

## A Chapter of Panton, Leslie and Company

BY ROBERT S. COTTERILL

Perhaps no land speculation in our history is better known than that of the Forbes Purchase in Florida; certainly none has given rise to more litigation or has more often taken up the time of the courts. The Forbes Purchase, however, was but a minor incident in a huge effort to collect from the southern Indians the trading debts which they had contracted to Panton, Leslie and Company, the famous British firm which dominated the Indian trade in the Floridas and adjoining areas during the closing years of the eighteenth century. This collection campaign was long and persistent, and in its final ten years it had the co-operation of the United States government. It became involved in the Mississippi question, the West Florida controversy, and the War of 1812. It contributed to the final downfall of that notorious adventurer, William Augustus Bowles, and for a time claimed the participation of the even more notorious James Wilkinson. It is a thread running through southern history from 1794 to 1812 and touching in its course foreign policy, Indian administration, frontier defense, and private intrigue.

The debts of the southern Indians to Panton, Leslie and Company began accumulating the day the firm began business, but William Panton does not seem to have worried much about them until 1794. Then he learned from President Washington's message of December 3, 1793, that the United States was contemplating the establishment of government trading posts among the Indians on a non-profit basis; and he concluded—quite erroneously—that his firm would be unable to meet such competition.<sup>1</sup> This prospective loss of business was all the

<sup>1</sup> Panton, Leslie and Company to Baron de Carondelet, May 2, 1794, in Duvon C. Corbitt (ed.), "Papers Relating to the Georgia-Florida Frontier, 1784-1800," *Georgia*

more serious to Panton because of the losses he had incurred in 1792 when Bowles had plundered the Panton, Leslie and Company store at St. Marks and inflicted damage to the extent of \$14,000.<sup>2</sup> In 1795 Panton received a double blow when the United States proceeded actually to establish its first trading posts at Tellico and Colerain, and Spain agreed to the treaty of San Lorenzo placing all the southern Indians, except those of Florida, under the control of the United States, from whom his firm could expect nothing but opposition.

Under these circumstances Panton, facing the apparent doom of his great trading business, began to take steps for the collection of the huge debts owing to his firm by the Indians. His first measure was taken in October, 1796, when he sent his junior partner, John Forbes, to Knoxville to confer with the United States officials at the trading post in an effort to secure some adjustment of the Cherokee debts.<sup>3</sup> What "adjustment" Forbes had in mind may be inferred from the fact that the next spring (1797) John McKee, who had been Cherokee agent in 1796, was sent to Pensacola by the War Department to confer with Panton and while there gave Panton official assurance that the United States would "facilitate the effectual and prompt collection of their debts within our Indian nations."<sup>4</sup> Subsequent events make clear that what Panton wanted and what McKee promised in the name of his govern-

*Historical Quarterly* (Savannah, 1917- ), XXIV (1940), 150-53. In this letter the Company proposed to Carondelet that Spain buy them out for \$400,000 or make them a loan of that sum for ten years without interest. Governor Vicente Folch recommended that they be given the loan, but no action was taken. See Sebastian de Casa Calvo to Mariano Luis de Urquijo, October 8, 1800, in Joseph M. White (comp.), *A New Collection of Laws, Charters and Local Ordinances of the Governments of Great Britain, France and Spain, Relating to the Concessions of Land in Their Respective Colonies . . .*, 2 vols. (Philadelphia, 1839), II, 323-37.

<sup>2</sup> Lawrence Kinnaird, "The Significance of William Augustus Bowles' Seizure of Panton's Apalachee Store in 1792," in *Florida Historical Quarterly* (Jacksonville, 1908- ), IX (1931), 156-92.

<sup>3</sup> John Forbes to Carondelet, July 22, 1796, in Corbitt (ed.), "Papers Relating to the Georgia-Florida Frontier," *loc. cit.*, XXIV, 266-67.

<sup>4</sup> Henry Dearborn to William C. C. Claiborne, June 11, 1802, in Dunbar Rowland (ed.), *The Mississippi Territorial Archives, 1798-1803*, 1 vol. published (Nashville, 1905), I, 484-85. A manuscript copy of this letter is in Interior Department, Indian Office, Secretary of War Letter Book A, 226-27. McKee visited Andrew Ellicott at Natchez in March on his way to Florida, and his conversation with Ellicott was of such a character as to arouse suspicion that he (McKee) was involved in the Blount conspiracy.

ment was that Panton, Leslie and Company might take land cessions from the southern Indians in payment of the debts. It is not to be supposed that the United States gave such a promise without obtaining something in return. At this time the Spaniards were delaying the surrender of the territory they had yielded at San Lorenzo and the United States was meditating their expulsion by force. It seems reasonable to suppose that the *quid pro quo* at Pensacola was a promise by Panton to keep the southern Indians quiet in the anticipated struggle.<sup>5</sup> If any such agreement was made, it came to nothing, since the Spaniards withdrew their forces the next year and the crisis passed.

