THE PROCLAMATION LINE OF 1763,
A STUDY IN BRITISH IMPERIALISM

A Thesis Presented for the
Degree of Master of Arts

By

Dana W. Niswender, Ph. B.

The Ohio State University
1928

Approved by:

[Signature]
Table of Contents

Chapter I. Events Leading to the Royal Proclamation of 1763: The Albany Congress, Franklin's, Pownall's, and Hazard's Schemes.................. 1

Chapter II. The Proclamation Line of 1763.................. 12

Chapter III. Lyman's and Franklin's Projects, 1755-1768........................................ 19

Chapter IV. Johnson's and Stuart's Treaties with the Indians, 1763-1770..................... 28

Chapter V. Disregard of the Proclamation Line by Colonel Wilkins.............................. 50

Chapter VI. The Walpole Company, 1768-1775.................. 52

Chapter VII. The Proclamation Line and Its Relation to British Expansion...................... 66

Bibliography................................................. 82
Chapter I.

Events Leading to the Royal Proclamation of 1763: The Albany Congress, Franklin's, Pownall's, and Hazard's Schemes.

In the consideration of any specific historical event, the necessity for going back several years to gain a knowledge of the circumstances leading up to and surrounding it, is usually apparent. It is almost impossible to detach an event from its setting and yet to retain it in its proper perspective. In considering the Proclamation Line of 1763 from the viewpoint of expansion, we are fortunate in not having to review events for any extended time. As the establishment of this line was an effort on the part of the British to control the western lands, we need to give an account only of the attempts made before this to the same end.

There is little reason to narrate in this paper any events which preceded the Albany Congress of 1754. Sometime before this the colonists had begun to cross the Alleghenies and to come into contact with the Indians, who were greatly angered by this new encroachment on their hunting grounds. However, slight attention had been given to organizing this vast realm. In fact, no evidence has been
found to indicate any move in that direction before 1754. By that time it had become so obvious that some legal control ought to be established that the Albany Congress suggested a plan by which this might be accomplished. Although the Albany Plan of Union, July 10, 1754, was rejected both by the colonists and by the English government, it is significant because it represents the first attempt at established control of the trans-Allegheny region and is the first of several schemes which precede the Royal Proclamation of 1763.

The Albany Plan, of course, provided machinery for the union of the colonies; but, as our interest relates to the unsettled western lands, we shall note only the provisions regarding those lands. It was stated, "That the President General with the advice of the Grand Council hold or direct all Indian treaties in which the general interest of the Colonys may be concerned; and make peace or declare 1 War with Indian Nations." The colonists were taking upon themselves the making of treaties of peace and of war. The President General and the Grand Council were given power to "make such Laws as they judge necessary for the regulating all Indian trade. That they make all purchases from Indians

for the Crown...."  Further, the President General and
the Grand Council were given authority to "make Laws for
regulating and governing such new settlements, till the Crown
shall think fit to form them into particular Governments."  

In brief, the colonists through the President General and the
Grand Council would control the lands west of the Appalachians
with no interference from Great Britain until these lands were
formed into organized colonies.

The next scheme which we find is one proposed by
Benjamin Franklin to be used either in conjunction with, or
separate from, the Albany plan.  On July 2, 1756, sometime
before he proposed a definite plan, he indicates that he had
been pondering over this matter in a letter sent to George
Whitefield, the great English Methodist, who had come to re-
form America.  Franklin writes: "You mention your frequent
wish that you were a chaplain to the American Army.  I some-
times wish that you and I were jointly employed by the crown
to settle a colony on the Ohio.  I imagine that we could do
it effectually, and without putting the nation to much ex-
 pense; but I fear we shall never be called upon for such a
service.  What a glorious thing it would be to settle in
that fine country a large, strong body of religious and in-
dustrious people!  What a security to the other colonies and

2. Ibid
3. Ibid
advantage to Britain, by increasing her people, territory, strength, and commerce!" That Franklin was more interested in the security a new colony would give to the other colonies than in the advantage it would be to Britain will be seen in his plan, which will be given in the next few pages.

Franklin's scheme proposed the founding of two colonies in "the great country back of the Appalachian Mountains, on both sides of the Ohio, and between that river and the Lakes." Franklin seems, even at this early date, to have studied the matter of colonies west of the Alleghenies with his customary thoroughness. He realized that this rich, fertile, and temperate region "must undoubtedly (perhaps in less than another century) become a populous and powerful dominion; and a great accession of power either to England or France." The omnipresent French and the encroachments in this region caused Franklin to believe that, "if we longer delay to settle that country, and suffer them to possess it, these inconveniences and mischiefs will probably follow". He feared that such a misfortune would confine the English colonists between the Atlantic and the Appalachians when they could not increase much more in number,

5. Ibid, pp. 474-475
6. Franklin's Works, II:475
7. Ibid
because people increase "in proportion to their room and means of subsistence." On the other hand, the French would increase and become a serious menace behind the colonies. Franklin's business instinct caused him to note that the French would cut them "off from all commerce and alliance with the western Indians, to the great prejudice of Britain, by preventing the sale and consumption of its manufactures." Finally, Franklin asserted that the French would "both in time of peace and war (as they have always done against New England) set the Indians on to harass our frontiers, kill and scalp our people, and drive in the advanced settlers."

However, "If two strong colonies of English were settled between the Ohio and Lake Erie," Franklin believed that many advantages would accrue. The Frontiers of Pennsylvania, Maryland, Virginia, and the Carolinas would be more secure from the attacks of the French and Indians. "The dreaded junction of the French settlements in Canada with those of Louisiana would be prevented." If there should be war with France, Louisiana and Canada could be attacked with greater facility.

Friendly relations could be established with the Indians, especially with the Miamis or Twigtwees, inimical to the French. These Indians "would gladly encourage and protect an infant English settlement in or near their country." Franklin perceived finally that a great amount of trade and commerce could be carried on by way of the Ohio, the Mississippi, and the Great Lakes.

Franklin thought that one of the old colonies would not be able to establish and support a new colony, but that "if the colonies were united under one governor-general and grand council, agreeably to the Albany plan, they might easily, by their joint force, establish one or more new colonies." This statement would date Franklin's scheme after the Albany Congress and before the final rejection of the Albany plan. He provided for the latter contingency as follows: "But if such union should not take place, it is proposed that two charters be granted, each for some considerable part of the lands west of Pennsylvania and the Virginia mountains, to a number of the nobility and gentry of Britain, with such Americans as shall join them in contributing to the settlement of those lands."

13. Ibid
15. Franklin's Works, II:478
Because Franklin was an expert propagandist and because the tone of his proposal is not that of assured acceptance, it may be that he is simply opening the way to later and other more forceful appeals. Be that as it may, we find in this plan that spirit of self-assurance, self-confidence and self-consciousness which becomes more and more the spirit of the colonists as the Revolution approaches.

