HULL

The Proposed Colony of Vandalia

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INTRODUCTION

Horrified were the inhabitants of the West when in the spring of 1763 the threatening cloud of Indian warfare bore down with full blast upon the scantily protected frontier posts, and unthinkable atrocities were relentlessly committed against the American frontiersman. This conspiracy was the plan of the ingenious leader, Pontiac, to destroy all the English forts on the same day, then turn upon the defenseless frontier, and finally drive all the English into the sea and so restore the land to its original owners, the Indians.¹

The "Conspiracy of Pontiac" was the culmination of the growing discontent of the Indians caused by the intrusion of white settlers upon their hunting grounds. Since an early day the English had been pushing across the mountains and had set up new homes along streams, particularly along the banks of the Ohio River. The fertile lands along the river valleys proved so attractive to settlers that large land companies for speculation and for settling the western region were formed. The Ohio Company, which was the first to be formed, received, 1749, a grant of five hundred thousand acres of land located between the Monongahela and Kanawha rivers on both sides of the Ohio.² In the same year the Loyal Company, which obtained a grant of eight hundred thousand acres was organized.³ "With the

¹Francis Parkman, The Conspiracy of Pontiac (Frontenac ed., xiv), i, 189.
²Alden, New Governments West of the Alleghanies Before 1780, 2.
³Ibid.
close of the French and Indian war, projects for new western colonies appeared faster, and now not only in America but in Great Britain as well. A pamphlet was published in London urging the 'Advantages of a Settlement upon the Ohio in North America.' "

Such was the condition of affairs in America when in August, 1763 England received the startling news of the "Conspiracy of Pontiac." She now saw that American affairs could no longer be given a mere passing glance, but that they would require, for the present at least, the full attention of the ministry. Something had to be done at once to quiet the Indians and at the same time protect the western settlers. Lord Shelburne, who was then president of the Board of Trade, suggested that a proclamation be issued at once. But Shelburne did not remain in office to see his policy carried out. He was succeeded by Lord Hillsborough under whose presidency the royal proclamation of October 7, 1763 was issued.2

In this document England, for the first time, formulated her policy toward the West.3 In order to quiet the Indians she put a ban, "for the present," upon settlement west of the Allegheny Mountains by stating in the proclamation that "no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present, and until our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond

1Alden, New Governments West of the Alleghanies Before 1780, p. 12.
2Alvord, Genesis of the Proclamation of 1763, pp. 7 ff.
the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them. And We do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchase or Settlements whatever, or taking Possession of any of the Lands above reserved, without our especial leave and Licence for that Purpose first obtained."

As soon as this proclamation was issued, persons interested in western settlement became excited for fear they might be shut out forever from this great western reserve, and at once there arose a demand for a correct interpretation of the proclamation. Did the British ministry propose to close the West to future settlement by fixing the Indian boundary line at the Allegheny Mountains, or did they wish to stop settlement only for the time being in order to allay the fears of the Indians? As in most cases, there were the conservatives who held to the former view, and the liberals who accepted the latter interpretation.

"The only conclusion," says C. W. Alvord, "that can be drawn from the wording of the proclamation is that the ministry announced a tentative line between the Whites and the Indians, without the intention of determining the question of western limits. These were left as they were before." Only a temporary line was drawn because prevailing conditions demanded a line between the whites and Indians. This was a demand that must be met at once, and no time could be

1 Alvord, Genesis of the Proclamation of 1763, pp. 4, 5.
2 Ibid., 26.
taken to survey a boundary between the English settlements and the Indian hunting grounds. It was not the intention of England to shut out people from this territory, but she wished so to regulate future settlements that the Indians would have no grievances. It was the idea of Lord Shelburne, in whose mind the chief parts of the proclamation had their origin, that purchases or settlements beyond this line should be forbidden until treaties had been made with the various tribes, and satisfaction had been given them for their land.\(^1\) He, no doubt, had in mind, when he formulated this policy, a line that would mark the westernmost limits of the white settlements, but such a line could not be drawn in 1763 because of the Indian uprising and we find that his plan was not fully carried out until the line established by the treaty of Fort Stanwix in 1768 was drawn.

Although, by the proclamation of 1763, a temporary line between the whites and Indians had been established, the king's subjects, between the years 1765 and 1768, removed in great numbers from Virginia, Maryland, and Pennsylvania, and settled over the mountains.\(^2\) Pittsburgh had received a population such as entitled her to be called a town, and settlers had pushed far down the fertile banks of the Ohio River and had occupied Indian lands which had not yet been purchased by the crown.\(^3\) In the spring of 1763 the Mississippi Company had been formed\(^4\) for the purpose of making a settlement along the

\(^1\) Alvord, *Genesis of the Proclamation of 1763*, p. 19.
\(^2\) *Observations*, 30.
\(^4\) Ibid.
Mississippi River. There were also certain Philadelphia merchants who were anxious to purchase lands in the Illinois country.  

Because of so many requests for the purchasing of western lands, and because of threatening Indian wars, England saw that she must complete her policy set down in the proclamation of 1763, and by treaties with the Indians open up lands for immediate settlement. Consequently in 1764 a plan for the management of Indian affairs was drawn up.  

The forty-second article of this plan proposed that with the consent and concurrence of the Indians, an exact boundary line, marking the limit of western settlement, be made. The British ministry failed to act on this plan, but Sir William Johnson and Colonel Stuart, secretaries for Indian affairs in America, felt that in a short time the plan would be accepted by the home government. Johnson proceeded cautiously in the North; Stuart, on the other hand, soon began making treaties with the Indians of the South.