Panton did not discard the idea of land cessions, however, and in February, 1799, obtained assurances from Governor Manuel Gayoso de Lemos that Spain would not object to Panton, Leslie and Company's receiving land cessions from Indians within the limits of the United States.<sup>6</sup> Panton, however, was unable to make any immediate progress in securing such cessions because of the unrest of the Indians over the marking of the Spanish-American line, and a further delay threatened in 1800 when the resurgent Bowles again landed in Florida and led a band of Creeks and Seminoles to destroy the company store at St. Marks, causing a further loss of \$16,054.<sup>7</sup> This act of vandalism, however, eventually proved an advantage, for the aroused Panton cut off the Creek and Seminole trade until they should make compensation. The Indians soon yielded and before the year was out notified Panton that they were willing to make him a grant of land on the Ocklocknee. This being refused they offered one on the Apalachicola and this Panton agreed to accept.<sup>8</sup>

<sup>5</sup> Arthur P. Whitaker, *The Mississippi Question, 1795-1803* (New York, 1934), 125-26. Whitaker suggested that Panton, because of his exasperation with the Spaniards over the treaty of San Lorenzo, promised to influence the Indians to aid the United States against Spain.

<sup>6</sup> *American State Papers, Public Lands*, 8 vols. (Washington, 1832-1861), IV, 159. It is not clear whether the phrase "within the limits of the United States" refers to land or Indians.

<sup>7</sup> William Panton to Manuel Gayoso de Lemos, May 12, 1799, in Corbitt (ed.), "Papers Relating to the Georgia-Florida Frontier," *loc. cit.*, XXV (1941), 162; *American State Papers, Public Lands*, IV, 161-62.

<sup>8</sup> Gayoso de Lemos to John Forbes, February 4, 1801, in Corbitt (ed.), "Papers Relating to the Georgia-Florida Frontier," *loc. cit.*, XXV, 171; "A Journal of John Forbes, May, 1803," in *Florida Historical Quarterly*, IX, 279-89.

Panton died at sea on March 26, 1801, and John Forbes now became the head of the firm.<sup>9</sup> Forbes was quite as persistent as Panton in debt collecting. Since the presence of Bowles among the Seminoles kept the Creeks in an uproar and made it impossible to go on with the Florida grant, he began pressing for grants from the Choctaws and Chickasaws. Both tribes indicated a willingness to make the grants. Forbes then conferred with John McKee who had been serving as Choctaw agent since 1799 and who was now on the point of being superseded by Silas Dinsmore. In May, 1802, McKee wrote to Secretary of War Henry Dearborn that Panton, Leslie and Company were proposing to take a land cession from the Choctaws in payment of their debts, provided the government of the United States would sanction the measure. McKee urged that the sanction be given, since the government in 1797 had given them the assurance through him. This letter from McKee apparently brought the first information that Dearborn had ever received concerning this promise made by his Federalist predecessor. He wrote at once to William C. C. Claiborne, the governor of Mississippi Territory and ex-officio superintendent of Indian affairs among the Choctaws and Chickasaws, saying that McKee's promise had been unauthorized, that it could not be considered binding, and that foreigners could not be permitted to possess a large tract of land among the Indian nations. After this vigorous repudiation Dearborn concluded by saying that although the United States was under no obligation to indemnify any person who carried on trade within its limits, the government was willing for the debts to be paid and that if a tract on the Alabama and Tombigbee rivers could be secured, Congress might take the cession and pay the debts.<sup>10</sup>

This attitude of indifference on the part of the United States underwent a quick change in the fall of 1802 when the news reached Washington that Spain had withdrawn the right of deposit at New Orleans

<sup>9</sup> Marie Taylor Greenslade, "John Innerarity, 1783-1854," in *Florida Historical Quarterly*, IX, 90-95. The name of the firm was unchanged until 1804, when it became John Forbes and Company. In that year the Spanish government confirmed to John Forbes and Company all the privileges enjoyed by its predecessor.

<sup>10</sup> Dearborn to Claiborne, June 11, 1802, in Rowland (ed.), *Mississippi Territorial Archives*, I, 484-85.

and had retroceded Louisiana to France. President Jefferson judged—naturally and not altogether wrongly—that the United States was now to be confronted by a hostile power beyond the Mississippi. Under the circumstances he considered it essential that the United States should strengthen its hold on the east bank of the Mississippi and since this east bank was almost wholly in the hands of the Indians, it would be necessary to secure land cessions from them as rapidly as possible.<sup>11</sup> In the South this program would affect particularly the Choctaws and Chickasaws who between them possessed the Mississippi littoral from the mouth of the Yazoo to the mouth of the Ohio. The prospect of alienating the territory of these two tribes, traditionally friendly to the United States and traditionally averse to ceding land, did not cause Jefferson any distress because he was convinced that all the Indian tribes had more land than they needed and he had already evolved a plan for relieving them of their excess patrimony. This plan was to increase the government trading posts among them, get the Indians in debt, and then take land cessions in payment.<sup>12</sup> What had originally been designed as an agency of civilization he would utilize as an instrument of dispossession; he had, in fact, already so utilized it in securing a Creek cession on the Oconee in June, 1802. But the Choctaw and Chickasaw lands on the Mississippi were of vast extent, their debts at the trading posts were negligible, and the emergency was too great to

<sup>11</sup> James D. Richardson (comp.), *A Compilation of the Messages and Papers of the Presidents, 1789-1897*, 10 vols. (Washington, 1896-1899), I, 353; *American State Papers, Indian Affairs*, 2 vols. (Washington, 1832-1834), I, 684-85.

