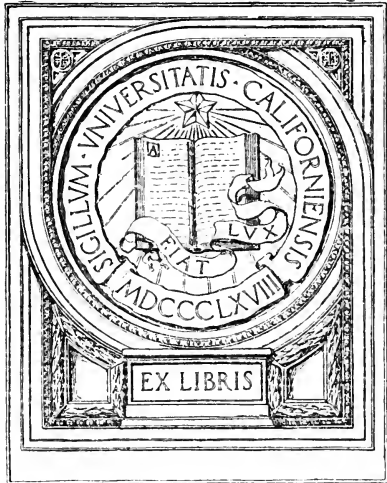


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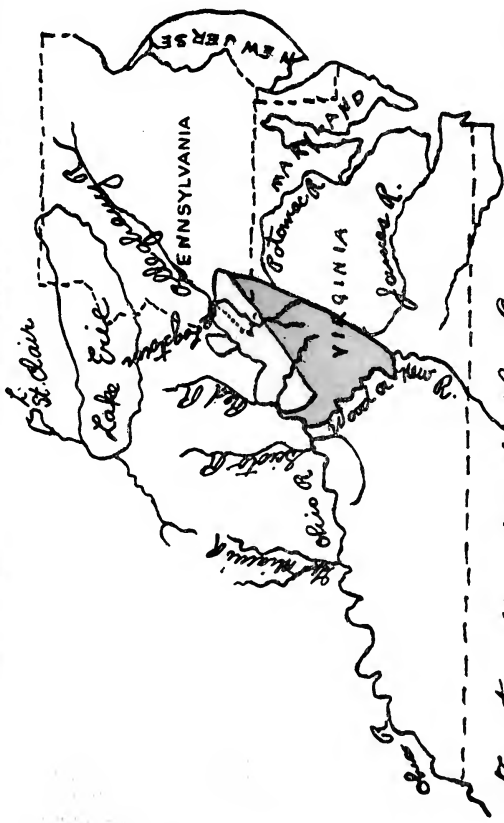
1921—1923
VOLUMES XVI—XVIII



CINCINNATI, OHIO

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Territory Granted the Ohio Co.

By Petition of 1748 and 1752

: 1748
 200,000 acres
 : 1752
 300,000 acres add.

*Adapted by the courtesy of C. W. Alvord,
from, "Mississippi Valley, Its British Politics"*

John Mitchell Maps

Quarterly Publication of the His-
torical and Philosophical
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Vol. XVI, 1921, No. 1
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The Ohio Company

A COLONIAL CORPORATION

Herbert T. Leyland, LL.B., Assistant in the Department of

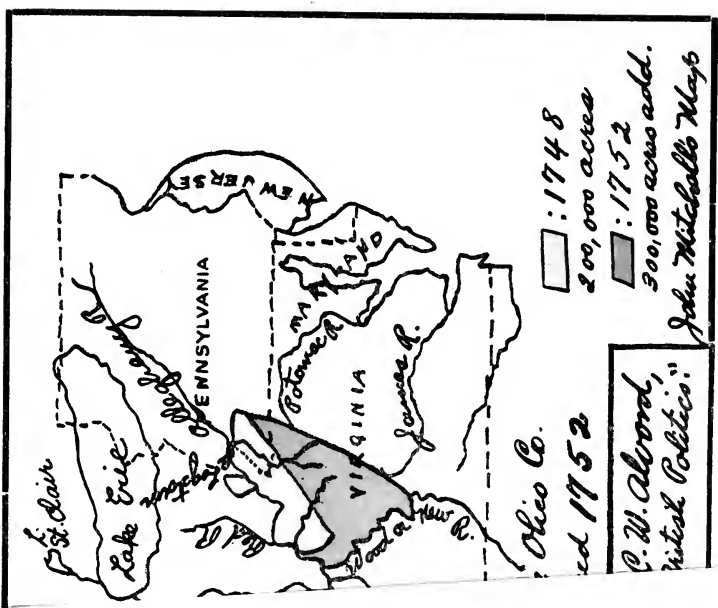
ERRATA:—Title Page of Vol. XVI, No. 1 of the Quarterly,
reads "January-*June*." Please correct to "January-
March."