As a result of Stuart's work a line between the whites and the Indians was established. This line began at the southern boundary of Virginia and ran south and west at the back of the Carolinas, Georgia, and including the tide water limits of East Florida. In 1768 the superintendents received instructions from the home government to confirm and ratify the lines agreed upon and to complete a continuous line from North to South. Stuart then, by treaties with

1 Alvord, British Ministry and the Treaty of Fort Stanwix, 175.
2 Farrand, "The Indian Boundary Line," in American Historical Review, x, 785.
3 Ibid.
4 Ibid., 785, 786.
the Creek and Cherokee, extended the southern line from its earlier termination at Virginia to the junction of the Kanawha and the Ohio. Due to the fact that white settlements were west of this line, a new treaty was made, October 22, 1770 at Lochabor by which "it was agreed that the Indian boundary should be marked by a continuation of the southern line of Virginia to where it intersects the Holston River, and from that point by a direct line to the junction of the Great Kanawha with the Ohio."\(^1\) In the North Sir William Johnson negotiated with the Six Nations with whom the well known treaty of Fort Stanwix was made. The Six Nations claimed the land between the Ohio and Tennessee rivers and insisted upon ceding it to Great Britain. Johnson accepted their terms and so completed the north and south boundary line between settlements of the whites and the Indians.\(^2\) Thus by the payment of £10,460. 7s. 3d sterling to the tribes of the Six Nations, Johnson secured for England all the country extending from the Allegheny Mountains westward to the southeast side of the river Ohio, and down that river to the Cumberland River. This strip of land was computed to be 1107-3/4 miles long, and about 100 miles wide.\(^3\)

\(^1\)Farrand, "The Indian Boundary Line," in American Historical Review, x, 786.

\(^2\)Ibid.

\(^3\)Facts and Observations, ll.
CHAPTER I

Beginning of the Walpole Company

By the treaty of Fort Stanwix a western limit for English settlements was made, but a large area between the mountains and the Indian boundary line was opened up for immediate settlement. This newly purchased region included a great part of the state of New York, the southwest corner of Pennsylvania, and a large part of the territory claimed by Virginia, or what is the present state of West Virginia. These lands back of the seaboard colonies proved very attractive to land speculators and others. The Ohio valley was described in glowing terms in the pamphlets which were published at that time. The well-watered country, the fertile land, and the temperate climate were great temptations to the home seekers.

As soon as the purchase from the Indians had been made, land companies were formed for the purpose of taking up large grants to the west of the mountains. But large portions of these lands had been granted prior to 1768, and when new grants were proposed, there seemed to be a conflict of claims.

The Mississippi Company of Virginians and Marylanders, which had been formed in 1763, had asked for a grant of some twenty-five hundred thousand acres between the Allegheny Mountains and the Ohio River. Certain Virginians also claimed the right to these western regions on the ground that on February 19, 1754 Mr. Dunwiddie, the then lieutenant governor of Virginia, issued a proclamation promising two hundred thousand acres to those who would volunteer to protect
the frontier.\textsuperscript{1} As a result, several patents for land back of Virginia were made. Among those who received land in consequence of this proclamation was George Washington. As late as November, 1773, Lord Dunmore of Virginia granted to Colonel Washington and others 72,299 acres of land in the Ohio valley beyond the mountains.\textsuperscript{2} What was known as the old Ohio Company had received, in 1749, a grant of 500,000 acres of land located between the Monongahela and Kanawha rivers,\textsuperscript{3} but they later relinquished their claim to this land when they were admitted into the Ohio or Walpole Company.\textsuperscript{4}

At the congress held at Fort Stanwix a tract of land was given by the Six Nations "to William Trent in his own Right and as Attorney to a number of Indian Traders who were Robbed and injured in the year 1763, by the Shawanese Delawares and Hurons Tributary and dependant Tribes on the said Six united Nations."\textsuperscript{5} William Franklin, Esq., George Croghan, John Baynton, George Morgan, and Robert Callender were to enjoy a certain share of this grant if it were confirmed by the king. Hence on December 30, 1768 articles of agreement were drawn up between William Franklin, Esq., George Croghan, Esq., John Baynton, George Morgan, Robert Callender, of the first part, and William Trent and Samuel Wharton of the second part to the effect that William Trent and Samuel Wharton were to go to London to

\textsuperscript{1}\textit{Facts and Observations}, 38.
\textsuperscript{2}\textit{Ibid.}, 1, 2.
\textsuperscript{3}\textit{Alden, New Governments West of the Alleghanies Before 1780}, p. 2.
\textsuperscript{4}\textit{Statement for Walpole}, appendix iii, 11.
\textsuperscript{5}\textit{Pennsylvania Historical Society, Ohio Company}, i, 61.
get the grant confirmed. In the correspondence and various papers of this period nothing more is heard of this proposed grant, but Samuel Wharton and William Trent must have used their influence while in London to organize another company; for in the following June there appeared a petition from this new company for a tract of land on the Ohio.

The membership of this new company was made up of important Philadelphia merchants and prominent and influential Londoners. Some of the American members were: Sir William Johnson, Baronet, who was superintendent of Indian affairs in North America and who, by his sterling honesty and justice had won the respect of the Indians over whom he had control; Benjamin Franklin, Esq., philosopher, scientist, and politician, who represented the Pennsylvania legislative assembly in London, and who used his influence in court circles in England to forward the cause of his American kinsmen and friends; William Franklin, Esq., governor of New Jersey and son of Benjamin Franklin; Samuel and Thomas Wharton, bankers, capitalists, and merchants of Philadelphia; and William Trent, an attorney and later agent for the company in America. Among the Englishmen who were prominent in the company were Thomas, Richard, and Robert Walpole, prominent London bankers and merchants; Earl Hertford, Earl

1 Pennsylvania Historical Society, Ohio Company, 1, 61.
2 Considerations, 1; P.C.O. unbound papers, 1774 (memorial), 2.
3 Dictionary of National Biography, xxx, 50.
Temple, Richard Jackson, and others.\(^1\)

In June, 1769, Mr. Walpole and his associates presented a petition to the king of England for the purchase of twenty-four hundred thousand acres of the Fort Stanwix purchase, at such price and subject to such quit rent as should be thought reasonable.\(^2\) The petition was referred to Lord Hillsborough and the other lord commissioners for trade and plantation, and Hillsborough recommended to the petitioners that they contract with the lord commissioners of the treasury for a part of the Indian purchase such as would be of sufficient extent for a separate government.\(^3\) Hillsborough even went to the Duke of Grafton and Lord North and others of the treasury board in behalf of Walpole, and they expressed their desire to receive the proposal of the petitioners. On account of this favorable attitude of Hillsborough and the treasury board, the petitioners thought it would be only a short time until their proposal


\(^2\)P.C.O. unbound papers, 1774 (memorial), 2.