<sup>12</sup> Jefferson in 1802 wrote: "The method by which we may advance to our object is to establish among the Chickasaws a factory for furnishing them all the necessaries and comforts they may wish (spirituous liquors excepted), encouraging them and especially their leading men to run in debt for these beyond their individual means of paying; and whenever in that situation they will always cede lands to rid themselves of debt," Quoted in Samuel C. Williams, *The Beginnings of West Tennessee, in the Land of the Chickasaws* (Johnson City, Tennessee, 1930), 62, note 7.

This plan of Jefferson's was freely expressed, as is shown by the following: "Mr. Hoccker [Hocker] told . . . that when he was at the Norard that in conversation with Mr. Jefferson he asked him if he could git the Cherokees to run in debt to the amount of ten or twelve thousand dollars in the publick store. Mr. Hoccker told him for answer fifty thousand. Well, says he, that is the way I intend to git there cuntrey for to git them to run in debt to the publick store and they will have to give there Land for payment." John Riley to Return J. Meigs, November 29, 1806, in Interior Department, Indian Office, Retired Classified Files.

allow time for the requisite increase of obligations. In this situation it must have seemed providential to Jefferson to find the Panton, Leslie and Company debts ready at hand for immediate use.

The only difficulty was that the cessions which the Choctaws and Chickasaws were willing to make were not the lands that Jefferson wanted. The Choctaws were offering territory in the forks of the Alabama and Tombigbee; the Chickasaws, between the Duck and Elk rivers. Their preference for selling these tracts is understandable, since in both regions the title was in dispute, the Creeks claiming one and the Cherokees the other. The Indians quite well understood the advantage of paying their debts with the property of other people. The Secretary of War took up the task of securing the Mississippi cessions and sent James Robertson to the Chickasaws in the winter of 1802. Robertson conferred with George Colbert and found that the agents of Forbes had been among the Chickasaws urging a cession of their land along Chickasaw Bluffs, but that the Chickasaws were not willing to sell any lands except those between the Duck and the Elk.<sup>13</sup> For advancing the Choctaw cession Dearborn called on the persuasive powers of James Wilkinson, who was in Mississippi Territory in 1803 in the double capacity of commander of the United States forces and commissioner for running the line of the Choctaw cession of 1802. He was advised that the Choctaws were to be permitted to pay their Panton, Leslie and Company debt by a cession of their Mississippi River front to the United States and it was suggested to him that it would be to Forbes' advantage to contribute to this happy result by exerting over the Choctaws the influence which a creditor might be naturally expected to have over a debtor.<sup>14</sup> This suggestion was conveyed to Forbes, who was at the time receiving similar overtures from Benjamin Hawkins solicit-

<sup>13</sup> James Robertson to Meigs, December 18, 1802, in Interior Department, Indian Office, Retired Classified Files.

<sup>14</sup> Dearborn to James Wilkinson, February 21, 1803, in Interior Department, Indian Office, Secretary of War Letter Book A, 326-27; *id.* to *id.*, April 16, 1803, in Clarence E. Carter (ed.), *The Territorial Papers of the United States*, 11 vols. to date (Washington, 1934- ), V, *Mississippi Territory* (1937), 212. As a commissioner Wilkinson had heard Homostubby, a Choctaw chief, declare in a speech in October, 1802, that the Choctaws wished to sell the forks of the Alabama and Tombigbee to pay their debts. Report of October 10, 1802, in Interior Department, Indian Office, Retired Classified Files.

ing his influence with the Creeks to secure a cession on the Ocmulgee to the United States, the Creek debt to Panton, Leslie and Company to be paid out of the purchase money. The result was that Forbes sent his agent, William Simpson, to meet Wilkinson while he himself went among the Creeks, where his chief debts were.

Simpson met Wilkinson on the Chickasawhay River in August, 1803. Wilkinson reminded him that practically the entire trade of his Company was within the United States and "if they calculated on future indulgence it became absolutely necessary for their House to consult the interests and dispositions of our government." Simpson declared himself satisfied with this. Wilkinson observed that the United States had no objections to the Choctaws paying their Panton, Leslie and Company debts with the money received from a land cession to the United States "it being a leading feature of our policy to inculcate and to cherish a sense of moral obligations and distinctions among our Indians." The Indians, however, wanted to make a cession in the forks of the Alabama and Tombigbee while the United States wanted a cession on the Mississippi, and it was therefore Forbes' duty to see to it that the United States got what it wanted. Simpson pledged his firm to this program, and Wilkinson gave him a letter to Dinsmore so that he might call the Choctaws together and begin his persuasion. Wilkinson asked Dinsmore to "co-operate with Simpson in obtaining the Mississippi cession because the President wants land on the Mississippi to form a barrier of hardy Yeomanry on that solitary frontier and to strengthen the ligaments of national union." Simpson gave Wilkinson a list of their Indian debts and Wilkinson forwarded it to Dearborn with the comment that it was a "monstrous sum." The list showed a total debt of \$173,141, of which \$113,512 was due from the Creeks, \$46,091 from the Choctaws, \$11,178 from the Chickasaws, and \$2,358 from the Cherokees.<sup>15</sup>

