94, four of them are calendared in Appendix D, pp. 300-1, and many others are mentioned in land litigation documents.

II

Organization and Establishment



1747-1749

THOMAS LEE, as a result of his Fairfax lands experience and his service for Virginia at the Lancaster Indian conference of 1744, became a leader in the development of the West and probably initiated the organization of the Ohio Company. Great movements and important organizations, however, are usually complex. The Blair-Russell Company petition and grant of November 4, 1745,¹ antedated the first petition of the Ohio Company by nearly two full years. And, on April 22, 1747, William McMachon and Company, having put in a petition, were granted 60,000 acres adjoining the earlier Blair grant, "on the waters of Potomac W^t & N.W.^t of L^d Fairfax's Line & on the branches of Youghyoughgane & Monongahaly."² It was probably in connection with this petition of William McMachen and others that

¹ *Executive Journals, Council of Colonial Virginia*, V, 195; Record of Land Grants, Virginia, D.M.L. MS., printed in *George Mercer Papers*, p. 289.

² No particular explanation of this petition and grant has been found, but since it was only six months earlier than the petition of the Ohio Company of October 20, 1747, it may be that the organization of that company was under consideration, and that others knew about it and put out a petition in anticipation, a common matter in land speculation at all times and everywhere.

Sir William Gooch, governor of Virginia, wrote his letter of June 10, 1747, to the Board of Trade and Plantations asking for instructions about such petitions,³ thereby establishing for future colonial times an important imperial factor in the matter of Virginia's Western lands.

How early the gentlemen living in the Northern Neck of Virginia and nearby Maryland began to discuss the formation of a company to engage in Western land activities has not been indicated by records which have been found. These gentlemen generally worked slowly, as is well indicated by the surviving records of the Ohio Company of Virginia, and discussion about such a company may have extended over several years, at meetings of the legislature, at county courts, and on informal visits. Such discussions came to a head in the autumn of 1747 and the informal organization of the Ohio Company obviously took place before October 20, 1747, for on that date, "Thomas Lee, Esq. and eleven others" put in a petition to the Governor and Council of Virginia for a grant of "200,000 acres to be laid out from ye Branche called Kiskamanetts and Buffalo creeke,"⁴ etc. Judged by eventualities this petition was not given a cordial reception by Governor Gooch and the members of his Council. As was demonstrated later, many of the members of the Council of Virginia were jealous of the gentlemen from the Northern Neck and had no intentions of supporting their plans. Governor Gooch, it is reasonable to suppose, had official scruples, and he played safe by entering into an extended correspondence about the matter with the authorities in London.

Comment will be made later on the "eleven others," who with Thomas Lee, Esq., entered this first petition, October 20, 1747. Some of them were probably assembled in Williamsburg for a meeting of the legislature. They evidently learned quickly of the unfavorable reaction of Governor Gooch and his Council, for on October 24, 1747, official instructions by the Company were handed to Thomas Lee, instructing him to offer a share in the partnership to John

³ P.R.O. C.O. 5: 1326, L.C. transcript, pp. 465-70.

⁴ P.R.O. C.O. 5: 1333/155. See the item in *Virginia Magazine of History and Biography* (hereinafter cited as *Va. Mag.*), V, 241.

Hanbury, a prominent London merchant,⁵ an offer which may be considered the first recorded step in the formation of a policy to petition the Crown over the heads of Governor Gooch and his Council. Whether or not such a decision on the part of the Company was made known to Governor Gooch, he went ahead with his own program. On November 6, 1747, he wrote to the Lords of Trade, stating that he had received the petition and asking for more definite instructions.⁶

Probably in the winter months of 1747-48, Thomas Lee, in accordance with his instructions, wrote John Hanbury proposing that he become a member of the Ohio Company of Virginia,⁷ though no such correspondence has been found.

About the same time Pennsylvania was promoting an Indian Conference to be held at Logstown in 1748 and requested Virginia to participate.⁸ Virginia did not, as in 1744, send delegates, but she did appropriate funds for a gift which Conrad Weiser was expected to deliver at the Conference, an appropriation which the members of the Ohio Company of Virginia may have solicited and supported in the legislature.⁹ Conrad Weiser carried out the program.¹⁰ He divided the goods at Logstown into five heaps, "one heap whereof your brother Assarogue sent to you to remember his Friendship

⁵ D.M.L. MS., printed in *George Mercer Papers*, p. 2. Tentative articles of agreement seem to have been established at some earlier time according to the Resolutions of the Ohio Company, October 24, 1748, printed in *George Mercer Papers*, p. 167. Clearly an "Agreement in Company" antedated October 24, 1747.

⁶ P.R.O. C.O. 5: 1326, L.C. transcript, p. 547, printed in full in Kenneth P. Bailey, *The Ohio Company in Virginia*, p. 297.