\(^3\)Ibid., 3.
would be accepted. Accordingly on January 4, 1770 Mr. Walpole and his associates presented a memorial to the lord commissioners of the treasury in which they proposed to pay a sum of L10,460. 7s. 3d for the land applied for and a quit rent of two shillings for every hundred acres of cultivable land within the tract.

The boundary of the proposed colony was to be as follows: "Beginning on the south side of the River Ohio opposite to the mouth of Scioto, thence southerly through the pass in the Ouasioto Mountains to the south side of the said Mountains, thence along the side of the said Mountains north easterly to the fork of the Great Kenhawa, made by the junction of Green Briar and New River, thence along the said Green Briar River on the Easterly side of the same unto the Head of termination of the North Easterly branch thereof, thence Easterly to the Allegheny Mountains, thence along the said Allegheny Mountains to Lord Fairfax's Line, thence along the same to the Spring head of the North Branch of the River Potomack, thence along the Western Boundary Line of the Province of Maryland to the Southern Boundary Line of the Province of Pennsylvania, thence along the said Southern Boundary Line of the Province of Pennsylvania to the end thereof, thence along the Western Boundary Line of the said Province of Pennsylvania until the same shall strike the River Ohio, thence down the said River Ohio to the place of beginning."  

January 4, 1770 a board of the treasury was held with the Duke of Grafton, Lord North, Mr. Onslow, and Mr. Jenkinson present.

1 P.C.O., unbound papers, 1774 (memorial), 3.
2 C.O.P., August 14, 1772 (Orders in Council), 311.
3 Statement for Walpole, 13, 14.
They acted upon the memorial of the petitioners and agreed to accept the price offered for the land, if the other departments of government agreed, but they postponed their decision on quit rents until they received information from the Earl of Hillsborough and the Board of Trade concerning quit rents on lands in America which lay nearest to this territory. At a meeting of the board held January 19, 1770, a letter from Mr. Pownall concerning quit rents in America was read.¹ Again on April 7, 1770 another meeting of the board of treasury² was held at which Lord North, Mr. Onslow, Mr. Jenkinson, Mr. Dyson, and Mr. Townshend were present. At this meeting the petitioners again were informed that the board of treasury had no objection to accepting the proposition made by the memorialists, with respect to the purchase money and the quit rents to be paid for the land. They furthermore stated that they had to do only with the purchase price and with the quit rents.

Just at this stage of the transaction, the petitioners were informed that there were other petitions before the lord commissioners for trade and plantation to be considered which might hinder the passing of the Walpole petition. One of these was a renewal by Mr. Arthur Lee who, in behalf of the Mississippi Company, on the sixteenth of March, 1768, had asked for a grant of twenty-five hundred thousand acres of land within the tract afterward purchased by England from the Six Nations.³ The other petition was that of

¹Statement for Walpole, 14.
²Ibid., 15; Considerations, 3, 4.
³P.C.O., unbound papers, 1774 (memorial), 4.
Colonel George Mercer, in behalf of the Ohio Company, asking for a grant of five hundred thousand acres within the tract prayed for by Walpole and his associates. The latter petition was dropped when Colonel Mercer and the other members of the Ohio Company were taken into the Vandalia Company. It was thought that these petitions were renewed at this time for no other purpose than to stay the grant of the memorialists. However, Mr. Walpole was not to be defeated in this way. He and his associates, in the following May, presented another petition to the king asking for the grant of land "reserving therein to all persons their just and legal Rights to any Parts or Parcels of the said Lands, which might be comprehended within the Tract prayed for by the Memorialists." This petition was placed in the hands of the lords commissioners for trade and plantation where it remained for about two years.

1P.C.O., unbound papers, 1774 (memorial), 4.
2Ibid.
3Ibid., 6.
4Facts and Observations, 26.
CHAPTER II

Action of the Lord Commissioners for Trade and Plantation

While the petition of Mr. Walpole and his associates was being considered by the lords commissioners for trade and plantations, complications with Virginia arose. In May, 1770 Lord Hillsborough informed Mr. Walpole that he had some papers of much interest at the Board of Trade which Mr. Pownall would show him. These papers were found to contain a proposal by Virginia to purchase all the lands belonging to the Cherokee.  

Such a purchase as this would probably include a part of the proposed Walpole grant, but, if it should, Mr. Walpole asserted that he and his associates would be entitled to a preference since their petition had been presented much sooner than that of Virginia's proposal.  

The application of Virginia had been made after December, 1769, and could not have reached England before the latter end of January, whereas the earliest petition of Walpole was referred to the Board of Trade on November 15, 1769.  

On account of the close relation of Virginia to the lands under consideration, the Board of Trade thought it advisable to inform her of the proposed grant.  

In accordance with this decision, Lord Hillsborough, in July, 1770, acquainted Virginia of the intended

1 Statement for Walpole, 16; Pennsylvania Historical Society, Ohio Company, ii, 6.  
2 Statement for Walpole, 16.  
3 Ibid.  
4 Facts and Observations, 27.
establishment,\(^1\) and sent word to the governor of that colony not to grant any of the lands asked for by Walpole.\(^2\) This act of Hillsborough seemed to indicate that he was trying to deal justly with both Virginia and the Vandalia petitioners. Nothing more was done with the company's solicitations until a reply was received from the government of Virginia. The answer, which was received by Hillsborough October 18, 1770, said: "We do not presume to say to whom our gracious sovereign shall grant his vacant lands, nor do I set myself as an opponent to Mr. Walpole and his associates; all that I can, consistently with my duty, hope for, is, that all prior rights whether equitable or legal, may be preserved and protected."\(^3\) In answer to the foregoing, Mr. Walpole and his associates said that if Virginia were allowed to make the purchase "We will reimburse that Colony (although We should Ourselves have been perfectly satisfied with the Title from the Six Nations) our proportionable part of the Expence of such Purchase ...."\(^4\) In the last petition of the memorialists provision for the "prior rights" within the grant had been made, hence it would seem that all disputes between Virginia and the Walpole Company would soon be at an end.