Meanwhile, in May, 1803, Forbes had gone to the Creeks to aid Hawkins in obtaining the Ocmulgee cession. The Creeks were reluctant

<sup>15</sup> Wilkinson to Silas Dinsmore, August 19, 1803, in Interior Department, Indian Office, Retired Classified Files; *id.* to Dearborn, August 20, 1803, *ibid.*; Debts due Panton, Leslie and Company, August 20, 1803, *ibid.*

to sell their Ocmulgee land and again brought up the question of the Florida grant. Forbes agreed to accept a grant in Florida as part payment of the Creek debt and obtained a promise from the Indians that they would cede the Ocmulgee tract to the United States and pay the remainder of the debt out of the money received. He stated also that he would accept the partial payment by land grant only on the condition that the Creeks would eliminate Bowles and induce the Seminoles to participate in the cession. The Creeks arrested Bowles, who had boldly put in his appearance at the council meeting, and turned him over to the Spanish government. Following this the Seminole chiefs agreed to join in the cession.<sup>16</sup>

In September, Forbes met Wilkinson on Little River, in the present Alabama, and confirmed the agreement made by Simpson. Forbes promised to cut off the supplies of the Indians unless they agreed to the cessions demanded by the United States. This was no idle threat, for at that time the Creeks, Chickasaws, and Choctaws were dependent on Forbes for practically all their supplies, "our factories being as yet," so wrote Wilkinson, "but a drop in the bucket," while Forbes supplied merchandise to the amount of \$40,000 yearly. Wilkinson knew that the Administration suspected Forbes of opposing the newly-established trading post at St. Stephens and of influencing the Spaniards at Mobile to levy a tariff on goods coming into the post. He therefore advised Forbes to go to Washington and remove Dearborn's distrust by a personal interview. Forbes agreed to go by the beginning of 1804, and Wilkinson prepared the way for him by writing to Dearborn that Forbes was "a gentleman of more than ordinary intelligence and professes a cordial disposition to promote the views of our government in Indian concerns." He added that Dearborn might make Forbes "essentially instrumental in advancing all our objects and interests with the Indians in this quarter."<sup>17</sup>

<sup>16</sup> "A Journal of John Forbes, May, 1803," in *loc. cit.*, IX, 279-89. For a good summary of Bowles' activities among the Creeks and Seminoles and his arrest at this time, see Whitaker, *The Mississippi Question*, 173-74.

<sup>17</sup> Wilkinson to Dearborn, October 1, 1803, in Interior Department, Indian Office, Retired Classified Files. Wilkinson had been in correspondence with Forbes previous to



By the time Forbes reached Washington the purchase of Louisiana had been made and the news of it had been received in the United States. Land cessions on the Mississippi were no longer necessary "to form a barrier of hardy yeomanry on that solitary frontier," the solitary frontier having receded several hundred miles to the Rocky Mountains. But Forbes found Dearborn still insistent on obtaining the Mississippi littoral, since it remained desirable to have the hardy yeomanry there to "strengthen the ligaments of national union." In a series of interviews Dearborn and Forbes came to an agreement by which the latter was to induce the Indians to make the desired cessions and the former would see that the purchase money was earmarked for the payment of the debts. It is probable that at least a part of Dearborn's complaisance was due to Forbes' declared intention of withdrawing from the Indian trade as soon as he collected the money due him. It is probable, also, that Dearborn wished to have the benefit of Forbes' influence with the Indians in case war broke out with Spain, as then seemed likely.<sup>18</sup>

After leaving Washington Forbes busied himself with the forwarding of the Florida grant and with bringing pressure to bear on the Choctaws and Chickasaws. While he had been in Washington, James Innerarity, one of his junior partners, had petitioned Governor Vicente Folch, January 5, 1804, for permission to accept such a grant and two days later received the permission on condition that the grant never be disposed of by Forbes and Company without the knowledge and consent of the Spanish government. On May 25, 1804, at Cheeskatalofa, on the Chattahoochee, a formal grant was given by twenty-two chiefs of the Creeks and Seminoles. The grant lay between the Apalachicola and Wakulla

their meeting on Little River and had informed him that he, Forbes, was "misrepresented" at Washington. He assured him that he was "doing whatever may with consistency and propriety be done to reconcile your interests to those of the United States." Wilkinson to Forbes, August 13, 1803, in "The Panton, Leslie Papers: Letters of and to John Forbes," *Florida Historical Quarterly*, XIII (1935), 239-40. When Forbes went to Washington, Wilkinson gave him a letter of introduction to Alexander Hamilton.