Perhaps the scheme which Thomas Pownall, a member of the Albany Congress and the Governor of New Jersey, offered soon after was actuated by Franklin's thoughtful scheme. Pownall presented his plan, in addition to the one by Franklin, in the form of a memorial to the Duke of Cumberland in 1756. He states that "if the English would advance one step further, or cover themselves where they are, it must be done at once, by one large step over the mountains, with a numerous and military colony. Where such should be settled, I do not take upon me to say; at present I shall only point out the measure and the nature of it, by inserting two schemes, one of Dr. Franklin's, the other of your memorialist, and if I might indulge myself with scheming, I should imagine that two such were sufficient, and only requisite and proper; one at the back of Virginia, filling up the vacant space between the Five Nations and southern confederacy, and connecting into one system our barrier; the other somewhere in the Cohass on Connecticut River, or
wherever best adapted to cover the New England colonies. These, with the little settlements mentioned above in the Indian countries, complete my idea of this branch."

Pownall, as well as Franklin, seems to be interested in new colonies principally as barriers or buffers by which the frequent raids of the French and Indians on the frontiers of the middle colonies might be prevented. The fact that the French and Indian war was at this time being prosecuted, explains the ascendancy of this consideration over all others.

However, during this same period, there was projected by one Samuel Hazard, a merchant of Philadelphia, a scheme which was mainly religious in character. Our knowledge of this scheme is supplied by his son, Ebenezer, in a memorial dated May 27, 1774. As reasons for settlement of a new colony, Samuel gives, "for the Enlargement of his Majesty's Dominions in America; for the further Promotion of the Christian Religion among the Indian Natives, and for the more effectual securing them in his Majesty's Alliance." That Hazard had only a hazy idea of the great extent of America is evidenced by the large tract of land for which

16. Franklin's Works, II:474-475, note. (Pownall's Administration of the Colonies, in which this may be found complete was not available.)
he petitioned as follows: "a grant of so much land as shall be necessary for the settlement of an ample Colony, to begin at the distance of one hundred miles Westward of the Western boundaries of Pennsylvania, and thence to extend one hundred miles to the Westward of the River Mississippi; and to be divided from Virginia and Carolina by the great chain of mountains that runs along the Continent from the Northwestern to the Southwestern parts of America." To strengthen his plan's primary religious motive, we find that he asked, "That at least twelve Reverend Ministers of the Gospel be engaged to remove to the said new Colony, with such numbers of their respective congregations as are willing to go along with them."

The scheme of Samuel Hazard appears to have been carried further toward actual completion than the others extant at this time. In the memorial quoted above, his son tells us, "That the said Samuel Hazard having obtained from the General Assembly the before recited release of their claims: (this refers to the release of western lands, which Samuel Hazard obtained from the Connecticut General Assembly) and in confident dependence upon it, proceeded in the matter with a spirit becoming the importance of the undertaking;

18. American Archives, 4th S., I:861
and at a very great expense of money and time, and with much trouble, procured the subscription of between four and five thousand persons, able to bear arms, some of whom were worth thousands, and great numbers of persons of the best character for sobriety and religion, among whom were fifteen ministers; some bore public offices in Pennsylvania and New Jersey; 'all of whom agreed to remove with their families to the proposed Colony.' Allowing for a certain amount of exaggeration due to filial piety, we find that Samuel Hazard had obtained a release from Connecticut of lands which were contained in the tract he wished and that he had enrolled a considerable number of prospective colonists. His son continues, "That his death, in July, 1758, prevented his completing his design, and your Memorialist, was left an infant, and his father's associates without a guide sufficient to conduct so important an enterprise." Thus the scheme of Samuel Hazard came to naught.

With the progress of the French and Indian war and with its outcome favorable to the English, the added interest in the western lands brought forth many schemes for its

20. American Archives, 4th S, 1:865
21. Ibid, p. 866; Susan M. Reed, Colony of Charlotte, in manuscript, University of Illinois, which gives details of this plan was not available.)
settlement. Those of major importance will be presented in their proper order; those of minor importance must be passed over briefly and hastily, both because of the limits of this paper and because of the lack of the necessary source material. One scheme proposed a western colony to be called Pittsylvania; another appeared through the medium of an Edinburgh pamphlet which proposed the name of Charlot-

iana. Colonel Charles Lee conceived the idea of establish-

22

ing two new colonies. The Royal Proclamation of 1763 put an end to these schemes, at least for some few years.

22. Draper's M. S., Life of Boons, III contains the source material on these schemes.
Chapter II.

The Proclamation Line of 1763.

Into the midst of the various ambitious plans for new colonies came the Royal Proclamation October 7, 1763, which removed the matter wholly from the hands of the colonists and provided for the control of the vast territory between the Appalachian mountains and the Mississippi river. It is evident that Great Britain intended to take into her own hands the control of the territory gained through the successful prosecution of the war with France. The proclamation states that "we have thought fit, with the advice of our privy council, granted our letters patent under our great seal of Great Britain, to erect within the countries and islands, ceded and confirmed to us by the said treaty, four distinct and separate governments, stiled and called by the names of Quebec, East Florida, and Grenada." The colony of Grenada included the islands of Grenada, the Grenadines, Dominico, St. Vincent, and Tobago. The three mentioned first accounted for all the newly acquired land on

1. MacDonald, Select Charters Ill. of Am. Hist, p. 267
the continent except that back of Pennsylvania, Virginia, and the Carolinas. As all the schemes for new colonies related to this territory, our interest is centered in it.

The American colonists could find nothing objectionable in the proclamation as far as the arrangements for the three continental colonies were concerned. These colonies were to be given the same measure of self-government that the older colonies enjoyed, for, as soon as the state and circumstances of the new colonies would admit, the respective governors could "summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America, which are under our immediate government." The governors could with the consent of the privy council and of the above-mentioned general assemblies, "make, constitute, and ordain laws, statutes, and ordinances for the public peace, welfare, and good government of our said colonies, and of the people and inhabitants thereof."

Until the colonies were sufficiently developed to call assemblies, the inhabitants were assured of the benefit of the English law. The governors were also given the power to

2. Macdonald, Select Charters, Ill. of Am. Hist., p. 269
3. Ibid.
grant lands to persons within the new colonies "upon such terms, and under such moderate quit rents, services, and acknowledgments, as have been appointed and settled in other colonies, and under such other conditions as shall appear to us to be necessary and expedient for the advantage of the grantees, and the improvement and settlement of our said colonies."