As shown by a letter written to Walpole in July, 1770,\(^5\) it had

\(^1\)Considerations, 4.

\(^2\)Facts and Observations, 27, 28.

\(^3\)Statement for Walpole, appendix ii, 2, 3; Pennsylvania Historical Society, Ohio Company, ii, 6.

\(^4\)Ibid.

\(^5\)Statement for Walpole, 18, 191
been the policy of Virginia for some time past to encourage settlement over the Allegheny Mountains. The council of that colony had monopolized more than two million acres of land in these parts, and Lord Dunmore had openly granted tracts of land within the Walpole grant after he had been instructed not to do so. In October, 1770 a letter was written from Fort Pitt on the Ohio by Colonel Croghan in which it was stated that there was constant immigration into the country bordering on the Ohio River and that there were some four or five thousand families already settled there. Colonel Croghan further expressed a hope that the petition of the new colony was progressing favorably; for such an establishment upon the Ohio, he thought, would help to secure peace between the settlers and the natives. On November 20, 1770, Colonel Cresap of Maryland wrote that the inhabitants of Maryland and Virginia were particularly satisfied with the proposed grant. Many persons, he said, had gone out to look for settlements, and more than ten thousand persons had already settled upon the Ohio and others were daily settling.

In spite of certain objections to the establishment of a new colony upon the Ohio in America, persons interested in the affair seemed to have hopes of its success during the latter part of 1770 and the early part of 1771. In a letter from William Strahan to William Franklin, dated April 3, 1771, it is said that "The Affair

1Statement for Walpole, 18, 19.
2Facts and Observations, 37.
3Statement for Walpole, 19.
4Ibid., 20.
of the Ohio Settlement is, I know, in a good Train."¹ Again on April 20, 1771, Benjamin Franklin wrote to William Franklin that the Ohio affair seemed near a conclusion,² and he commended the work of Walpole in overthrowing objections to the proposed grant.

But such bright hopes were not to be cherished long. It was merely a calm before the storm. Just when the affair of the petitioners seemed near a conclusion a threatening cloud, in the form of objections to the proposed colony, appeared above the horizon. The trouble which now arose had been brewing from the first. When Hillsborough had apparently favored the petitioners, and had advised them to ask for twenty millions of acres of land instead of two, he thought the treasury would increase the sum to be paid for the grant from £10,460. 7s. 3d to £100,000 and the petitioners would not be able to pay it.³ But the treasury accepted the petition for the larger grant of land at the original purchase price and Lord Hillsborough was "entangled in his own net." He then thought he would delay making a report upon the petition and would finally let it drop.⁴

Other matters then began to be mixed with the Vandalia affair. It had been discovered by Walpole that several of the government officials were needy and dissolute, hence he, in order to prevent

¹Franklin Papers, xlviii, no. 139.
²Franklin, Writings (Smyth ed.), v, 314.
³Historical Manuscripts Commission (Knox MSS.), vi, 253.
⁴Ibid.
any miscarriage in the grant, gave shares in the intended new colony to the Earl of Rochford, the southern secretary, and to Lord Gower.¹ These new members of the company began to urge the Board of Trade to make a report upon the petition.

At this time there was great jealousy and animosity between the officials. Lord Gower and Lord Rochford had taken up the resolution of overthrowing Lord North, and looking upon Lord Hillsborough as his chief support in the cabinet, they determined to push him out.² "Such was the state of things when Lord Hillsborough proposed the meeting of the Grand Board of Trade. The ministers refused to come, but left it to the ordinary Board to report, and reserved themselves till the matter came before them in Council. Lord Hillsborough now declared himself openly against the grant, and made no scruple of saying he should report in that manner."³

In this report⁴ of April 15, 1772, it is said that the tract prayed for contained a portion of the dominion of Virginia to the south of the Ohio River; that much of the land lay beyond the line which had been settled by treaty with the tribes of the Six Nations and the Cherokee, and no settlement should be made beyond that line. They furthermore reminded the king that it had been the policy of England, after the treaty of Paris, to confine settlement to the sea-

¹Historical Manuscript Commission (Knox MSS.), vi, 253.
²Ibid., 254.
³Ibid.
⁴P.C.O., unbound papers, 1774 (memorial), 7; Report, 2.
board regions in order that the colonies would be within reach of the trade and commerce of the mother country, and the same policy in regard to western extension, they thought, should be still preserved. The object of England in founding colonies was to enhance her trade and an inland colony, such as Vandalia, it was objected, could not do this. On the contrary, the delightful climate and the fertility of the soil on the Ohio would attract many settlers there who could raise much to supply themselves, but could not furnish England anything. Such a remote colony they regarded as inconsistent with sound policy; for it would furnish no encouragement to fisheries; it could not afford naval stores; it could not supply the sugar islands with lumber and provisions; and its settlement would inevitably cause Indian wars. With such objections to overcome, the Board of Trade could not advise the king to make the grant which was under consideration.

"When the report came down to the Council, Lord Gower declared he should be open to evidence against it, and Wharton was allowed to have a copy, and to make and print observations on it, before it was considered."¹ Lord Hillsborough now said that if the grant were made, he would resign, but this had no effect upon the members of the council.

The lords of the committee of council for plantation affairs reported to his majesty, July 1, 1772: "That it was their Opinion that in case Your Majesty should be Graciously pleased to make a Grant of any Part of the Lands in Question, That the Petitioners were

¹ Historical Manuscripts Commission (Knox MSS.), vi, 254.
best entitled to such mark of your Majesty's Royal Favour, in Regard they were the first who had made Proposals for the Purchase from Government of Lands in Your Majesty's Plantations in America, and had agreed to take the whole Expence of the civil Government on themselves ...."¹ They further stated that the people already settled here could be more easily governed if a separate government should be erected.