<sup>18</sup> Forbes to Dearborn, September 16, 1806, in *American State Papers, Indian Affairs*, I, 750-51. It cannot be stated definitely when Forbes reached Washington nor how long he remained. He was there (in Georgetown), on April 28, as is shown by a memorandum he made for the Marquis of Casa Irujo on that date. William Simpson seems to have been with him in Washington.

rivers, and cancelled a Creek-Seminole debt of \$66,553.03, two-thirds of the amount being for damages inflicted by Bowles and his Indian adherents in 1792 and 1800. Meticulously observing all the Spanish forms, the Company had the chiefs confirm the grant before Governor Folch at Pensacola on June 24, again at Achackweithle, on the Apalachicola, on August 22, when they officially conveyed it to Innerarity, and still again at Pensacola on December 3, when they appointed representatives to mark its boundary.<sup>19</sup>

While Innerarity was piloting the Florida grant through the mazes of Spanish formalities, Forbes went among the Choctaws. A Choctaw delegation had gone to Washington in the fall of 1803 and had offered to make a cession in the forks of the Alabama and Tombigbee, but their offer had been refused. Now, at Forbes' insistence, the Choctaw chiefs agreed to change their cession to the Mississippi and in August, 1804, sent a petition to Washington asking that the United States buy their land there and pay the Panton, Leslie and Company debt.<sup>20</sup> With this petition in hand Dearborn was ready to act. He had already told Hawkins in April to go ahead with the Creek treaty, and in October instructed Dinsmore to arrange with the Choctaws the time for a treaty and to locate the Choctaw-Chickasaw boundary, since the United States proposed to buy all the Choctaw littoral up to the line.<sup>21</sup>

Hawkins called the Creeks to the Flint agency in November and asked them for a cession of their land on the Ocmulgee. There was much opposition among the Creeks to this cession on the ground that so much of the Creek debt had been paid by the Florida grant that it was unnecessary to sell land to pay the remainder. The Creek speaker, Hopoie Mico, exerted his influence for the cession but asked for enough money to pay all the Creek debts—to Americans as well as to Forbes—and in addition an annuity of \$500 to each Creek town, of which there

<sup>19</sup> The source material on the Forbes Purchase is voluminous, but the salient documents are given in *American State Papers, Public Lands*, IV, 159 *et seq.*

<sup>20</sup> Forbes to Dearborn, September 5, 1806, in *American State Papers, Indian Affairs*, I, 750-51; Dearborn to James Robertson and Silas Dinsmore, March 20, 1805, in Interior Department, Indian Office, Secretary of War Letter Book B, 47-50.

<sup>21</sup> Dearborn to Dinsmore, October 25, 1804, in Interior Department, Indian Office, Secretary of War Letter Book B, 19-21.

were then thirty-seven. He justified his demands by the fact that the United States was selling its public land for two dollars an acre. The final agreement was on a price of \$200,000 in United States stock, bearing six per cent interest. No provision was made in the treaty for the payment of the Pantan, Leslie and Company debts. It may be suspected that Hawkins did not strongly insist on such a provision because he disapproved of Forbes' action in taking the Florida grant, alleging that it had not been made in full council as the Creek law demanded, and because its settlement would attract the worst element of population and make it a nuisance to the Georgia border.<sup>22</sup> The Senate rejected the treaty because of the high price and the method of payment. Dearborn directed Hawkins to bring a delegation of Creek chiefs to Washington where, in a more conducive atmosphere, it might be possible to obtain a better treaty. Notwithstanding the attitude of Hawkins and the Creeks, Dearborn was still committed to the program of paying the debts and instructed Hawkins to ascertain what amount the Creeks still owed.<sup>23</sup>

While Hawkins was complying with these directions Dearborn went ahead with the Choctaw and Chickasaw treaties. In March, 1805, he named Dinsmore and James Robertson as commissioners to treat with with both these tribes. They were instructed to buy from the Choctaws all their land on the Mississippi as far inland as the Big Black, and from the Chickasaws, the land east of the Tennessee between the Duck and Elk, and that west of the Tennessee north of a line from the Duck to the Mississippi. At the very least, they were to secure the land in Kentucky. Dearborn anticipated difficulty in securing the Chickasaw lands on the Mississippi, and so he authorized the commissioners to tell Colbert and the "King" at the outset that they would receive special consideration if they showed a "friendly disposition."<sup>24</sup>

<sup>22</sup> Benjamin Hawkins to Dearborn, November 3, 1804, in *American State Papers, Indian Affairs*, I, 691-92.

<sup>23</sup> Dearborn to Hawkins, February 12, 1805, in Interior Department, Indian Office, Secretary of War Letter Book B, 41-42. Creek affairs were evidently wearing the Secretary's patience thin: "If the Ocmulgee can once be established as a boundary, I trust I shall not live long enough to hear any contention for any other boundary between Georgia and the Creeks." Dearborn to Hawkins, June 28, 1805, *ibid.*, 88.