CINCINNATI
THE ABINGDON PRESS



Territory
By Petition

Adapted by
from "Mississippi"



Quarterly Publication of the His-
torical and Philosophical
Society of Ohio

Vol. XVI, 1921, No. 1
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The Ohio Company

A COLONIAL CORPORATION

Herbert T. Leyland, LL.B., Assistant in the Department of
History, University of Cincinnati

CINCINNATI
THE ABINGDON PRESS

THE
MOUNTAIN

EXCHANGE

FOREWORD

The following paper was prepared, originally, to be read before a Seminary in American Colonial History at the University of Cincinnati. As revised, the article aims to be an account of the Ohio Land Company's endeavors, together with some considerations of the place of that corporation in the history of the Westward Movement in the Colonies.

The author is greatly indebted to Professor B. W. Bond of the University of Cincinnati, at whose suggestion the paper was undertaken; to Professor C. W. Alvord of the University of Illinois, for use of the map accompanying the paper; and to Miss L. Belle Hamlin, Librarian of the Historical and Philo-sophical Society of Ohio, for assistance in securing the material used, and for the many helpful suggestions she has given him.

H. T. L.

University of Cincinnati,
March 31st. 1921.

THE OHIO COMPANY

It is the purpose of this paper to tell of the formation of the Ohio Company with a discussion of the reasons for its organization; the operations of the Company and its problems, and the failure of the corporation—for it did fail—noticing the causes of that failure as nearly as they can be determined. It will be possible to estimate from such a discussion, what influence the Company may have had upon the westward movement of colonization.

The name, "Ohio Company" has often been confused by writers with a similar title, "The Ohio Company of Associates." To distinguish between these two land projects is therefore of primary importance. "The Ohio Company," more accurately designated as "The Ohio *Land* Company" was a colonial corporation¹ existing from 1748 until about 1769 and composed of prominent Virginians and British merchants.) This Company was interested in the territory immediately west of the Alleghany Mountains. "The Ohio Company of Associates" was a corporation of American citizens, formed at the close of the Revolutionary War, to secure and settle lands located in the Old Northwest.

The idea of a land-holding corporation such as the Ohio Company aimed to be, did not originate with the promoters of that Company. Governor Spotswood of Virginia, was, according to Craig, "the first projector of a Company to settle lands on the Ohio River." This scheme was advanced as early as 1716, but failed, it appears, "partly owing to the timidity of the British Ministry of that time who were afraid of giving offense to the French, and partly to jealousy among the col-

¹ Whether the Ohio Company, legally, was a corporation or a partnership, is a matter of doubt. The records of the Company reprinted in Darlington's *Christopher Gist's Journals* indicate the Company to be a corporation. Fernow, in his *Ohio Valley in Colonial Days* reprints several documents secured from the Records Office of the Board of Trade and Plantations; these documents name the Company as a Partnership. The weight of the evidence seems, however, to support the contention that the Company was a corporation and it is considered as such in this paper.

onies²." The Ohio Company, however, was the first to put the idea into practical execution. How well it worked will be seen later. The lapse of time between that period and the present one has clouded the historical background, and the Civil War caused the destruction of many of the Company's records³, but those remaining tell an interesting story of colonial endeavor.

The Ohio Land Company came into existence by a Royal Charter issued May 19, 1748. The corporation was the project of Thomas Lee, President of the Virginia Council, who in 1747 conceived the idea of forming such a company. He immediately interested several other Virginians, and also certain British merchants. Foremost in the latter group was John Hanbury a Quaker Merchant of London, who immediately became the London "business agent" for the Company. At the time the charter was granted the total number interested in the Company was twelve, including both the Virginians and the British. In the four or five years following 1748, however, the list was increased to twenty members, which was the largest number of persons that ever owned shares in the corporation. The list of stockholders in 1752, included:

Arthur Dobbs, Esq.	Exrs. of Lawrence Washington
John Hanbury	Augustine Washington
Samuel Smith	Richard Lee
James Wardrop	Nathaniel Chapman
Robert Dinwiddie, Esq.	late President and Governor
The Exec of Thomas Lee,	of Virginia two shares

² Craig, *The Olden Time Magazine*, I, 291.

³ A word must be said here regarding the sources of material for this paper. Before the period closed by the Civil War little scientific history was written, hence the details of the Ohio Company are merely recorded by earlier writers as facts with no attention paid to the importance of the Company as a factor in the Westward Movement. All the records of the Company were at the time of the Civil War in the possession of Charles Fenton Mercer, a descendant of the Secretary of the Company, who resided at Alexandria Virginia. When that place was occupied by Federal troops, the trunks containing these valuable documents were rifled and the papers used to make camp fires. (See Kate Mason Rowland's account of the Ohio Company in *William and Mary College Quarterly Historical Papers*, I, 197-208.) Some of these were saved by one of the soldiers and are now in the possession of the Pennsylvania Historical Society. They remain in manuscript form, however, and were not available in the preparation of this paper. Other records such as Gist's Journals and the Mercer Papers as partially reprinted, remain. By means of these documents the history of the Company has been deciphered, with conjectures holding together the patchwork of recorded facts.