⁷ See D.M.L. MS., as printed in *George Mercer Papers*, *passim*, but especially Part II, *Case of the Ohio Company* as reproduced there in facsimile.

⁸ *Pa. Col. Recs.*, V, 120, 140, 145-52, 189, 190, 257.

⁹ See Thomas Lee to Conrad Weiser, May 14, 1748, Peters Papers, II, 102, H.S.P.

¹⁰ Note Lee's first letter to Weiser, February 13, 1748, Peters Papers, II, 89, a.l.s., H.S.P., printed below, p. 195, and his later letter of December 11, 1748, *ibid.*, folio 115, a.l.s., and see Conrad Weiser's Journal in *Early Western Travels*, ed. R. G. Thwaites, I, 21-44.

and Unity with you.”¹¹ Conrad Weiser specifically mentioned “the President & Council & Assaraquoa.”¹² As can be noted in surviving documents of the period, the Ohio Company of Virginia considered Conrad Weiser at this time a delegated agent of the Company, though they later complained that he sacrificed imperial and Virginia prestige to the advantage of the Penns and the Iroquois, an accusation often made later by others.

Action on Governor Gooch’s letter of November 6, 1747, which had been received December 17, was taken by the Board of Trade and Plantations on January 19, 1748. In a letter¹³ to the powerful minister, the Duke of Newcastle, the Board of Trade and Plantations requested him to lay the letter before His Majesty for consideration by the King in Council. The Board replied to Gooch on the same date, notifying him of the action being taken.¹⁴

A little more than a month later, the Privy Council Committee for Plantation Affairs, in reply to the request of the Board of Trade and Plantations, issued an “Order . . . to consider whether it is to His Majesty’s advantage to give Governor Gooch power to grant lands to certain persons in partnership.”¹⁵ This action had reference to the Ohio Company of Virginia petition of October 20, 1747, and Governor Gooch’s letter of November 6, 1747.

In answer to the letter of January 19, 1748, of the Board of

¹¹ *Early Western Travels*, I, 39. Assaraquoa, an Indian name for the governor of Virginia.

¹² *Ibid.*, p. 40.

¹³ P.R.O. C.O. 5: 1366/410. It is mentioned in D.M.L. MS., printed in *George Mercer Papers*, p. 1, and in Gooch to the Board of Trade, June 16, 1748, P.R.O. C.O. 5: 1327/7-8.

¹⁴ P.R.O. C.O. 5: 1366/408; mentioned in Gooch to the Board of Trade, June 16, 1748, *loc. cit.*, and in *Journal of the Commissioners for Trade and Plantations . . . , 1741-1749* (hereinafter cited as *J.B.T.*), p. 265.

¹⁵ P.R.O. C.O. 5: 1327/1-3, printed in full in Berthold Fernow, *The Ohio Valley in Colonial Days*, Appendix D, pp. 241 f.; mentioned in D.M.L. MS., printed in *George Mercer Papers*, p. 234; also mentioned in Bailey, *Ohio Company . . .*, p. 39. Royal action on the matter took place February 10, 1748, Public Record Office, Privy Council Register 2: 100/540 (hereinafter cited as P.R.O. P.C. Register), but further action was held up until February 23, 1748.

Trade and Plantations inquiring about his scruples and the difficulties in granting lands beyond the great mountains to the westward, Governor Gooch on June 16, 1748, replied that he thought that it might give umbrage to the French at a time when England was "in Hopes of entering into a Treaty for establishing a general peace."¹⁶

From its inception the Pennsylvanians kept a sharp watch on the Ohio Company of Virginia, which they saw as a threat to both Pennsylvania trade and Pennsylvania claims. George Croghan, "the king of the traders," of Pennsylvania, with heavy investments in packhorses and storehouses, wrote¹⁷ (July 3, 1748) of "an alarm that Mr. Cresap and Mr. Parker spread amongst ye Indians Last fall that ye Virginians was going to Settle a Branch of Ohio Call'd Yougogain . . .," which statement, though possibly mendacious or at least based on rumor, indicates that in late 1747 the Ohio Company was already loosely organized and had Cresap and Parker as its frontier representatives. That able and faithful individual, the Rev. Richard Peters, provincial secretary and clerk of the Council, 1743-76, kept Thomas Penn, the proprietor, closely in touch with developments. On July 28, 1748, he wrote to Penn about the Ohio Company of Virginia, calling Thomas Cresap, "that vile fellow Cresap who had suggested a scheme to Colonel Lee and other great men of Virginia to make trading houses at Allegheny" and commenting on Lee that he had "a plodding head" and that he had proposed a plan to the British ministry to erect forts on the Ohio River, "as if thereby all the country might be secured to his Majesty up to the Mississippi."¹⁸

At the very time the Indian Conference at Logstown was in

¹⁶ P.R.O. C.O. 5: 1327/7-8, L.C. transcript, printed in part in Fernow, *op. cit.*, Appendix D, pp. 243 f.