<sup>24</sup> Dearborn to Robertson and Dinsmore, March 20, 1805, *ibid.*, 47-50.

Dinsmore and Robertson began their work with the Choctaws early in the summer of 1805. To their surprise, the Choctaw Upper Towns, which had sent in the petition of the preceding August, now resolutely refused to make a cession, apparently because of the great amount of land demanded and the low price offered.<sup>25</sup> There was nothing for the disappointed commissioners to do but go on to the Chickasaws. The Chickasaws refused to sell any of their lands on the Mississippi, but they did cede part of their territory to the east of the Tennessee. Dinsmore, in his opening speech on July 17, said that the United States was buying the land so that the Chickasaws could pay their Panton, Leslie and Company debts and read a letter from William Simpson, itemizing the account and formally demanding payment. The Chickasaws objected to paying interest and to paying the debts of white men living in the nation. Chief Ockoy was the principal opponent of the treaty, but his objections were finally overcome by the commissioners, the Colberts, and the agents of Forbes who were at the treaty and exercised great influence over the Indians. The purchase price of the land was \$20,000 and it was specified that the cession was for the payment of debts. Before the conference ended, the agents of Forbes made strenuous efforts to get an order for the money but all they could obtain was a letter from

<sup>25</sup> The Commissioners' report of this meeting is missing. The Secretary of War accused the Upper Choctaws of unmanly and dishonest behavior and instructed Dinsmore to charge the expense of the meeting to them. Dearborn to Dinsmore, August 29, 1805, *ibid.*, 103. Some of the expenses were of a startling character: "The document which has been presented to my view and which has occasioned more surprise than any other is Mr. Chambers' [factor at St. Stephens] bill for articles furnished the commissioners, particularly such as appear to have been intended for their own use. Those articles, generally, so far exceed what I could have contemplated as to produce impressions not very favorable to the prudence or discretion of those who directed the arrangements. . . . The quantity and expense of the articles of highest luxury, such as could not have been intended for Indians, exceed all reasonable bounds. The amount of the most delicate spices, anchovies, raisins, almonds, hyson tea, coffee, mustard, preserves, English cheese, segars, brandy, wine, etc., etc., etc., could not have been either necessary or useful. Many of the articles ought never to have appeared on a bill of expense for an Indian treaty, especially in the wilderness. . . . Such accounts of expense at an Indian treaty have, I presume, never before been exhibited to our Government, and it is to be wished we may never have a second exhibition of this kind. It may not be improper to inquire whether any part of the articles charged in Mr. Chambers' bill remain on hand; and if so, what disposition is to be made of them." Dearborn to Dinsmore, August 28, 1805, *ibid.*, 101-102.

Colbert to Simpson promising to turn over the money to him as soon as the Indians received it.<sup>26</sup>

In November, 1805, the two commissioners went back to the Choctaws and, aided by the strenuous exertions of Forbes' agents, secured a cession. They did not, however, obtain the Mississippi cession they wanted, but accepted a tract along the Florida border which the tribe finally offered as a compromise between the Mississippi land and that in the forks of the Alabama and Tombigbee. The treaty provided that \$48,000 of the purchase money of \$55,500 was to be used for the payment of the Panton, Leslie and Company debts. When Jefferson received the treaty he was so disappointed with it that he would not send it to the Senate for ratification.<sup>27</sup>

On November 14, 1805, two days before the Choctaw treaty was made, Creek chiefs signed a treaty at Washington ceding their Ocmulgee land in return for an annuity of \$12,000 for eight years and \$11,000 for ten years. Hawkins had had difficulty persuading the Creeks to authorize the Washington trip. The Creeks had intercepted a letter from Wilkinson to Forbes in which he suggested that after the Ocmulgee cession was completed, Forbes should press the Indians for an additional grant as far up as the Flint. Moreover, the Cherokees, exasperated over the proposed sale by the Chickasaws of land claimed by themselves, were urging that all four tribes join in a league to refuse all land cessions, and their delegation was in the Creek country at the time Hawkins was urging the Washington trip.<sup>28</sup> Notwithstanding these untoward manifestations Hawkins secured his delegation to Washington, which resulted in the treaty of November 14. The Creeks refused to put in the treaty any provision for paying their debts with the purchase money, although Dearborn urged them to do so.<sup>29</sup>

<sup>26</sup> The Journal of the Chickasaw Commission, July 6 to July 25, 1803, comprising seventy manuscript pages, is in Interior Department, Indian Office, Retired Classified Files. For the Chickasaw meeting as viewed by Forbes' agent, see "John Forbes & Co., Successors to Panton, Leslie & Company, vs. The Chickasaw Nation: A Journal of an Indian Talk," in *Florida Historical Quarterly*, VIII (1930), 131-42.

<sup>27</sup> Forbes to Dearborn, September 5, 1806, in *American State Papers, Indian Affairs*, I, 750-51; Richardson (comp.), *Messages and Papers of the Presidents*, I, 434-35.