In direct contrast to these liberal and generous terms were those imposed upon the fertile, rich, and temperate region which was the object of the schemes of Franklin, Pownall, and Hazard. This choice area was not to be thrown open to colonization. It was the wish of Great Britain "that the several nations or tribes of Indians, with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to, or purchased by us, are reserved to them, or any of them, as their hunting grounds." The governors of the colonies of Quebec, East Florida, and West Florida were prohibited from granting any lands outside the boundaries of their respective governments. The dwellers in the older colonies were likewise restrained from acquiring any of the territory in question because Great Britain reserved "for the

5. Ibid p. 270
use of the said Indians, all the land and territories not included within the limits of our said three new governments, or within the limits of the territory granted to the Hudson's Bay Company; as also all the land and territories lying to the westward of the sources of the rivers which fall into the sea from the west and north-west as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our special leave and licence for that purpose first obtained." This land was to be set aside for the purpose of placating the ireful Indians whose hunting grounds were being taken bit by bit. The restriction does not appear to be absolute. A perusal of the last few lines quoted above will show that the right to make special dispensations was reserved.

In fact the proclamation in regard to this land and its disposal was made retroactive. Any person who had already settled in the described region was ordered to remove at once. The command was given to "all persons whatever, who have either willfully or inadvertently seated themselves upon any lands within the countries above described, or upon any other lands, which not having been ceded to, or

purchased by us, are still reserved to the said Indians as aforesaid, for with to remove themselves from such settle-
ments." Such a peremptory command could have no other
effect than to antagonize those colonists already within this
territory and to anger those about to remove there. These
people could not help viewing Great Britain as a hostile
power trying to usurp their natural rights.

The proposal made by the Albany Congress to allow
the colonies to conclude treaties with the Indians was dis-
regarded. The English government took upon itself the right
to purchase lands from the Indians because, as the proclama-
tion averred, "great frauds and abuses have been committed
in the purchasing lands of the Indians, to the great pre-
judice of our interests, and to the great dissatisfaction
of the said Indians." This was done, ostensibly, to
prove to the Indians the integrity of the English crown and
to remove the most important cause of their discontent.
Further, any colonist who wished to trade with the Indians
was ordered to take out a licence, to give security, and
"to observe such regulations as we shall at any time think
fit....... to direct and appoint for the benefit of the said

7. Macdonald, Select Charters Ill. of Am. Hist, p. 271
8. Ibid
It seems that Great Britain little realized the growing spirit of independence and self-sufficiency among the colonists. The above statements of the British government could not be other than challenges to the freedom-loving pioneer. Overt abuses of the proclamation were not evident, but a steady trickle of hardy spirits continued into the new country. Some three years later, the schemes which were mentioned above began to revive and to become more insistent of adoption than ever.

Suspected missing page 18.
Chapter III.

Lyman's and Franklin's Projects, 1755-1768.

The first project after 1763 requiring attention was one undertaken by General Phineas Lyman of Connecticut. In 1755 Lyman together with some eight hundred associates, who were known as the Susquehannah Company, tried to obtain a grant of land from the General Assembly of Connecticut. The project seems to have languished until after the French and Indian war. General Lyman, as the representative of a body of men who served in the colonial army during the recent war, was in London urging the crown to grant them lands "on the East side of the River Mississippi from about 300 miles south of the mouth of the Ohio to as far north of the Same & for a very great Extent Eastward" in accordance with the Proclamation of 1763 in which it was stated: "to testify our royal sense and approbation of the conduct and bravery of the officers and soldiers of our armies, and to reward the same, we do hereby command and empower our governors of our said three new colonies, and other our governors of our several provinces on the continent of North America, to grant, without reward, to such reduced officers as have served in

North America during the late war, and are actually residing there, and shall personally apply for the same, the following quantities of land." He was kept waiting for several years because the land which he wished to secure lay in the area which the proclamation had reserved for the Indians.

Benjamin Franklin, at this time in London, was seeking a grant for himself and others in the Illinois country. That an effort was made to unite the two schemes is evident from some letters written by Franklin to his son. The first of these letters bears the date of September 12, 1766, and in it Franklin stated: "General Lyman has been long here soliciting such a grant, and will readily join the interest he has made with ours, and I should wish for a body of Connecticut settlers, rather than all from our frontiers." In another letter, dated September 27, 1766, Franklin said: "His Lordship (perhaps Lord Hillsborough) remarked that this would coincide with General Lyman's project, and that they might be united." A letter of September 30, 1766, shows that this suggestion was followed: "I have just had a visit from General Lyman, and a good deal of conversation on the Illinois scheme. He tells me that Mr. Morgan, who is under-secretary

5. Franklin's Works, IV: 139.
of the Southern department, is much pleased with it; and we are to go together to talk to him concerning it." However, the indecision of the government kept the project in the air, and, finally, on June 13, 1767, Franklin wrote: "Lyman is almost out of patience, and now talks of carrying out his settlers without leave." Lyman left England soon after this, and "on his return to New England he found that some of his associates were dead, while others had lost interest in the enterprise. But Gen. Lyman, his son, and a few others, including Gen. Israel Putnam, visited the Natchez district, with a view to making a settlement." Lyman died on this expedition, and with him our interest in his scheme expires.

The Royal Proclamation of 1763 did not cause Benjamin Franklin to cease trying to plant new colonies across the Alleghenies. The grant in the Illinois country, mentioned above, was planned by William Franklin, Governor of New Jersey, as appears in a letter written to him by his father on August 28, 1767: "I mentioned your plan, its being approved by Sir William Johnson, and the readiness and ability of the gentlemen concerned to carry the settlement

6. Franklin's Works, IV: 139
8. The Natchez district was not within the restricted area.
into execution, with very little expense to government."  
Franklin seems to have had in mind the formation of three  
new colonies in the trans-Allegheny region as he mentions  
"that, on the 1st of October, 1767, and during the time that  
the Earl of Shelburne was Secretary of State, for the south-  
ern department, an idea was entertained of forming, 'at the  
expense of the crown', three new governments in North Am-  
erica, viz: one at Detroit, on the waters between Lake Huron  
and Lake Erie, one in the Illinois country, and one on the  
lower part of the river Ohio."  As the Detroit and Ohio  
colonies are mentioned only two or three times after this,  
it may be assumed that they received scant attention. Frank-  
lin used his influence to secure the grant in the Illinois  
country.

Before the Illinois Company was formally estab-  
lished, William Johnson had, on January 31, 1766, in a letter  
to the Board of Trade, suggested such a conony.  The  
Company had its inception on March 29, 1766, when the Ar-  
ticles of Agreement were signed by William Franklin,

10. Franklin's Works, IV: 141  
11. Ibid., V: 45-46.  
12. Documents Relative to the Colonial History of  
the State of New York, VII: 808; Ill. Hist.  
Colls. XI: 151-152.  
13. Ibid., p.203.
William Johnson, George Croghan, John Baynton, Samuel Wharton, and others. These men agreed to petition for a grant of twelve hundred thousand acres which was to be divided in sixteenths among the parties concerned. Provision was made for several other persons who "should be taken into the said partnership by the said Company, or ....... who shall be appointed to apply for and procure the said Grant".