John Taylor, Esq.
Prestly Thornton, Esq.
John Mercer
James Scott

Jacob Giles
Thomas Cresap
Robert Carter
George Mason⁴."

This "stockholders roll," it will be noted, includes the names of several Virginians prominent in the later history of that colony. Furthermore, since the Governor and several members of the Council of that colony were included in the plan, it may be said that the Company had the tacit support of the ruling power of Virginia.

Having received its charter, the Company in 1749, sent its first petition to the Lords of Trade requesting a grant of five hundred thousand acres of land, west of the Alleghany Mountains, in the territory belonging to Virginia⁵. The British Government after due consideration, granted the petition. Thereupon, the Company obtained from Sir William Gooch, Lieutenant Governor of Virginia, an order for the first two hundred thousand acres of the grant, which was based upon the conditions specified in the petition. These were, that on the first two hundred thousand acres, the Company was to settle one hundred families, and erect and maintain a fort; both provisions were to be fulfilled within the space of seven years after the land was obtained. This two hundred thousand acres was to be located south of the Alleghany River, "or in such other part of the country west of the Alleghany (Mountains) as they should think proper⁶." Compliance with the provisions mentioned would entitle the Company to an additional three hundred thousand acres adjoining the first allotment. Finally, for ten years after it was granted, the land was to be free of quit-rent.

A variety of motives impelled the formation of the Company and induced the British Government to grant this first petition. To conduct wholesale trading operations with the Indians, by means of which the Company would make money, was, in the minds of members, the first reason for such a corporation. This trade hitherto had been conducted chiefly by Pennsyl-

⁴ Darlington, *Christopher Gist's Journals*, pp. 224-225.

⁵ The text of this first petition is to be found in Fernow, *Ohio Valley in Colonial Days*, pp. 253-255. For the general facts of the Company's organization, see Craig, *The Olden Time Magazine*, I, 291.

⁶ The second part of this granting clause was taken advantage of by members of the Company after the failure of their attempts in the area mentioned in the first grant.

vanians, and, as Sparks observes, "The Company conceived that they might derive an important advantage over their competitors in this trade from the water communications of the Potomac and the eastern branches of the Ohio, whose head waters approximated each other⁷." John Burk, writing at a still earlier period on Virginia believes that the Ohio Company desired to obtain a monopoly over all the Indian trade in the "western country⁸." That an element of colonial rivalry was mixed with the desire for profit, seems therefore, to be a safe conclusion. The leaders of the Virginia Colony realized, too, that this western region must be colonized, if the claims of Virginia to it were to be sustained. The presence of Thomas Lee and the Washington Brothers in the Company gives weight to this belief, since they were, already, well-to-do colonists. (They saw, however, the conflict of the Virginia and French claims to the Ohio country, and realized that colonization was the only sure means of holding the region for Virginia.) It was this reason which induced the British Government to grant the Company's petition with its provisions for settlements; the French were beginning to assume a threatening attitude in regard to the New World, and the British Government realized that action was necessary. The Lords of the Privy Council knew, undoubtedly, that there were no French settlements in the Ohio Country, but they did not know what moves the French Governor at Detroit contemplated. A definite governmental policy of colonizing the Ohio territory, if adopted by the British, would lead immediately to a French War, and for this England was not now prepared. Private attempts at colonization, such as the Ohio Company represented were, therefore, the judicious means of gaining the region in question.

Shortly after the Company was organized Thomas Lee died, and Lawrence Washington assumed the direction of the Company. It was he who had to face the problems of fulfilling the terms of the petition, chief of which was the settling of the hundred families on the land already secured. His scheme was to induce German settlers to take up the lands. Of this project he wrote Hanbury: "I conversed with all the Pennsylvania Dutch I met there (Bath in Virginia) or elsewhere, and much

⁷ Sparks, *Writings of George Washington*, II, 479.

⁸ Burk, *A History of Virginia*, III, 170.

recommended their settling on the Ohio. The chief reason against it was the paying of an English clergyman whom few understood, and none made use of him. As the Ministry have thus far shown the true spirit of patriotism by encouraging the extending of our dominions in America, I doubt not by application, they would go still further and complete what they have begun by procuring some kind of a charter to prevent the residents on the Ohio from being subject to parish taxes⁹." Lawrence Washington corresponded also with Governor Dinwiddie, then in London, telling him of a proposition made by several Pennsylvania Dutch, that if they could have such parish-tax exemption, they would take fifty thousand acres of the Company's land and settle it with two hundred families¹⁰. Dinwiddie, however, discouraged the scheme, stating that he feared such an exemption would be hard to "get over" and that Parliament was then so busy that "we must wait some time before we can reply"¹¹. Nothing ever came of this scheme, which at first looked so promising.