<sup>28</sup> *American State Papers, Indian Affairs*, I, 440-46.

<sup>29</sup> Interior Department, Indian Office, Secretary of War Letter Book B, 154-56, 157-60.

Forbes had been in Europe during this flurry of land cessions and when he returned in April, 1806, he was much chagrined to find that for all the activity of his agents and the collusion of the United States he had received nothing but the Chickasaw debt of \$12,000—the smallest of the three. For a time he kept his patience and when in May, 1806, the Creek council met to consider ratification of the Washington treaty he sent one of his partners, John Innerarity, to urge the Creeks to make provision for the payment of the money due him. The Creeks refused, on the ground that their Florida grant had cancelled their debts. Forbes offered to give up his grant if the Creeks would pay the debt out of their land money, but they persisted in their refusal. In September, 1806, Forbes finally appealed to Dearborn, reminding him of their agreement in 1804 and recounting the aid his agents had given in the treaties of 1805. He explained the Florida grant, showing that it was chiefly in compensation for the Bowles depredations and that nearly \$40,000 of Creek debts remained unpaid. He repeated the offer that he had made the Creeks to give up the Florida grant if the Creeks would pay the full amount. In reply, Dearborn explained that the Creeks had refused to make provision in the treaty for paying their debts but had promised to pay the balance due out of their annuity. He said that the Chickasaw debt was provided and that the Choctaw debt would be paid when the treaty was ratified—as he evidently thought it would be. The tone of Dearborn's letter was by no means cordial and the reason came out in his concluding sentence, which hinted that Forbes had been influencing the Spaniards at Mobile to retain their tariff wall. Evidently the old ghost which Wilkinson and Forbes had tried to lay in 1804 was walking again. The correspondence between the two men closed with a letter from Forbes in February, 1807, in which he vigorously denied any complicity in the Spanish tariff policy, asserted bluntly that in 1804 Dearborn had pledged his aid in the debt collection, and demanded that Hawkins be instructed to insist to the Creeks that they pay their debts out of their annuity or provide for them by another sale of land.<sup>30</sup>

<sup>30</sup> This correspondence consisted of a letter from Forbes, September 5, 1806, a reply by Dearborn, November 12, 1806, and another letter from Forbes, February 7, 1807. All are given in *American State Papers, Indian Affairs*, I, 750-51.

Dearborn was apparently unmoved, and at the beginning of 1808 Forbes, after three years of effort, had salvaged from his Indian claims only the small Chickasaw debt and the Florida grant, to which Governor Folch had given him formal title on December 3, 1806. But circumstances aided Forbes in 1808 just as they had in 1802. Then it had been the Mississippi question that made him necessary; now it was the West Florida Controversy that came to his rescue. The relations between the United States and Spain had been steadily deteriorating for several years as the former insisted on her claim of territory to the Perdido and the latter insisted on her tariff at Mobile. There were other matters of dispute, such as the spoliation claims, border conflicts, and the Pike expedition. In 1807 the two countries seemed on the verge of war and President Jefferson had now to think of the Florida frontier as in 1802 he had had to think of the Mississippi frontier. It was now on the Florida border that there was needed a hardy yeomanry, and under the circumstances the disappointing Choctaw cession of 1805 took on a new importance.

Jefferson took the treaty out of its two-years' retirement, sent it up to the Senate on January 15, 1808, and recommended favorable action on it.<sup>31</sup> Its ratification and the consequent appropriation made the money available for the Choctaw debt and Simpson was at once notified of the news in a cordial letter which assured him that the money would be turned over directly to Forbes and not sent to the Choctaws.<sup>32</sup> Dinsmore was absent from the Choctaw country at the time, but when he returned in May, 1808, the War Department sent him a draft for \$48,000 with instructions to check the list of debts and pay over the money to Forbes.<sup>33</sup> At a Choctaw meeting on October 17 Simpson presented his list for \$46,091.31 $\frac{1}{4}$ , less \$10,325.68 $\frac{3}{4}$  which the traders had paid in to Forbes and for which they claimed reimbursement from Dinsmore. Two difficulties arose. Simpson's list had itemized some of the Choctaw debts as

<sup>31</sup> *Ibid.*, 748-49.

<sup>32</sup> John Graham to William Simpson, February 14, 1808, in "The Panton, Leslie Papers," *Florida Historical Quarterly*, XVI (1937), 44.

<sup>33</sup> Dearborn to Dinsmore, May 16, 1808, in Interior Department, Indian Office, Secretary of War Letter Book B, 380.

"bad," meaning by the latter term "irrecoverable." These "bad" debts, which amounted to \$5,461.37½, Dinsmore refused to pay, either because of a misunderstanding of his orders or because of other reasons.