General Gage, who declined, and Lord Adam Gordon were proposed as additional partners. Benjamin Franklin was asked to become their representative in London and was pleased to accept.

Extracts from letters to his son disclose the negotiations relating to the scheme. May 10, 1766: "I like the project of a colony in the Illinois country, and will forward it to my utmost here." August 25, 1766: "I can now only add that I will endeavour to accomplish all that you and our friends desire relating to the settlement westward." September 12, 1766: "I have just received Sir William's open letter to Secretary Conway, recommending your plan for a colony in the Illinois. I thank the Company for their will-

15. Ibid, p. 205
16. Ibid, p. 204
17. Ibid, p. 318
ingness to take me in. I wish you had allowed me to name more, as there will be in the proposed country, by my reckoning, near sixty-three millions of acres." September 27, 1766: "I have mentioned the Illinois affair to Lord Shelburne." October 11, 1766: "I was again with Lord Shelburne a few days since, and said a good deal to him on the affair of the Illinois settlement. He was pleased to say he really approved of it; but intimated that every new proposed expense for America would meet with great difficulty here."

November 8, 1766: "Mr. Jackson is now come to town. The ministry have asked his opinion and advice on your plan for a colony in the Illinois, and he has just sent me to peruse his answer in writing, in which he warmly recommends it, and enforces it by strong reasons." February 14, 1767: "Great changes being expected keeps men's minds in suspense, and obstructs public affairs of every kind. It is therefore not to be wondered at that so little progress is made in our American schemes of the Illinois grant and retribution for Indian losses." June 13, 1767: "The Illinois affair goes forward but slowly. Lord Shelburne told me again last week that he highly approved it, but others were not of his sentiments, particularly the Board of Trade." August 28, 1767: "The secretaries appeared finally to be fully convinced, and there remained no obstacle but the Board of Trade, which was to be brought over privately before the
matter should be referred to them officially." October 9, 1767: "I returned last night from Paris, and just now hear that the Illinois settlement is approved of in the Cabinet Council, so far as to be referred to the Board of Trade for their opinion, who are to consider it next week." November 13, 1767: "Since my return, the affair of the Illinois settlement has been renewed." November 25, 1767: "Among other things at this conversation, we talked of the new settlements. His Lordship (Lord Shelburne) told me he had himself drawn up a paper of reasons for those settlements which he laid before the King in Council. I think he added that the Council seemed to approve of the design; I know it was referred to the Board of Trade of Trade, who, I believe, have not yet reported on it, and I doubt will report against it." March 13, 1768: "The purpose of settling the new colonies seems at present to be dropt, the change of American administration not appearing favorable to it. There seems rather an inclination to abandon the posts in the back country, as more expensive than useful. But counsels are so continually fluctuating here, that nothing can be depended on."

Franklin's continued efforts in behalf of the Illinois plan seem to have been in vain for, in March, 1768,

the Commissioners for Trade and Plantations (The Board of 20 Trade) reported against the Illinois scheme as follows:"

The Proposition of forming inland colonies in America is, we humbly conceive, entirely new. It adopts principles in respect to American settlements different from what has hitherto been the policy of this kingdom. . . . . The great object of colonizing upon the continent of North America has been to improve and extend the commerce, navigation, and manufactures of this kingdom. . . . . In order to answer these salutary purposes, it has been the policy of this kingdom to confine her settlements as much as possible to the sea-coast, and not to extend them to places inaccessible to shipping, and consequently more out of the reach of commerce."

Even after such a definite rebuff, Franklin's penchant for inland colonies did not perish. Benjamin soon became interested in another scheme known severally as the Walpole Grant, the Vandalia Company, and the Grand Ohio Company.

Suspected missing page 27.
Chapter IV.

Johnson's and Stuart's Treaties with the Indians, 1763-1770.

At this point it becomes necessary to digress from Franklin's schemes, in order to give an account of the various acts of the two superintendents of Indian affairs, Sir William Johnson of the Northern District, and Captain John Stuart of the Southern District. The line which was to separate the colonies from the Indian hunting grounds, was defined only in general terms in the Proclamation of 1763. Both the colonists and the Indians began to demand, soon after this, that a definite boundary be settled. The colonists wished to push the line west of the Alleghenies; the Indians remained apprehensive of every further movement into their lands. In a report drawn up for the Board of Trade, Lord Hillsborough stated that, "partly from want of precision in describing the line intended to be marked out by the proclamation of 1763, and partly from a consideration of justice in regard to legal titles to lands which had been settled beyond that line, it has been since thought fit to enter into engagements with the Indians, for fixing a more precise and determinate boundary between his Majesty's territories and their hunting grounds." Because of this ten-

1. Franklin's Works, V:4
dency towards a more definitive boundary line, Johnson and Stuart negotiated over a period of five years with the Indians, treaties which were quite unauthorized until, in May 1768, the British government instructed them to ratify and confirm the lines established in these treaties.

When only a few months had elapsed after the issuance of the Proclamation, Sir William Johnson was busily engaged in arranging a treaty with the Senecas. That the consummation of such a treaty would be in direct conflict with the King's wishes as set forth in the Royal Proclamation seems never to have entered Johnson's head, for there cannot be found in his correspondence any suggestion to that effect. As the result of a desultory warfare, Johnson "was visited by Deputies from all the Senecas, accompanied by the Five Nations." On April 3, 1764, he proposed several articles to which they assented. Before the articles agreed upon were to become effective, the Indians were to "collect all the English prisoners, deserters, Frenchmen and Negroes amongst them, and deliver them up to Sir William Johnson." The Seneca Nation also

2. Doco, Rel. to Col. Hist. of N. Y., VIII: 2, 19-34, 35-36, 55-56.
5. Ibid, p. 621.
solemnly engaged to cede to the King "the lands from the Fort of Niagara, extending easterly along Lake Ontario, about four miles, comprehending the Petit Marais, or landing place, and running from thence southerly, about fourteen miles to the Creek above the Fort Schlosser or little Niagara, and down the same to the River, or Strait and across the same, at the great Cataract; thence Northerly to the Banks of Lake Ontario, at a Creek or small Lake about two miles west of the Fort, thence easterly along the Banks of the Lake Ontario, and across the River or Strait to Niagara, comprehending the whole carrying place, with the Lands on both sides the Strait, and containing a Tract of about fourteen miles in length and four in breadth." Early in May, 1764, Johnson apprised the Board of Trade of his transaction with the Senecas.