In 1752 the Company suddenly realized that the seven year period for the completion of the conditions mentioned in the first petition would expire in another twenty-four months. These requirements not having been complied with, due to hindrances of one sort or another, the Company petitioned the Lords of Trade a second time. This second document asked that the terms of the first one might be modified, so that the Company should "seat" three hundred families instead of one hundred and build two forts in place of one. In compensation therefor, the Company asked to be given at once the entire five hundred thousand acres, with an additional seven years in which to fulfill the provisions for settlement. This second petition also asked that the boundaries of the tract granted be specified, stating that many other grants of land had been made in the Ohio Country, and hence the exact boundaries of the Company's claim ought at once to be made clear¹². The petition

⁹ Lawrence Washington to John Hanbury. Sparks, *Writings of George Washington*, II, 481-483. It will be recalled that the Anglican Church had been established in Virginia, and each inhabitant was compelled to pay parish taxes for the support of the Church. It was to this provision for supporting the Anglican Church that these German Lutherans objected.

¹⁰ Sparks, *Writings of George Washington*, II, 481-483.

¹¹ Governor Dinwiddie to Lawrence Washington, *Ibid*.

¹² Darlington, *Christopher Gist's Journals*, pp. 226-231.

was granted by the "King and Council." The Company was at last free of legal entanglements.

The first two hundred thousand acres of land secured by the Company under the order of July 12, 1749 was located "on the south side of the river Alleghany between the Kiskiminites Creek and Buffalo Creek, and between Yellow Creek and Cross Creek on the north side¹³." The additional three hundred thousand acres, secured in 1752 extended to "the Great Conhaway on the southwest, and to the west side of the Alleghany Mountains on the east." The entire tract, then, was a triangular region south of the Alleghany River, northwest of the Kanawha and west of the Alleghanies, with a small patch north of the Alleghany River¹⁴.

To all these lands the colony of Virginia considered that it had a valid legal title, which had been secured from the Indians by the treaty of Lancaster. That instrument had been signed in 1744, between the Confederated Nations of Indians (Six Nations) and the commissioners of Virginia, Maryland and Pennsylvania. According to its provisions the Indians had agreed for £400, to release to Virginia "all the lands that are now, or shall be by His Majesty's appointment in the colony of Virginia¹⁵." After this treaty the Virginia Council had granted the land specified to the Ohio Company. The Indians, however, hearing of the grant to the Company, disclaimed any such general release to Virginia, stating that they understood nothing to be granted "west of the first hills on the east side of the Alleghany Mountains¹⁶." } The first problem of the Ohio Company, was then, to remove this apparent cloud upon the title to its lands. } To this end the Company petitioned the Virginia Council to send commissioners to Logstown (a village about eighteen miles below the junction of the Alleghany and Monongahela) to obtain a confirmation of the Treaty of Lancaster. The Council granted the petition, and in 1752 sent three commissioners to Logstown. There were present also at this meet-

¹³ Mercer Papers, copied by Darlington, *Ibid*, p. 225.

¹⁴ See map opposite first page.

¹⁵ Darlington, *Ibid*, pp. 217-219.

¹⁶ Craig, *The Olden Time Magazine*, 1, 9. Only one explanation, it appears, has been made for this seemingly equivocal action by the Indians. John Marshall, in his *Life of Washington*, declares that the Pennsylvania traders, fearing the competition of the Ohio Company, stirred up the Indians against the Virginians. See review of this book, found in Craig, *Ibid*, II, 291.

ing George Croghan, a hunter; Andrew Montour, an interpreter¹⁷ and Christopher Gist, the agent of the Company. The Indians, after hearing the Treaty of Lancaster read, disavowed it, but in a private conference with the three men just mentioned, the tribes agreed not to molest any settlements that might be made on the southeast side of the Ohio¹⁸. Thus the Ohio Company considered its first difficulty to be removed. Unfortunately, however, the Indians in September 1753 took back all the permission they had given at Logstown, and again became hostile to the work of the Ohio Company¹⁹.