The other difficulty was over an account of \$4,304.25 against a Choctaw half-breed, Ben James, who had removed to Virginia and had been sued by Forbes in the Virginia courts. Dinsmore refused payment of this on the ground that the suit was still pending. Dinsmore gave Simpson \$26,000, paid the traders \$10,325.68¾ and refused to pay the remainder.<sup>34</sup> Forbes at once wrote to Dinsmore in protest and Dinsmore forwarded the protest to Dearborn,<sup>35</sup> who instructed him to pay the "bad" debts and Dinsmore, in April, 1809, gave Simpson a check for another \$5,461.37½ leaving unpaid only the James debt. In August, 1809, while Dinsmore was in New Orleans, Simpson brought suit against him in the New Orleans courts but was non-suited on a technicality. When Dinsmore returned to Mississippi he secured an attachment for \$8,100 against Simpson's property and Simpson retaliated in 1810 by suing him before the territorial courts for the James debt and \$437.25 for debts contracted by the Choctaws after the treaty was made. In October, 1810, Simpson went to Washington to appeal to Secretary of War William Eustis, who had succeeded Dearborn. He charged that Dinsmore was withholding the money to use in private speculation and asked Eustis to appoint a committee of investigation.<sup>36</sup> Eustis as-

<sup>34</sup> Dinsmore to Simpson, April 25, 1809, in Carter (ed.), *Territorial Papers*, VI, *Mississippi Territory* (1938), 126-27.

<sup>35</sup> *Id.* to Dearborn, December 8, 1808, *ibid.*, V, 675-78. In his protest to Dinsmore, Simpson pointed out that it was only because the debts were "bad" that his firm had to take this roundabout method of collection. Apparently at the time Simpson wrote his protest (October 27, 1808) the question of the James debt had not arisen, for the protest made no mention of it.

<sup>36</sup> Simpson to William Eustis, October 19, 1810, *ibid.*, VI, 123-26; *id.* to *id.* October 24, 1810, in War Department, Adjutant General's Office, Old Records Division. In his letter of October 19, Simpson explained that the James debt had been contracted by Ben James in partnership with his son, George, that Ben went to Virginia and Forbes brought suit against him there because he could not collect from George. Ben denied the partnership, and Forbes discontinued the suit since it was difficult to take testimony at such a distance, and the Choctaw treaty was in prospect. Since then Ben had died, and Dinsmore had instigated Ben James, Jr., to enter a caveat against the payment of the James debt out of the proceeds of the Choctaw cession.



sured him that justice would be done and called upon Dinsmore for an explanation of his conduct. Dinsmore, in defense, stated that he was withholding the James debt because the Virginia suit was still pending and said that no money had been given him for debts contracted after the treaty.<sup>37</sup> Eustis apparently left the matter to the courts and Simpson's suit against Dinsmore was still pending in the Mississippi territorial district court at the outbreak of the War of 1812.<sup>38</sup>

In the meantime, while Simpson was trying to bring Dinsmore to terms Forbes turned his attention again to the collection of the remaining Creek debt. He cancelled \$19,387 of it for another land grant in Florida, which extended his former grant northward and eastward. This grant was made at Tuskatooloofa, on the Chattahoochee, on April 10, 1810, and was signed by eighteen chiefs of the Creeks and Seminoles. The grant passed through all the Spanish forms and Forbes received title to it from Folch on June 5, 1811.<sup>39</sup> The final act in the debt collection came in October, 1812, when John Innerarity, a junior partner in John Forbes and Company, went to Tuckabatchee and after considerable negotiating arranged with the Creeks for the payment of the remaining \$21,916, to be paid \$5,000 down and the balance in two equal installments on November 1, 1813, and November 1, 1814. The Creeks gave him a draft on Hawkins for the \$5,000 and the installment contract was signed by Big Warrior, speaker of the Upper Creeks and of the nation, by William McIntosh, speaker of the Lower Creeks, and by Tustenugee Hopoie. It was witnessed by Timothy Barnard and Alex Cornell, who were Hawkins' deputies, and by Christian Limbaugh, the assistant Creek agent. It was witnessed also by a Cherokee delegation which was present to dissuade the Creeks from taking part in the War of 1812.<sup>40</sup>

<sup>37</sup> Eustis to Dinsmore, October 23, 1810, in Carter (ed.), *Territorial Papers*, VI, 127-28; Dinsmore to Eustis, December 12, 1810, *ibid.*, 159-60.

<sup>38</sup> "A letter of James Innerarity [July 11, 1812]; William Panton's Estate," in *Florida Historical Quarterly*, X (1932), 185-94.

<sup>39</sup> *American State Papers, Public Lands*, IV, 167.

<sup>40</sup> "The Creek Nation, Debtor to John Forbes & Co., Successors to Panton, Leslie and Co.: A Journal of John Innerarity, 1812," in *Florida Historical Quarterly*, IX (1930), 67-89.

The connivance of Barnard, Cornell, and Limbaugh shows that the United States was again actively aiding Forbes and that Hawkins was once more collaborating. The reason is not far to seek. In the War of 1812 the United States was apprehensive that the southern Indians, particularly the Creeks, would join with Great Britain. It was no time to alienate anyone who had so much influence with the Indians as Forbes had. So in 1812 Forbes was aided in his debt collection campaign by our war with England as he had been in 1808 by our dispute with Spain and in 1802 by our distrust of France.