Before Johnson had entered into further agreements with the Indians, the Board of Trade, which had been deliberating at some length on inland colonies, forwarded its plan for the future management of Indian affairs to Stuart and Johnson "for your opinion upon it which we expect you will send to us as soon as possible, and we hope to receive it before the meeting of Parliament." This plan, consisting

7. Ibid., pp. 624-626, 647, 649.
9. Ibid., p. 634.
of forty-three articles, was a rather elaborate one. The forty-second article proposed "that proper measures be taken with the consent and concurrence of the Indians to ascertain and define the precise and exact boundary and limits of the lands which it may be proper to reserve to them and where no settlement whatever shall be allowed." Johnson examined the plan carefully and, in October, sent his comments on it to the Board of Trade. "In regard to article forty-two he said, "The ascertaining and defining the precise and exact Boundaries of Indian Lands, is very necessary, but a delicate point; I shall do everything in my power towards effecting it when ordered." Johnson and Stuart (whose activities will be recounted later) seemed to be certain that the plan would be approved, because both of them treated with the Indians for the establishment of a definite boundary line. However, the plan was held in abeyance until, in 1768, other action was taken.

During the summer of 1764, Johnson drew up articles of peace with the Huron Indians of the Detroit and with the Chenussio Indians and other hostile Senecas. In both cases the Indians agreed to deliver up all English prisoners, deserters, Frenchmen, and negroes. The Huron Indians en-

11. Ibid, pp. 657-666
12. Ibid, p. 665
13. Ibid, VIII: 19-34
gaged to "acknowledge His Britannic Majesty's right to all the lands above their Village, on both sides the strait, to Lake St. Clair, in as full and ample manner as the same was everclaimed or enjoyed by the French." The Chenussio deputie, in addition to the lands granted in April, now surrenderd "all the lands from the upper end of the former Grant( and of the same breadth) to the Rapids of Lake Erie, to his Majesty, for His sole use, and that of the Garrisons, but not as private property, it being near some of their hunting grounds." These treaties, which were neither ratified by the British ministry nor fulfilled by the Indians merge with other events leading to the treaty of Fort Stanwix.

The aforesaid series of events takes us back to the early months of 1763. When the French residents of the region around the Ohio perceived that this land had come irretrievably into English hands, they began to remove across the Mississippi. The Indians became more and more discontented with the prospect of English control. In April, 1763, Pontiac, the powerful chief of the Ottawas, planned a rebellion which finally spread south to the lower Mississippi and

---

15. Doc. Rel. to Col. Hist. of N.Y., VII: 651
16. Supra, pp. 29-30
east to the Iroquois country. Colonel Henry Bouquet in command of the Royal American regiment from the West Indies, which had been recruited with Pennsylvanians and Virginians, was dispatched to quell the Indians. The red men were soon subdued, but, before Bouquet would allow peace terms to be discussed, he demanded the delivery of all prisoners. In a letter to Sir. William Johnson, he stated that, "as soon as they have fulfilled this first Engagement, I shall refer them to you to make their Peace in which I will not in the least interfere." On November 15, 1764, Bouquet wrote that the Indians about the Ohio had submitted to the preliminary demands. In May, 1765, the Six Nations and Delawares were at Johnson Hall to settle the final terms of peace. The Indians at length agreed "to make a Cession to the King of the Lands........beginning at Owego, on the East Branch of the Susquehanna thence down the East side of the River to Shamoken (or Fort Augusta) and running up the West

21. Ibid, 585  
22. With them were the Huron and the Chenusso Indians who had failed to fulfill their treaties.  
Branch of Susquehanna on the South side thereof, and from thence to Kittanning or Adigo on the Ohio, thence along down the Ohio to the Cherokee(Tennessee)River, and up the same to its head this side." The "most important result of the treaty was to aid in withdrawing the Indians from the territory south of the Ohio, thus preparing the way for the future settlement of Kentucky and Tennessee." However, Johnson did not have authority to put the treaty into effect until it had received governmental sanction. The ministry does not appear to have been especially hurried in their consideration of Johnson's efforts. It was not until December, 1767, that the Board of Trade reported to Lord Shelburne that "we submit to your Lordship, whether it may not be advisable that orders should be immediately sent to Sir William Johnson for the final settlement of this boundary line, in a Congress to be held with the Indians for that purpose." In January, 1768, Shelburne wrote to Johnson that "I now have the honor of signifying to you His Majesty's Commands that the Boundary line between the several provinces and the various Indian Tribes be completed without loss of time." In March, Hillsborough sent to Johnson a map on

28. Ibid, p.1005
29. Ibid, VIII, 2.
which was "delineated the Boundary Line proposed by the Board of Trade to be Settled with the Six Nations in conformity to what was agreed upon at the Congress in 1765." In April, Hillsborough acquainted the Governors in America with the fact that the King had decided "that the Boundary Line between the Indians and the Settlements of his Majesty's Subjects..... shall be finally ratified and confirmed." On September 19, 1768, Johnson proceeded to Fort Stanwix(now Rome, New York,) with great quantities of gifts.

A great concourse of people gathered there to press claims of their own or to defeat the claims of others. Colonial agents, New England missionaries, and private persons, helped to form this crowd. Among the latter was one William Trent who represented a company of traders who claimed that, in the spring of 1763, they had lost through seizure by the Indians, goods to the value of eighty-five thousand pounds. The Indians appeared to be very sorry for their misdeeds and, as a slight token of their changed attitude, offered to William Trent and Company on November 3,

---

30. Docs. Rel. to Col. Hist. of N.Y.,VIII p.36
31. Ibid, p.56.
33. Ibid, p.15
34. The Documentary History of the State of New York, IV: 388-397.
1768, a tract of land "beginning at the southerly side of the South of little Kenhawa River, where it empties itself into the River Ohio, and running from thence North East to the Laurel Hill-thence along the Laurel Hill until it strikes the river Monongahela, according to the several courses thereof to the southern Boundary line of the Province of Pennsylvania. Thence westerly along the course of the said Province Boundary Line so far as the same shall extend and from thence by the same course to the River Ohio according to the several courses thereof to the place of Beginning."

Briefly, this included the territory west of the Monongahela and east of the Kanahwa.

In Pittsburgh on September 21, 1775, William Trent, speaking to the Company he represented, informed them that, while he was in England in 1769 to make application to the Crown for their grant, he was advised by Doctor Franklin and others not to make application but to return and take possession of it. The understanding was that Hillsborough would oppose the grant. Trent also acquainted his Company with the fact that, soon after his arrival in London, a company of men, called the Grand Ohio Company, purchased from the Crown a tract of land which included the tract granted to them by the Indians and that the said company was willing to give them right and title to the aforesaid lands. A

36. Gist, C., Journals, p. 245
letter, asking that the original deed for the land be at once transmitted in order that it might be recorded, was dispatched to the Grand Ohio Company. Hillsborough wrote in May, 1769, to Johnson in regard to the Trent grant that "It is His Majesty's pleasure that you should acquaint the Indians that His Majesty does not think fit at present to confirm those Grants."