The appearance of Christopher Gist as the agent of the Ohio Company leads to a consideration of his services for them. While not a member of the corporation, Gist was employed by it, at the outset, to ascertain the extent and nature of the land granted the Company, and to report the results of his explorations²⁰. Concerning Gist himself, little is known. He was of English descent, his grandfather being Christopher Gist and his father Richard Gist. He was born in Maryland, date unknown, and at the time the Ohio Company chose him as their agent, was residing on the Yadkin River in North Carolina. "He was" says Randall, "gifted with common sense and coolheadedness, a great wood tramper and Indian trader of what Parkman calls the better stamp. Gist was a professional surveyor, becoming unusually experienced in woodcraft and all phases of pioneer and Indian life²¹."

It was Gist's duty for the Company, to examine the land of

¹⁷ Gist had been instructed by the Ohio Company to engage Montour as the interpreter at the Council for the Company. Darlington, *Christopher Gist's Journals*, p. 233.

¹⁸ Montour, who had used his very great influence with the Indians to benefit the Ohio Company, was, therefore, the hero of the occasion. The Ohio Company was very grateful for his services, and resolved, "to allow him thirty pistoles for his trouble at Logstown, and if he will remove to Virginia and settle on the Company's lands and use his interest with the Indians to encourage and forward our settlements, that the Company will make him a present of one thousand acres of land to live on." Records of the Ohio Company, quoted in Darlington, *Ibid*, p. 165. It does not appear that Montour ever accepted the offer.

¹⁹ The cause of this action by the Indians had not been clearly determined, but it is thought to be the result of the intrigues of the French and the Pennsylvania traders. These whites, as elsewhere stated, were altogether hostile to the work of the Company.

²⁰ "Instructions given Mr Christopher Gist by the Committee of the Ohio Company The 11th Day of September 1750." Darlington, *Ibid*, p. 31.

²¹ Randall and Ryan, *History of Ohio*, I, 235.

the Ohio country, with a view to locating the best regions for settlements, and discovering the temper of the Indians in the territory. Pursuant to his instructions, Gist set out from Wills Creek on the Potomac on October 30th 1750, and traveled to Logstown and from there to "Muskingum, a town of the Wyandotts," now Coshocton, Ohio. Here he met Croghan and Montour, talked with the Indians and discovered them to be friendly to the English. January 15th 1751 the three men left Muskingum and traveled to an Indian village now the site of Portsmouth, Ohio, where another conference with the Indians showed these tribes also to be friendly toward the English. From Portsmouth the three went cross-country to Piqua, Ohio, the chief village of the Miami Indians. Here a great council was held which resulted in the dismissal by the Indians of three French traders who had come to oppose Gist and his associates²². With this council over Gist considered his work complete—he had observed the land as he went over it—and he now started for his home, but did not reach the Yadkin River until May (1751). Gist notified all the Indians with whom he conversed on this first trip, of the Logstown council which was to be held the next year. As evidence of Gist's success in his work with the Indians, or at least of redskin good faith, it may be said that delegations of Indians from many of the regions Gist visited were present at Logstown.

This first journey was the more important of the two which Gist made for the Company. The corporation desired, however, to obtain a more detailed examination of the two hundred thousand acres they had secured by the order of 1749. Gist was directed, accordingly, "* * * 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."²³

²² Of this Indian Council, Randall, drawing on his imagination writes that it was a "Curious conclave on the banks of the Big Miami, in the Ohio capitol of the western savages, a sort of miniature and mimic field of the Cloth of Gold in which France and England contended in their respective displays of power and prodigality for the allegiance of the Indian tribes, as more than two centuries before the courts of France and England had met in the vale of Andreu and exhibited their rival splendors in order to win the favor of Spain." Ibid, p. 246.

²³ Darlington, *Christopher Gist's Journals*, p. 67. Throughout the early records of the territory mentioned in this paper the name "Ohio" is used to refer to what is now known only as the Alleghany River. This fact explains the use of the words in the above quotation.

On this trip he was to keep an exact "Diary and Journal" of all the good land he saw, noting its proximity to the different rivers. The Company, so it appears from the instructions given Gist at this time, desired to possess any land along the Ohio River which would be "convenient for our building Storehouses and other Houses for the better carrying on a Trade and correspondence down that River²⁴." Following these instructions Gist set out from the Wills Creek Storehouse of the Company on November 4th 1751 accompanied by his son. The two explored the region designated by the instructions given them, blazed the company's name on trees along their paths, gathered samples of minerals which they found, invited the Indians whom they met to participate in the Logstown Council, and finally returned to Wills Creek on March 29th 1752²⁵. It was the information gathered by Gist on his two trips which enabled the Company to determine the boundary lines of its territory as specified in the second petition of 1752.