As a result of this favorable report of July 1, Lord Hillsborough resigned the presidency of the Board of Trade and Lord Dartmouth, an amiable, pious man took his place. He was a friend of Dr. Franklin who said of him: "he is a truly good man, and wishes sincerely a good understanding with the colonies, but does not seem to have strength equal to his wishes."² He had no sooner entered upon the duties of his new office than he received an anonymous letter³ which set forth the objections to the Vandalia colony and asked him to weigh the matter carefully lest he should judge too hastily.

The king was pleased with the report of July 1, 1772, and he asked Lord Dartmouth and the other lords of the committee for trade and plantation to prepare proper clauses to be inserted in the grant, reserving to the respective occupiers all prior claims to lands within the limits of the intended grant and prohibiting the petitioners, their associates, heirs, and assigns from settling in lands which lay beyond the limits of the Indian boundary line which

¹P.C.O., unbound papers, 1774 (memorial), 8.
²Dictionary of National Biography, xxxii, 418.
³Dartmouth MSS., 385.
had been settled by treaty with the Six Nations and their confederates and with the Cherokee. The superintendent of Indian affairs was to inform the chiefs of the Six Nations and their confederates of his majesty's intention of forming a settlement upon the Ohio.\(^1\) This was done early in 1773 and the Indians expressed themselves as being well pleased with the proposed government.

Even after having secured the good will of the king and the lords of the committee for plantation affairs, all was not well with the petitioners. A letter of November 4, 1772, to Major Trent from Colonel Mercer says: "and for Heaven's Sake, and my Ease, tell me, if you can, what is to become of our O---o Affair, whether L---D. means to hamper Us, as much as my good Friend did."\(^2\) Such doubts seem to have been in the mind of Benjamin Franklin also for in a letter to his son William, December 2, 1772, he says: "Nor will I say more at present of the Ohio Affair, than that it is not yet quite secure, and therefore I still advise Discretion in speaking of it."\(^3\) Again on April 6, 1773 he says: "The Affair of the Grant goes on but slowly. I do not yet clearly see Land."\(^4\)

In obedience to his majesty's order in council of August 14, 1772, the Earl of Dartmouth and the other lords of the committee for trade and plantation submitted to the king their opinion relative to

\(^1\)P.C.O., unbound papers, 1774 (memorial), 8.
\(^3\)Franklin, *Writings* (Smyth ed.), v, 462, 463.
The conditions of the grant to be made Mr. Walpole and his associates and at the same time they presented the plan upon which a separate government ought to be established.¹

The government of Vandalia was to be modeled after that of other colonies in America. At the head of this new establishment was to be placed a governor appointed by the king of England.² He was to be given such privileges and authority, both civil and military, as were exercised by the governors of other colonies. He was to issue writs in the king's name for elections to be held at such time and in such places as he, with the consent and advice of the council should think proper.³ The governor could also prorogue and dissolve all general assemblies provided they were not discontinued for a longer space than six months, "and that the House of Representatives do not when assembled adjourn itself otherwise than de die in diem."⁴ The chief executive of the colony was to be given veto power in certain cases.

There was to be a council consisting of twelve persons appointed by the king. They were to be subjected to such restrictions and regulations as were similar bodies in the other colonies.⁵ Likewise they were to exercise similar powers and privileges.

A house of representatives composed of two deputies elected

¹Considerations, 5 ff.
²Pennsylvania Historical Society, Ohio Company, ii, 20; Dartmouth MSS., 333.
³Ibid.
⁵Ibid.
from each of the counties into which the colony would be divided was to assist in the government of Vandalia. Until twelve counties were erected, the number of representatives was to be limited to twenty-four who were to be chosen at large from the province considered as one county. The house was to have the power of organization subject to certain limitations. The speaker was to be elected by the house subject to the governor's veto. The right of appointing the clerk of the house was to be reserved to the king. All other officers of the assembly were to be appointed by the members.

Before a person could sit or vote in the council or house, or before he could hold any office, civil or military, he was to have taken the oaths appointed to be taken by Act of the First of George the First. He was also to "have made and subscribed the Declaration mentioned in the Act of the twenty fifth of Charles the Second for preventing Dangers which may happen from Popish Recusants ...." Persons, such as Quakers, who have scruples against taking an oath, were to be admitted into the council and assembly and into offices of trust, on condition that they make and subscribe the declaration of allegiance in the form used by the Quakers of Great Britain. At the same time they were to make a solemn declaration that they would faithfully discharge the duties of their office.

1Dartmouth MSS., 333; Pennsylvania Historical Society, Ohio Company, ii, 20.
2Ibid.
3Dartmouth MSS., 333.
4Ibid.
5Ibid.
The governor, council, and representatives of the counties were to make the laws for the colony, but the governor was to have the veto power in passing them. As soon as the laws were passed they were to go into effect and were to continue in force unless the king of England nullified them. The governor could not give his assent to laws for raising money without first getting the king's consent.\(^1\)

To be a legal voter and to be eligible for membership in the assembly one was to have attained the age of twenty-one years; he was to be a Protestant and was to be possessed in his own right, or in the right of his wife, of one thousand acres of freehold land.\(^2\)

The civil and criminal justice was to be administered by a superior court of judicature, court of assize, and general goal-delivery over the whole country. These courts were to be conducted by one chief justice and two assistant judges who were to be appointed by the king. The time and place of holding the court was to be named by the governor with the advice and consent of the council.\(^3\)

For each county in the colony there were to be appointed justices of the peace who were to hold general and petty sessions of the peace.\(^4\) Any four of these justices could be commissioned by the governor to hold inferior courts of common pleas within each county.\(^5\)

\(^1\)Dartmouth MSS., 333.

\(^2\)Pennsylvania Historical Society, Ohio Company, ii, 20. In the Dartmouth MSS., 333 it is given that the voter was to be possessed of a "Freehold of the yearly Value of Twenty Pounds."