Finally, after many tedious conferences extending over a period of several weeks, Johnson and the Indians decided upon a boundary line. On November 5, 1768, the "Deed determining the Boundary Line between the Whites and Indians" was signed. On the map showing the line as proposed by the Board of Trade, the boundary was not extended to the Northward of Oswegy or to the Southward of Great Kanhawa river." However, the line decided upon began in the south "at the Mouth of Cherokee or Hogohege River where

37. Gist, C., Journals, pp. 246-248
38. Docs. Rel. to Col. Hist. of N. Y., VIII:166
   See also p. 163
39. Ibid, pp. 111-134.
41. Ibid, VII: 1005; Supra, p. 34.
42. Oswegy.
it emptys into the River Ohio and running from thence upwards along the South side of said River to Kittaning which is above Fort Pitt from thence by a direct Line to the nearest Fork of the west branch of Susquehanna thence through the Allegany Mountains along the South side of the said West Branch untill it comes opposite to the mouth of a Creek callek Tiadaghtoon thence across the West Branch and along the South Side of that Creek and along the North Side of Burnettts Hills to a Creek called Awardae thence down the same to the East Branch of Susquehanna and across the same and up the East side of that River to Oswegy from thence East to Delawar River and up that River to opposite where Tianderha falls into Susquehanna thence Tianaderha and up the West side of its West Branch to the head thereof and thence by direct Line to Canada Creek where it emptys into the wood Creek at the West of the Carrying Place beyond Fort Stanwix". In August, Johnson had written for information to Hillsborough "concerning that part relating to the Province of New York." In October, Hillsborough had replied that "His Majesty entirely approves the continuing the Boundary Line Northward from Oswegy so as to include the Province of New York and

45. Ibid, p. 94
thereby render the line perfect and complete." Thus, the line in the north was not in accordance with the King's instructions, for it extended only a short distance into New York. Johnson explained that the line could be run to the north in the future much more advantageously by purchase at small expense from the Oneidas and Mohawks, who, at the present, wished to continue it to the north in a manner disadvantageous to the British.

The instructions of the Board of Trade were exceeded in the south, and it seemed for some time that the whole treaty would fail of acceptance because of this. In December, 1767, the Board, having in mind a continuation of the line settled with the southern Indians, reported to the Earl of Shelburne that "as the line settled with the Cherokee falls in with a part of the Conohway River, communicating with the Ohio, it does seem to us that it would be unadvisable, that the line now proposed to be settled with the Six Nations and their allies, should be extended lower down the Ohio, than the mouth of the said Conohway River, as the carrying further might afford a pretence for settlements in a Country, which, however claimed by the Six Nations as

46. Docs. Rel. to Col. Hist. of N.Y. VIII:102
47. Ibid. p.110-152.
48. Great Kanahwa.
part of their ancient dominion, is in fact actually occupied by the Cherokees as their hunting ground." In March, 1768, the Board of Trade in another report held that the line should terminate at the Kanawha because the land to the south was occupied by the Cherokees. Further, if the line were not terminated at this point, it would not unite with the one from the south. Johnson, in explaining the extension of the line to the Tennessee river, wrote to Hillsborough on November 18, 1768, "that the Six Nations insisting on their right to the Lands as far South as the Cherokee River have Ceded the same to his Majesty... I found....... that I could not deny them the liberty of asserting their pretensions to the Southward without highly disobliging them, and preventing the Settlement of the rest." Johnson maintained that the Cherokees had never claimed the territory north of the Tennessee river, while the Six Nations had always claimed it. Therefore, it was a sagacious move to accept the cession from the Six Nations so that, if, in the future, the Cherokees should assert a claim to and surrender it would not be necessary to obtain the consent of the northern Indians.

50. Ibid, p.22 VIII.
51. Ibid, p. 127
52. Ibid, p.110.
After some little correspondence, the Board of Trade, in April, 1769, reported to the King that Johnson in fixing the line at the Tennessee river had not followed his instructions "for forming one intire and uniform line of Separation." The argument continued for over a year until Johnson finally convinced the English ministry that he had acted for the best. On July 12, 1770, Johnson wrote to Hillsborough that "I purpose at the Congress, when agreeable to His Mjaesty's orders, proceed to the ratification of the Fort Stanwix Treaty." During the course of the Congress, On July 21, 1770, the treaty was finally consummated when Johnson said: "I do now by virtue of the powers to me given in the name, and on behalf of his Britanic Majesty, Ratify and confirm the whole of the Treaty made at Fort Stanwix in 1768, and also the Deed of Cession to the King then executed...... and I do declare, that the same is

55. Ibid, p. 159
57. Ibid, p. 222
58. Ibid, pp.224-244.
ratified accordingly." Through reports made by Colonel Guy Johnson in the early months of 1775, we find that the line was actually surveyed and marked.

Captain John Stuart, who had been appointed Superintendent of Indian affairs for the Southern department in 1763 was a recipient with Johnson of the plan which the Board of Trade drew up in 1764. Stuart began at once to treat with the Indians and proceeded less cautiously than Johnson as a report of the Board of Trade stated:"This plan, having been communicated to the Superintendents for Indian Affairs, they have(Tho' not strictly authorised so to do) made it a subject of discussion and negotiation with the Indians in their respective districts, and in the Southern district such line has not only been stipulated by Treaty, but has also been in part actually surveyed & run out".

A report of the Board of Trade to the crown in 1768 suggested that the line established by Stuart be approved and had appended to it the several treaties negotiated by him.

60. Ibid., pp.548-562; Winsor, Westward Movement, p.20, asserts "The line, by reason of Johnson's independent action, was not approved by the king."
62. Ibid., VII:634
63. Ibid., :1005
64. Ibid., VIII:22,31-34.
A treaty made with the Chickasaws and the Choctaws, March 26, 1765, bounded West Florida "by a line extended from Grosspoint in the Island of Mount Louis by the Course of the western Coast of Mobile Bay, to the Mouth of the eastern Branch of Tombeckbe River; and north by the Course of said River, to the Confluence of Alibamont and Tombeckbe Rivers; And afterwards along the western Bank of Alibamont River, to the Mouth of Chickianoce River, and from the Confluence of Chickianoce and Alibamont Rivers, a strait Line to the Confluence of Banke and the Tombeckbe Rivers, from thence by a strait Line along the western Bank of Banke River till its Confluence with the Tallatekpe River; from thence by a strait Line to Tombeckbe River, opposite to Atchatickpe and from Atchatickpe by a strait Line to the most northerly part of Backatanne River; and down the Course of Backatanne River, to its Confluence with the River Pascagoula and down by the Course of the River Pascagonla within twelve leagues of the Sea Coast, and thence by a due west line as far as the Choctaw Nation have a right to grant;........ And none of his Majesty's White Subjects shall be permitted to settle on Tombeckbe River to the Northward of the Rivulet called 65 the Centibouck."