The Wills Creek storehouse which was the terminus of these exploring parties of Gist, was the "field headquarters" of the Ohio Company. Will's Creek, now the city of Cumberland, Maryland, was "the last Virginia outpost in the Ohio Country²⁶" as one approached the boundaries of Pennsylvania. Here the Company had erected a storehouse which was constructed in 1750 by its factor, Hugh Parker. The land on which the building stood did not belong to the corporation grant, but was purchased by Parker from Lord Fairfax. The building was "a double house and two stories in heighth.²⁷" After receiving their charter, the Company through Hanbury, had purchased in London a cargo of goods fit for Indian trade, which was shipped to the colonies to arrive in Virginia November 1st, 1749, and did arrive about that time. When the Will's Creek house was completed the goods were transported up the Potomac to that post. Here the shipment was sold to the Indians and the traders, but without profit to the Company due to the difficulties of transportation. The buyers, too, had no desire

²⁴ Darlington, *Ibid*, p. 68. This quotation leads to the conclusion that the Company planned an extensive trade on the Alleghany River. No mention of this fact is made elsewhere in the works consulted.

²⁵ *Ibid*, pp. 67-79. Christopher Gist's Second Journal.

²⁶ Hulbert, *Historic Highways*, III, 91.

²⁷ Darlington, *Christopher Gist's Journals*, p. 137.

to trade regularly at a post so far east, as it was then necessary to carry their purchases across the mountains.

A road was necessary, therefore, to run from Will's Creek across the Alleghanies to the Monongahela River. The Company realized this need, and accordingly Gist was instructed on his second trip, "to look out and observe the nearest and most convenient road you can find from the Company's storehouse at Will's Creek to a landing at Mohongeyela (Monongahela)²⁸." Gist followed this instruction and arrived from his second trip with the necessary data. He was, therefore, commissioned to agree with some friendly Indians to have them build the road, provided that "Colonel Cresap has not (previously) agreed with any person to clear a road for the Company²⁹." As Cresap had apparently been waiting for Gist's advice the two at once set to work. Gist surveyed a road from Will's Creek to a spot on the Monongahela which was called Redstone Old Fort, the present site of Brownsville Pennsylvania. The distance between these two points was about eighty miles. The road indicated was, according to Hulbert, "the course of the shortest portage from the Potomac to the Monongahela." Gist and Cresap employed, for the construction of this road, a gang of friendly Indians, chief of whom was Nemacolin. In honor of Nemacolin the road bore his name for several years after its construction. It was later improved and then known as Braddock's Road, and is now the National Highway across the Alleghanies. This road was the first highway of its kind across the Mountains,—“the builders built better than they knew.”

So far, however, the Company had erected neither of the two forts required by their second petition. To this task the corporation now turned its attention, resolving, "that tis absolutely necessary that the Company should immediately erect a fort for the security of their Settlement³⁰ on a hill just below Shurtees Creek, upon the South side of the River Ohio³¹", and, "that each member of the Company pay M^r George Mason their Treasurer the sum of Twenty pounds current money for

²⁸ Ibid, p. 67.

²⁹ Ibid, p. 236; taken from the Mercer Papers.

³⁰ This reference is ambiguous, since the Company had no "Settlement" in the territory granted them.

³¹ Meeting of July 25th, 1753. Darlington, *Christopher Gist's Journals*, p. 237.

the building and finishing the Fort, * * * Grubing and clearing the road from the Company's Storehouse at Wills Creek to the Mohongaly * * *³²." The fort was never constructed because the Pennsylvanians looked with disfavor on the project, considering it a trespass on Pennsylvanian territory³³.

All these operations—the explorations by Gist, the building of a trading post at Will's Creek, the construction of a road through the Alleghanies—could not fail to attract the French who claimed the entire Ohio country. In fact, the grant of land to the Company was of itself a sufficient offense to the French to cause them to act at once. The news of this "Virginia Corporate enterprise" Finley believes to have been carried very willingly to Montreal by jealous Pennsylvania traders, as well as by French scouts³⁴. It was this news which caused the spectacular expedition of Céleron in 1750, to bury lead plates in the Ohio Valley, in order to hold that region for the French Crown. But when the accounts of the real work of the Company came to the ears of the French, immediate action to stop the operations of the Virginians was determined upon. First, however, the insult to the French caused by the expulsion of their representatives from the Miami Council at Piqua must be redressed. An expedition of French from Detroit accordingly attacked the fort at Piqua and massacred all the inhabitants.