\(^3\)Dartmouth MSS., 333.

\(^4\)Ibid.

\(^5\)Ibid.
assembled as a court of common pleas, the justices were to be given jurisdiction in all cases which were within the scope of common law. Appeals were to be taken from the inferior courts to the superior courts and from the superior courts to the king in privy council. The governor and council together with the chief justice and assistant judges were to designate the times and place for holding the superior and inferior courts, and they were also to regulate the summoning and returning of the grand and petit juries. The clerk and other officers of the superior court were to be appointed by the king, while in the case of the inferior court these officers were to be appointed by the governor of the colony.

Other officers of the colony were the attorney general, who was to be appointed by the king; a secretary, appointed by commission who was to record all wills, grants, and conveyances of land; and a receiver general, appointed by the king, who was to receive all rents, taxes, and duties due his majesty.

The form of worship for the colony was to be that of the established church of England. But freedom of worship was to be granted to dissenters and they would not be required to pay taxes for the support of the Church of England. The bishop of London was to have jurisdiction in cases respecting the conduct and behavior of the

1Dartmouth MSS., 333.
2Ibid.
3Ibid.
5Dartmouth MSS., 333.
ministers of the established church within the colony. Each county within Vandalia was to be divided into parishes; a church was to be built for each parish; and a minister was to be appointed for each church. Churchwardens and twelve vestrymen were to be elected yearly to look after the affairs of the church. The parishioners, by a majority vote, were to grant a sum for the support of the minister, and for building and repairing the church. This sum was to be assessed in equal proportions among the parishioners of the Church of England. The salaries per year of the various officers in the colony were to be as follows:

<table>
<thead>
<tr>
<th>Office</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>governor</td>
<td>L1000</td>
</tr>
<tr>
<td>chief justice</td>
<td>500</td>
</tr>
<tr>
<td>2 assistant judges</td>
<td>400</td>
</tr>
<tr>
<td>attorney general</td>
<td>150</td>
</tr>
<tr>
<td>clerk of the assembly</td>
<td>50</td>
</tr>
<tr>
<td>secretary</td>
<td>200</td>
</tr>
<tr>
<td>2 ministers</td>
<td>200</td>
</tr>
<tr>
<td><strong>total</strong></td>
<td><strong>L2500</strong></td>
</tr>
</tbody>
</table>

In order to secure the payment of officers of the new colony, together with such other annual sums, not exceeding five hundred pounds, as would be necessary for the contingent expenses of the

1Dartmouth MSS., 333.
2Ibid.
3Ibid.
4Ibid.
colony, five of the persons who were petitioning for the grant were to give security of £10,000 sterling for the "Payment by the Proprietors of the Sums above mentioned either into the Receipt of Your Majesty's Exchequer, or into the Hands of such Person as Your Majesty should please to appoint to receive the same, the said Payments to be made half yearly, and the first Payment to be made at Expiration of six months from the Date of the Governor's Commission, and to continue to be paid Half Yearly as aforesaid, untill Provision should have been made by some Act of General Assembly to be approved by Your Majesty for the Support of the said Establishment. ¹

The lords commissioners for trade and plantation reported also that the grant should be made with the following conditions and reservations:² (1) that the grantees pay, on the day of the grant, to the king £10,460. 7s. 3s; (2) that the grantees pay every year to his majesty, his heirs and successors the sum of two shillings sterling for every one hundred acres of land; (3) in each of the parishes there should be a tract of three hundred acres reserved for the purpose of a glebe for the support of a minister of the Church of England; (4) within a year after the grant the people should erect a house for the governor and a church; (5) all prior claims to lands within the limits of the said grant whether derived under equitable or legal titles should be saved and reserved to the respective occupiers and possessors; (6) a grant of two hundred thousand acres must be made to the officers of the regiment; (7) a

¹P.C.O., unbound papers, 1774 (memorial), 14.
²Ibid., 14 ff.
reservation to the king of all mines of gold, silver, and precious stones should be made, and a right to erect forts and fortifications on any part of the land should be preserved.
CHAPTER III

Action of the Attorney and Solicitor General, and the Congress of the United States

July 8, 1773, the lords of the committee of council for plantation affairs, directed his majesty's attorney and solicitor general to prepare a draught of a grant to be passed under the great seal of Great Britain.¹ The Ohio affair seems to have been looked upon unfavorably by the attorney and solicitor general. In their objections² to the Vandalia scheme they said if the grant were made in the manner stated it would create an estate in joint tenancy and go to the longest liver, and that the quit rents ought not to be made payable by the grantees, but should be reserved from the land undergranted. They further objected to "the description of the thing" in that the boundaries were too uncertain and that the content by acres or square miles was wholly unknown.

In a letter of Rochford to Dartmouth³ he expresses great surprise at these objections of the attorney and solicitor general. As to the quit rents, he says the mode suggested for their payment is the same as that practised in all royal grants, and as for the boundary of the proposed colony, it had been clearly defined in a

¹Considerations, 8; Facts and Observations, 34.
²Ibid., appendix, i, 133, 134; Dartmouth MSS., 795.
³Dartmouth MSS, Canadian Archives, no. 45, 702.
map during Hillsborough's administration. On the whole, he "can see no kind of objection, why it should not be complied with, and the Attorney and Solicitor be directed to prepare the draught of a grant to be made to Messrs. Thomas Walpole, John Sargent, Benjamin Franklin and Samuel Wharton ...." ¹

The attorney and solicitor general wished to be considered ministerially in this business, and said if the lords committee of council would make another order and direct them to insert in the draught of the grant the boundaries of the tract of land and the reservations and conditions as reported by the lords of trade, the grant would be no longer delayed. ² "It seems however, that these gentlemen soon forgot their promise;--for ever since, they received that order, they have used every endeavour in their power, to embarrass and procrastinate the business." ³

Opposition to the proposed Vandalia Colony called forth a number of pamphlets, articles, and letters which contained arguments both for and against the colony. Arthur Young's "Observations on the present state of waste lands of Great Britain, published on the occasion of the establishment of a new Colony on the Ohio," 1773, gives interesting arguments in favor of the proposed grant. Another statement for the colony is that of the "Advantages of a settlement upon the Ohio in North America," published in 1773. ⁴ Letters from

¹Dartmouth MSS., Canadian Archives, no. 45, 702.
²Dartmouth MSS., 795.
³Ibid.
⁴This pamphlet bears the date 1763, but it should be 1773 as it deals entirely with the Vandalia scheme.
various persons in America to friends in England, and vice versa also throw light on the opinions of influential people in both countries on the proposed establishment.