On November 15, 1765, the chiefs of the lower Creek Nations agreed that the boundary of East Florida "shall be all the Sea Coast as far as the Tide flows, in the manner settled with the English by the great Tomachicke, with all the Country to the Eastward of St. John's River, forming nearly an Island, from its source to its entrance into the Sea; And to the Westward of St. John's River by a line drawn from the entrance of the Creek Acklawaugh, into the said River above the great Lake, and near to Spalding's upper trading Storehouse, to the Forks of the Black Creek at Col- vill's Plantation, and from thence to that part of St. Mary's River, which shall be intersected by the continuation of the line to the entrance of a Turkey Creek, into the River Attamaha."

By these two treaties the boundaries of two of the new colonies established by the Proclamation of 1763, were clearly defined. It will be noted that "the Settlements in the new established Colonies to the South are confined to very narrow limits." From East Florida a series of treaties carried the line further and further inland until it reached the "middle Colonies (whose state of population requires a greater extent)" where it was supposed to connect with the line extending down from the north.

---

66. Docs. Rel. to Col. Hist. of N.Y., VIII:32
67. Ibid., 22
68. Ibid.,
A treaty which had been signed with the Creeks in November, 1763, carried the boundary north from East Florida "by a line extending up Savannah River to little River, and back to the Fork of little River to the Ends of the South Branch of Briar Creek, and down that Branch to the lower Creek Path, and along that Path to the main stream of Ogechee River, and down the main stream of that River just below the Path leading from Mount Pleasant, & from thence in a strait Line across to Santa Swella on the Altamaha River, and from thence to the Southward as far as Georgia extends or may be extended." A treaty with the Cherokees in 1765 added to the line the ten miles between a brook called Long Canes and Dewiss's Corner. The running of the line through South and North Carolina was delayed for some time because there were white settlers west of the proposed line and Indian hunting grounds to the east of it. In 1766 Alexander Cameron wrote to Stuart that "the Cherokees propose running the Line from where it terminated, a strait Course to Col. Chiswell's Mines, which I believe will be North as nigh as I could make it. They say it must be very evident that as they have given up all their Claims of Lands in Virginia below Chiswell's Mines, and in South Carolina below Dewiss's

70. Ibid., p.33
71. Ibid., pp.33-34.
Corner, that a straight line from Reedy River to the Mines must consequently cut off a great deal of their land in North Carolina, that part of their hunting grounds lies 40 miles Eastward of where they now nominate their Boundary; but that they do not love disputing with the white people concerning a trifle, therefore they make them a present of it."

That the line when actually surveyed, followed closely that proposed by the Cherokees is evident in a letter written in 1767 by William Tryon, Governor of North Carolina. Tryon states that "the line was begun and run from where the dividing line between South Carolina and the Cherokee Hunting Grounds terminated on Reedy River, steering a North Course into the Mountains, computed to be Sixty Miles from the said River. Upon finding it impossible to proceed over the Mountains, it was agreed in the abovementioned Deed that a direct line (from the mountain they stopped at named Tryon Mountain) to Chiswell's Mines, should, with the Line they actually ran, be the Boundary between this Province and the Cherokee Nation.

This Line it is supposed will run along the Ridge of the Blue Mountains its Course to the Eastward of North, and distant Sixty or Seventy Miles from the Mountain to the Mines."

72. Docs. Rel. to Col. Hist. of N.Y., VIII:34
73. Ibid.
When the British ministry decided in 1768 to accept a definite boundary, Stuart proceeded, as had Johnson, to call the Indians together to ratify the former treaties. On October 14, 1768, John Stuart concluded with the Indians at Hard Labor, South Carolina, "A Treaty for the Ratification and Confirmation of several Cessions.... made at different times......of certain Lands lying within the limits of the provinces of South Carolina, North Carolina & Virginia."

Substantially the same line was accepted from East Florida north to its termination in Virginia. Stuart added to the line at this point in accordance with the Board of Trade report "that the line settled with the Southern Indians, and that which remains to be settled with the Six Nations, ought to be united in the manner we have described." The line, which had been run to Chiswell's Mines on the eastern bank of the Great Kanahwa, was now extended "from thence in a straight line to the Mouth of the great Conhoway River, where it discharges itself into the Ohio River."

74. Supra, p. 34.
76. Docs. Rel. to Col. Hist. of N.Y., VIII:22
77. Kanahwa.
It was here that the line behind the colonies of the Northern District was supposed to terminate and to unite with the line from the south.

However, the boundary line was to suffer one more alteration before its final acceptance. The extension which Stuart had negotiated, cut off some of the lands which had been ceded at Fort Stanwix. Virginia protested "that many settlements have been made under legal Titles & publick encouragement... considerably to the Westward of the line now proposed to be run."

Since Governor Botetourt, the Virginia House of Burgesses, and Stuart suggested the change, the Board of Trade recommended in a report to the crown that Stuart be instructed to negotiate with the Cherokees for a line which "may beginat the point where the North Carolina Line terminates, and run thence a West Course to Holsteins River, where it is intersected by the Line, dividing the Provinces of North Carolina and Virginia, and thence in a North East by North Course to the Confluence of the Kanhaway & Ohio Rivers." As Stuart had stated that this land would have to be purchased from the Cherokees, Virginia consented to pay two thousand five hundred pounds for it. In a

80. Docs. Rel. to Col. Hist. of N.Y., VIII; 162
81. Ibid.
treaty signed at Lockaber, October 22, 1770, the line was accepted in accordance with the report of the Board of Trade. Thus, there was finally established and officially accepted a definite line dividing the lands of the colonists and those of the Indians.

Chapter V.

Disregard of the Proclamation Line
by Colonel Wilkins.

Following is a brief account of the utter disregard of the proclamation line by Lieutenant Colonel John Wilkins who "took command in the Illinois country in September, 1768." He was given great freedom in the administration of this region and had orders to set up a court to administer the law and to try civil cases. The evidence available shows that he used his powers of office to benefit himself and others, that he was chiefly intent on enriching some Philadelphia furtraders, who were notorious for their willingness to bribe; he reported favorably of their zeal for British commerce." "In defiance of the king's proclamation of 1763, Colonel Wilkins began to make large grants of domain, and among others was one said to contain 13,986 acres, but in reality covered some 30,000 acres, made to John Baynton, Samuel Wharton, and George Morgan, merchants of Philadelphia...... This grant lay

between the villages of Kaskaskia and Prairie du Rocher, in the present County of Randolph."  

A sixth part of each grant which Wilkins made was reserved to himself.

"The procedure contravened the explicit orders of Hillsborough, who renewed imperatively the instruction to extend an unbroken line of Indian frontier from Georgia to Canada, as an impassable barrier to emigration."

4. Washington's Writings, II: 328. (Unless otherwise stated, the Ford edition is referred to.)
6. Ibid.
Chapter VI.

The Walpole Company, 1768-1775.