News of this outrage reached Governor Dinwiddie, now in Virginia. He realized that immediate measures were necessary to protect the Company's operations. The Governor therefore sent George Washington on the well-known scouting trip across the Alleghanies and into the Ohio country. On this trip Washington was accompanied by Gist³⁵, the two leaving Will's Creek on November 14th. 1753. After several conferences with the Indians the two scouts again reported at Will's Creek Storehouse on January 4th. 1754³⁶. Dinwiddie, meanwhile, had

³² Meeting of November 2nd. 1753. Ibid, p. 236.

³³ Some fragments of correspondence between Governor Dinwiddie and Governor Hamilton of Pennsylvania on this subject are to be found in Ellis, *History of Fayette County (Pa.)*, pp. 26, 114-115.

³⁴ Finley, *The French in the Heart of America*, p. 221.

³⁵ Gist's Third Journal as published by Darlington is an account of his trip with Washington. See, Darlington, *Christopher Gist's Journals*, pp. 80-87.

³⁶ Washington was prompted to undertake this expedition from a desire to be of service to Virginia. He was, however, an interested member of the Company, being the executor of his half-brother, Lawrence Washington.

sent a party of Virginia woodsmen under the lead of Captain Trent to the forks of the Ohio to build a fort³⁷. With the attack on this half-built fort and the events of the French and Indian War this paper is not concerned. Suffice it to say, that with the capture of the fort at the "Forks" by the French in 1754, all the schemes of the Ohio Company were balked. No further "field operations" ever took place and the corporation dropped out of existence from 1754 until 1760.]

In October 1758 a treaty was made between the representatives of Pennsylvania and the Ohio Indians, by which Pennsylvania agreed that no further settlements should be made within her boundaries west of the Alleghanies³⁸. This action was taken at the request of Colonel Henry Bouquet, Commandant of Fort Pitt, and was expected to appease the Indians who, it will be recalled, had taken back all permission ever given to settle west of the Mountains. The action of Pennsylvania was the first step in the general policy of Great Britain which prohibited all settlements west of the Alleghanies. The Ohio Company, seeing what would happen if this policy were extended beyond Pennsylvania was now aroused to action. A statement of the Company's case was drawn up by the secretary, John Mercer, and forwarded to London, to a Mr. Charlton Palmer, a solicitor, whom the Company employed to represent them before the Lords of Trade³⁹. Mercer, at the same time, corresponded with Bouquet to induce the Commandant to join the Company and forward its interests. Bouquet was now between two fires—the action of Pennsylvania, and his own private interests. He chose to continue the policy of Pennsylvania and on October 30th. 1760 issued a proclamation "prohibiting for the present all settlement west of the Allegheny Mountains⁴⁰." In England, too, matters were growing black for the Company, for Palmer seems to have accomplished nothing. On the other hand, the Board of Trade was formulating its famous imperial policy for the Colonies, which resulted, on December 2nd.

³⁷ The building of a fort at the "Forks" of the Ohio had been contemplated by the Company, as previously noted in the text.

³⁸ For the details of the Treaty of Easton, see, Alvord, *Mississippi Valley in British Politics*, I, 121.

³⁹ Craig, *The Olden Time Magazine*, I, 296.

⁴⁰ Canadian Archives Report, quoted in Alvord, *Mississippi Valley in British Politics*, I, 122.

1761 in a set of instructions to all the governors of the Colonies forbidding them to "pass any grant or grants to any person whatever of any lands within or adjacent to the territories possessed or occupied by the said Indians, or the property possession of which has at any time been reserved to or claimed by them⁴¹."

The agents of the Company, though the situation looked bad, did not lose heart. In 1763 George Mercer was selected to succeed Palmer as the representative of the Company before the Board of Trade. Mercer remained in England until about 1770. Upon his arrival in England Mercer found that the several grants made to the Ohio Company, the Walpole Company and the Virginia soldiers who served in the French and Indian War, were hopelessly entangled. For the Ohio Company a separate existence no longer seemed possible. Taking the law into his own hands, therefore, Mercer agreed with the representatives of Walpole's Grant to merge the Ohio Company into the Walpole Company forming the "Grand Company." The compensation which accrued to the Ohio Company for this merger was two shares in the "Grand Company", one thirty-sixth part of this larger corporation. Mercer communicated his action to the members of the Ohio Company residing in Virginia, who promptly refused to ratify his work, and the corporation was left where it had been nine years before⁴².