Arguments in favor of the colony were that the climate was so mild and the soil so fertile that fruits of the richest kind could be grown;\(^1\) that hemp was grown plentifully and "by this and flax they will make a return to you for manufactures; whereas, in a great measure, at present you pay for these commodities in ready money."\(^2\) Also fish, flesh, fowl, and game of various sorts were to be had in abundance on the Ohio. The new colony possessed the necessary advantage of due communication with the ocean, both for exploration and importation.\(^3\) By way of the Ohio and Mississippi rivers, the gulf could easily be reached, and with only short portages to cross, the rivers of Virginia could carry them to the Atlantic. Again, Vandalia would enjoy as great a degree of security from the Indians as the other colonies, and greater than any of them had before the peace.\(^4\) Besides, the trade with the western Indians would be secured through the inland colonists, and would prevent the gain of the French in trade along the Mississippi.\(^5\)

Those who were opposed to the grant tried to refute all the above mentioned arguments in favor of the settlement. They even

\(^1\)Young, Present State of Waste Lands, 26.
\(^2\)Advantages, 37.
\(^3\)Young, Present State of Waste Lands, 24.
\(^4\)Ibid.
\(^5\)Advantages, 43.
said that "such Settlements as these, so far remote from all influence of the Laws, will soon be the Asylum of the Lawless, and the repair of the most licentious Inhabitants of H's Majesty's already most extensive Colonies in America."^1

Regardless of the various objections to the proposed colony, the lords of the committee of council for plantation affairs, on the twenty-eighth of October, 1773, made another order to the attorney and solicitor general to prepare the draught of the grant and insert the boundaries in the same manner as the lords of trade had reported them; to reserve the quit rents from the lands undergranted, not in the manner the attorney and solicitor general had advised, but as the lords of trade had prescribed.2

As has been seen, the grant was passed upon favorably by the committee for trade and plantation the second time and had also been accepted by the king. All that remained to be done was to get it acknowledged by the crown lawyers and have it passed under the great seal of Great Britain. In a letter to George Croghan, December 29, 1773, Thomas Wharton says he has had a letter from his brother Samuel who informed him of the fresh order of the privy council to the attorney general for perfecting the grant and he doubted not that it would soon be done.3 In another letter of January 1, 1774, Thomas Wharton congratulates his brother on surmounting the difficulties started by the attorney general.4

1Haldimand Papers: Correspondence with Lord Dartmouth, 1773-1775, British Museum, 403.
2Dartmouth MSS., 795; Pennsylvania Historical Society, Ohio Company, ii, 31.
3Pennsylvania Historical society, 79.
4Ibid., 62.
Just when affairs had again apparently taken a favorable turn troubles arose in connection with Virginia which called a halt to the proceedings. From the first, Virginia had been interested in the country back of the mountains, and had never ceased granting tracts of land there although in May, 1773 she, as well as other colonies in North America, had received orders from Lord Dartmouth not to grant any more lands, on the usual terms, except to such commissioned officers and soldiers as were entitled to grants of land in consequence of the proclamation of October 7, 1763.\(^1\) In September 1773, Sir William Johnson informed the home government that Captain Bullett, with a large number of people from Virginia, had gone down below the limits of the proposed government to survey and lay out lands.\(^2\) A letter, dated January 31, 1774, speaks of Dunmore's activities and his determination to keep in his possession the lands beyond the mountains.\(^3\)

As soon as the Earl of Dartmouth learned of the actions of Lord Dunmore in granting lands beyond the Alleghenies, with no respect to his majesty nor to Mr. Walpole and his associates, he transmitted to Lord Dunmore, on April 6, 1774, the king's express commands not to make any grants in consequence of his lordship's warrants for any officers, soldiers, or other persons over the Allegheny Mountains, as the royal proclamation of 1763 did not warrant any such grants.\(^4\) But before these orders were received the Ohio valley

\(^1\)Facts and Observations, 49.
\(^2\)Ibid., 53.
\(^3\)Pennsylvania Historical Society.
\(^4\)Facts and Observations, 64.
for many hundreds of miles, was filled with surveyors acting under the Earl of Dunmore's warrants of survey. ¹ On April 25, 1774, Dunmore issued a proclamation² in which he claimed these western lands for Virginia and demanded that the quit rents be paid such officers as should be appointed to collect them.

With these increased activities on the part of the Virginians a greater restlessness among the Indians was noticed, and early in 1774 there was danger of open hostilities between the white and the aborigines. About April, 1774, a number of Indians were massacred. Thomas Wharton, writing to his brother Samuel at the time says: "one Black and others being together at his house about 70 miles below Fort Pitt saw some Indians on the opposite side of the river, they gave them an invitation to come over to the house which the Indians did, and they soon after killed every one of them, that next day two Indians were at the house of a son of Colonel Cressup and told him, that there was war ...."³ After this Cresap, according to contemporaneous accounts, went down the Ohio to an Indian settlement and killed a number of the inhabitants.⁴ This massacre was immediately followed by another by Baker.⁵ These wicked acts, which were

¹Facts and Observations, 65.
³Pennsylvania Historical Society; the story of Cresap is also given in American Archives, Fourth Series, i, 285.
⁴As shown by Brantz Mayer in his Tah-Cah-Jute or Logan and Captain Michael Cresap (p. 57) this murder was committed when Cresap was in Maryland visiting his wife. He returned immediately after the massacre and circumstances were such that he was unjustly blamed with the crime.
⁵Facts and Observations, 79.
merely scenes of the great drama, the Dunmore War, which was being acted on this wilderness stage, checked the rapid settlement of Vandalia and a great number of industrious, useful people were driven to the utmost despair.\(^1\) It was thought that the purpose of this border war was to hinder the progress of the purchase.