¹⁷ *Pennsylvania Archives* (hereinafter cited as *Pa. Arch.*), ed. Samuel Hazard, II, 31.

¹⁸ Peters Letter Books, 1737-1750, IV, 143, H.S.P., cited by Lawrence H. Gipson, *Zones of International Friction in The British Empire Before the American Revolution*, V, 288 n., and quoted by Herbert L. Osgood, *The American Colonies in the Eighteenth Century*, IV, 78.

session, the prospects of the Ohio Company of Virginia were given a boost by the suspension of John Custis as president of the Council of Virginia, and the elevation of Thomas Lee to that position,¹⁹ which on the proposed retirement and departure of Governor Gooch would make Lee, as president of the Council, the interim governor, a development which took place the following year.²⁰ This circumstance eventually for a period made the chief promoter and the largest stockholder of the Ohio Company the head of the government of Virginia.

In the meantime, in London the Board of Trade and Plantations in response to the order of February 23, 1748, made a report, September 2, 1748,²¹ to the Privy Council favoring and approving the grant of the petition of the Ohio Company of October 20, 1747. The first official stamp of imperial approval of the grant was thus obtained a little more than ten months after the original petition. And it is on the first anniversary of the petition, October 20, 1748, that one finds the first surviving resolutions²² of the Ohio Company of Virginia. Since these resolutions are those of the Committee of the Ohio Company, it is reasonable to suppose that other meetings, of which no record has survived, were held in 1747 and 1748 and that in one such meeting this Committee was appointed to transact business between the official meetings of the Company.

These resolutions of October 20, 1748, antedating the grant but indicating the spirit and activity of the Company, are so revealing that quotation here seems necessary. A carefully collated transcript of the original longhand material is as follows:

¹⁹ P.R.O. C.O. 5: 1328/1-3, Custis suspended August 26, 1748. Lee took oath as President of the Virginia Council, September 4, 1748.

²⁰ Thomas Lee to the Board of Trade and Plantations, October 2, 1749, P.R.O. C.O. 5: 1327/113-15.

²¹ P.R.O. C.O. 5: 1366/411-17; Fernow, *op. cit.*, Appendix D, pp. 244 f. Mentioned in *J.B.T.*, 1741-49, p. 342. See the D.M.L. MS., printed in *George Mercer Papers*, p. 1.

²² D.M.L. MS., printed in *George Mercer Papers*, p. 167, and mentioned in *résumé*, p. 3. See the facsimile opposite p. 166.

stated briefly. Colonel Thomas Cresap solicited the grant at Williamsburg (probably in October, 1747) and was allowed twelve pounds and five shillings for his services. The Company had to pay the Clerk of the Council at Williamsburg a fee of one pound, one shilling and sixpence which was advanced by Lawrence Washington. James Wardrop was the first treasurer of the Company. Discussion of ordering a cargo of Indian goods had already taken place. Even before the grant was made, Mr. John Hanbury was looked upon as the London factor of the Company. A levy of one hundred pounds per member was provisionally voted. Wampum was sought for necessary and duly projected negotiations and treaties with the Indians. The Company early envisioned the settlement of its expected lands by German Protestants from the Rhineland, who would come probably by way of Rotterdam. Some Articles were agreed upon by the Company before October 20, 1748, and formal Articles of Agreement were under consideration. In many ways the Ohio Company of Virginia was already well established and very active, even if not officially and fully organized, on October 20, 1748.

Of this activity of the Ohio Company of Virginia in 1748, not only Virginians, but also Pennsylvanians, were aware. And in fact, knowledge of the program and its prospects was current in Quebec, London, and Paris. William Trent, at that time a Pennsylvania fur trader, in a letter to Richard Peters, October 20, 1748,²⁵ mentions the operations of the agents of the Ohio Company of Virginia, in the service of which somewhat ironically he was soon to participate actively himself. It was doubtless in response to the threat from the Ohio Company of Virginia that the French made ready in Quebec the expedition to the Ohio started early in 1749²⁶ under C loron de Blainville.

The interests of the Ohio Company of Virginia, meanwhile,

²⁵ Provincial Papers, Pennsylvania Archives, Harrisburg, a.l.s.; Peters Letter Books, H.S.P.; *Pa. Arch.*, II, 16-17; Charles A. Hanna, *The Wilderness Trail*, I, 346-47; and in part, Bailey, *Ohio Company . . .*, p. 71.

²⁶ P.R.O. C.O. 5: 1327/13-14, 37. Printed in full in Fernow, *op. cit.*, Appendix D, p. 248.