⁴¹ For the facts leading to these instructions, see, *Ibid*, I, 125-126

⁴² As to Mercer's actions in London, note Sparks, *Writings of George Washington*, II, 481-483. The following document tells its own story.

"Copy of the Agreement of May 7th. 1770,

signed by Messrs. Walpole, Pownall, Franklin and Wharton, consolidating the two Companies by giving the Ohio Company $\frac{2}{7}$ and Col. Mercer $\frac{1}{7}$.

We the Committee of the Purchasers of a Tract of Country for a new Province on the Ohio in America, do hereby admit the Ohio Company as a Company Purchaser with us, for two shares of the said Purchase in Consideration of the engagement of their Agent, Col. Mercer to withdraw the application of the said Company for a separate grant within the limits of the said Purchase. Witness our Hands this 7th. day of May 1770.

Thomas Walpole
T. Pownall
B. Franklin
Saml Wharton

The Whole being divided into Seventy-two equal Shares. By the words 'two shares' above is understood two Seventy second parts of the Tract so as above purchased.

Thomas Walpole
T Pownall
B Franklin
Saml Wharton."

See, Darlington, Christopher Gist's Journals, p. 244.

Why the Company refused to ratify Mercer's transaction does not appear from the records available. A very sound explanation, however, is given by Kate Mason Rowland the biographer of George Mason. This author alleges that after the French and Indian War," the cause of the Ohio Company was the cause of Virginia" against the Walpole Company of Pennsylvania. The land around the Alleghany River having been granted to the Ohio Company, was indirectly the possession of Virginia. It therefore did not belong to any Pennsylvania Company nor could it be granted to any other land Company. When the Walpole Company secured a charter from the Crown, the struggle became that of Virginia against the Crown to secure her rights as against those of Pennsylvania. The Ohio Company could not, in view of these facts, accept a merger with the Walpole Company. To have done so would have betrayed the interests of Virginia⁴³.

The Company virtually died with this refusal of Mercer's work. Its legal claims to land were continued as late as 1782 by George Mason, formerly Treasurer of the corporation. In 1776 Mason had a portion of land around the "Falls" of the Ohio River surveyed at his own expense. From 1776 until 1782, the date of his death, Mason tried in vain to induce the Virginia Legislature to recognize the Company's right to the original two hundred thousand acres. With Mason's death, however, the affairs of the corporation were formally wound up by his executor, and the story of the Ohio Company came to an end.

There remains to be considered the effect which this Company's operations had upon the general Westward Movement, during the colonial period. That the work of the corporation furthered colonization west of the Alleghanies becomes apparent from a study of the Company. Unfortunately, no estimate of the importance of this "Corporate enterprise" has been attempted by writers on colonial history—at least, a careful search has revealed but one such statement. Craig, in concluding his article on the Indian Nemaquin writes: "There can be no doubt that the exertions and influence of this Company had a strong tendency to accelerate the exploring and settling

⁴³ See, Rowland, *The Life of George Mason, (Including His Speeches, Public Papers and Correspondence)*, II, 155-158.

of the western country⁴⁴." The venture is also of importance in the field of colonial land speculation. In addition, five results of the Ohio Company's operations are to be found in the later history of America:

1. Through Gist's explorations of the land which was granted the Company, the Ohio Valley from the "Forks" to the "Falls⁴⁵" became better known, so that when the Revolution was over settlers entered that region more easily. Certain it is that Gist's work paved the way for future explorations in the Ohio country, and it is doubtful if Gist would have undertaken two such exploring trips had he not been in the pay of an apparently powerful and responsible corporation.

2. The road laid out by the Company, now the National Highway was for many years the principal middle route from the Coast to the Ohio country.

3. The Company's storehouse at Will's Creek made that place a rendezvous for traders and woodsmen. This led to the erection of Fort Cumberland and the eventual founding of the city of Cumberland.

4. The operations of the Company was a most important factor in bringing to a head the dispute between the English and the French over the Ohio Valley. This dispute was one of the main causes for the French and Indian War.

5. The Company's title to its lands was a source of friction between Pennsylvania and Virginia, because the territory claimed by the corporation lay within the present boundary of Pennsylvania. Consequently, the recognition by the British Crown of the claims of Pennsylvania, which came with the Walpole Grant, caused trouble between Virginia and the Crown.

⁴⁴ Craig, *The Olden Time Magazine*, II, 47.

⁴⁵ Gist, on his first trip for the Company, had descended to a point about fifteen miles above the "Falls" of the Ohio, i. e. about fifteen miles east the present site of Louisville. See, Darlington, *Journals of Christopher Gist*, pp. 58, 59, 130.

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