On August 8, 1774, Walpole and his associates presented a memorial to the king, praying that the establishment of the government of Vandalia be no longer delayed. In this condition things remained until the declaration of independence, for the crown lawyers were very obstinate and refused their signature to the document.\(^2\) Their conduct in this matter seems very strange, but it was thought by some that they were influenced by some secret and weighty opposers.\(^3\)

There is not much mention of the Vandalia scheme after 1774 in the correspondence between persons in England and America. Their minds seemed to be filled with the thoughts of the impending war with the mother country. The British ministry, too, had this far more weighty matter with which to deal, and could give little heed to the petitions of individuals or companies.

The members of the Walpole Company felt the need of an agent in America to look after their affairs during these tumultuous times, hence they appointed William Trent, April 11, 1775, to superintend their lands intended to be comprised the the Walpole grant.\(^4\) He was

\(^1\) Pennsylvania Historical Society, 108.
\(^2\) Ibid., 124.
\(^3\) Ibid.
\(^4\) Ibid., Ohio Company, ii, 31.
given the power to let, lease, or demise any of these lands and to transact any business in connection with the above mentioned lands that he thought necessary. From this time on, little interest is manifested by the members of the Walpole Company toward the intended grant.

In September, 1775, a number of the sufferers by the Indian War in 1763 met at Pittsburgh\(^1\) to discuss the best method to dispose of their lands which had been ceded them by the Indians at Fort Stanwix in 1768. As has been shown in the earlier part of this paper Samuel Wharton and William Trent had been sent to London to get this grant confirmed, but once there they became interested in the greater scheme, that of the Vandalia Colony, and the original matter was dropped. At this meeting in Pittsburgh "the Suffers by the Indian War" wrote to Samuel Wharton asking him for the Indian deed to this land. They wished to have it recorded at Williamsburg in Virginia "as the Jurisdiction of that Colony is now extended and exercised as far West as the Ohio & Courts established."\(^2\) At the same time, resolutions were passed in which they determined to establish a land office in some convenient part of the grant where land sales could be made.\(^3\) In this meeting there seemed to be a lack of interest in a proposed colony, but individual interests were beginning to crop out.

Since affairs between England and the colonies had come to a crisis, the promoters of the Vandalia scheme apparently gave up hope

\(^1\) Pennsylvania Historical Society, Ohio Company, ii, 36.

\(^2\) Ibid.

\(^3\) Ibid., 37.
of getting the grant confirmed in England and began to think of a grant from the congress of the colonies. On August 7, 1775, a letter from Wharton to Wharton suggested that members of congress be given shares in the company in order that the business might progress. 1 They also began to lay great stress upon deeds from the Indians and wished to have all such deeds proved in Virginia. 2

On September 14, 1779, a memorial was presented to congress by George Morgan in behalf of the Indiana Company, asking that she take into her hands the management of the transallegheny lands. 3 The Indiana Company or Company of Traders who had received a grant of land southeast of the Ohio from the tribes of the Six Nations at the congress held at Fort Stanwix, 1768, had cast their lot with the Vandalia Company and hoped in this way to get the grant confirmed by congress. On the same day that George Morgan presented his memorial, William Trent, the agent of the Walpole Company in America, also presented a memorial to congress. 4 In this he gave an account of the passing of the petition through the various offices of the British government and stated that since the declaration of independence the United States had sole right to make such a grant. The immediate motive of Morgan and Trent in presenting their petitions was that the state of Virginia had passed an act to

1 Pennsylvania Historical Society, Wharton Papers.
2 Pennsylvania Historical Society, Ohio Company, ii, 55.
3 Journals of Congress, v, 267.
4 Ibid., 268; Pennsylvania Historical Society, Ohio Company, ii, 61.
commence the sale of these western lands in October of the same year. This act of Virginia, it was thought, was intended to prevent and defeat the interposition of congress in the matter. ¹

The memorial of Trent was referred to a committee which gave its report on the subject on October 29, 1779. ² They recommended to congress "that considering the present incomplete state of the confederation, it be recommended to the state of Virginia, and every other state in similar circumstances, to suspend the sale, grant or settlement of any land unappropriated at the time of the declaration of independence, until the conclusion of the war." Congress acted upon this report October 30, 1779, and recommended that the sale of lands and the settling of these regions be discontinued during the war.

The following year, Congress advised the states, which claimed the regions back of the mountains, to cede their western lands to the Union; and, on October 10, 1780, resolved that the unappropriated lands that might be thus ceded should be "disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states: that each state which shall be formed shall contain a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circum-

¹ Journals of Congress, v, 268.
² Ibid., 299.
cumstances will admit."

The petitions of the various land companies were again in the hands of a committee in 1782, and on May 1 of that year they reported that "as it is altogether incompatible with the interests, government, and policy of these United States to permit such immoderate and extravagant grants of land to be rested in individual citizens of these states, they cannot in justice to the United States recommend the confirmation and establishment of the said purchases, in case the said lands should be ceded or adjudged to the United States."

This report of the committee was voted upon and lost, but it shows that the tendency in the United States was to discourage individual enterprises and promote state making activities back of the Alleghenies. Thus the Vandalia scheme, which, for a time, was uppermost in the minds of the British and American politicians, was gradually submerged by the more important events which brought on the Revolution of the American colonies. The ardor of the members of the company had waned so that when the petition was presented to congress there was no great interest shown, and the whole scheme was lost sight of in the period of state making and organization which followed the Revolution.

1 Journals of Congress, vi, 146, 147; F. J. Turner, "Western State Making in the Revolutionary Era," in American Historical Review, i, 84.

2 Journals of Congress, vii, 278.
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