An outgrowth of the events leading up to the Treaty of Fort Stanwix in November, 1768, was the Walpole Company which had its inception in the losses suffered by various traders (especially by the mercantile firm of Baynton, Wharton, and Morgan) in the Pontiac war of 1763. In order to pay them for their losses, the Indians in a treaty at Fort Stanwix, May 3, 1768, "conveyed to them by deed an immense tract of land bordering on the Ohio River above the Little Kanawha". In November the Indians ceded to the crown a vast tract on the Ohio, containing the above-mentioned grant. Soon after this, there was formed in London a company whose purpose was to purchase some of this extensive region. Thomas Walpole, a London banker, Samuel Wharton, John Sargent, and Benjamin Franklin were appointed to apply for the grant. George Washington, who opposed the Walpole grant because it included about four-fifths of the

2. Ibid.
3. Other members were Thomas Pownall, William Johnson, George Croghan, and Lord Camden.
of the land for which Virginia had voted two thousand five hundred pounds, wrote that the boundaries of this tract were "to begin opposite to the mouth of Scioto,...... and to extend from thence in a southwardly direction through the pass of the Onasicto Mountain, which...... will bring them near the latitude of North Carolina. From thence they go northeastwardly to the Kanhawa, at the junction of New River and Green Briar....... From thence they proceed up the Green Briar to the head of the northeasterly branch thereof, thence easterly to the Allegany Mountains, thence along these mountains to the line of Lord Fairfax, and thence with his line, and the lines of Maryland and Pennsylvania, till the west boundary of the latter intersects the Ohio, and finally down the same to the place of beginning." 7 According to Thomas Pownall in a letter written in April, 1770, the bargain with the Treasury for this land was concluded. Then Lord Hillsborough suggested a charter of government be secured and that the Council Board be petitioned to issue the grant. As soon as the grant should be allowed, application was to be made to the Board of Trade for the charter. Hillsborough's purpose in sug-

5. Supra, p. 48.
6. Now Cumberland.
8. Ibid.,p.328.
gesting that a new government be chartered is a subject open to argument. What Franklin thought of it is revealed in a letter to his son in which he said: "My quarrel is only with him, who, of all the men I ever met with, is surely the most unequal in his treatment of people, the most insincere, and the most wrongheaded; witness, besides his various behaviour to me, his duplicity in encouraging us to ask for more land, ask for enough to make a province (when we at first asked only for two millions five hundred thousand acres), were his words, pretending to befriend our application, then doing everything to defeat it; and reconciling the first to the last, by saying to a friend that he meant to defeat it from the beginnin; and that his putting us upon asking so much was with that very view, supposing it too much to be granted." If this be true, then Hillsborough's plan proved a boomerang. The Treasury readily agreed to sell the land for 10,460 pounds,"which is all the money the whole country (of which this is only a small part) cost government for the cession from the Six Nations."

The Board of Trade then took the application under consideration, and, after a delay of almost two years, made an adverse report. The argument of Lord Hillsborough (who dominated the Board of Trade) "Dr. Franklin replied in an elaborate and able pamphlet, which was read at a subse-

10. Ibid., p. 82.
quent meeting of the Council, July 1, 1772." The report stated that the tract desired "appears to us to contain part of the dominion of Virginia, to the south of the river Ohio, and to extend several degrees of longitude westward from the western ridge of the Appalachian Mountains." Franklin answered cogently in his pamphlet: "we shall only remark that no part of the above tract is to the eastward of the Alleghany Mountains, and that those mountains must be considered as the true western boundary of Virginia; for the king was not seized and possessed of a right to the country westward of the mountains, until his Majesty purchased it, in the year 1768, from the Six Nations."

Hillsborough's next argument was "that a very considerable part of the lands prayed for lies beyond the line which has........been settled by treaty .... with the tribes of the Six Nations.... with the Cherokee Indians, as the boundary line between his Majesty's territories and their hunting-grounds." Franklin's reply was quite lengthy. He gave a detailed history of the land in question to show that none of it extended beyond the boundary line established at

13. Ibid., V:20
14. Ibid., p.3.
Fort Stanwix. He concluded this argument by a statement that, if a recent treaty had prohibited settlement on any of the land, a clause prohibiting them from settling on it until full consent had been obtained, could be inserted in the grant.

The report of the Board of Trade next urged that the grant was opposed to "that principle which was adopted by this Board, and approved and confirmed by his Majesty, immediately after the treaty of Paris, viz: the confining the western extent of settlements to such a distance from the sea-coast as that those settlements should lie within the reach of the trade and commerce of this kingdom, upon which the strength and riches of it depend, and also of the exercise of that authority and jurisdiction which was conceived to be necessary for the preservation of the colonies in a due subordination to, and dependence upon, the mother country. And these we apprehend to have been two capital objects of his Majesty's proclamation of the 7th of October, 1763." Franklin replied at some length to prove "that the settlement of the country over the Alleghany Mountains and on the Ohio, was not understood, either before the treaty of Paris, nor intended to be so considered by his Majesty's

16. Ibid.,3-4.
proclamation of October, 1763, 'as without the reach of the
trade and commerce of this kingdom.'"

Hillsborough then admitted that negotiations had
been entered into with the Indians to determine a more def-
finite line and that the Indian hunting grounds had been re-
duced to less than was set forth in the proclamation of 1763.
However, he submitted that these changes did not affect the
principles which called forth the proclamation. Further,
several propositions for establishing new colonies in this
same region had, for the above-mentioned dangers and disad-
vantages been rejected. Franklin answered that he knew
of "no more than one proposition for the settlement of a
part of the lands in question....... and that was from Dr.
Lee, thirty-two other Americans, and two Londoners....."
who "did not propose, as we do, either to purchase the lands,
or pay the quit-rents to his Majesty, neat and clear of all
deductions, or be at the whole expense of establishing and
maintaining the civil government of the country."

Hillsborough quoted at some length from a report
made by the Commissioners for Trade and Plantations in 1768.
"The proposition of forming inland colonies in America is
....... entirely new.......The great object of colonizing

17. Franklin's Works, V:p.32
18. Ibid.,pp.4-5.
19. Ibid.,pp.44-45.
upon the continent of North America has been to improve and extend the commerce, navigation, and manufactures of this kingdom, upon which its strength and security depend.

1. By promoting the advantageous fishing carried on upon the northern coast.

2. By encouraging the growth and culture of naval stores, and of raw materials, to be transported hither in exchange for perfect manufactures and other merchandise.

3. By securing a supply of lumber, provisions, and other necessaries, for the support of our establishments in the American islands.

In order to answer these salutary purposes, it has been the policy of this kingdom to confine her settlements as much as possible to the sea-coast, and not to extend them to places inaccessible to shipping, and consequently more out of the reach of commerce. Franklin readily found answers to these objections. In regard to the first he said he could not understand how "the provinces of New Jersey, Pennsylvania, Maryland, and Virginia, and the colonies southward of them......promote the fishing more than the proposed Ohio colony." Concerning the next two reasons, he observed "that no part of his Majesty's dominions in North America will require less encouragement 'for the growth and culture of naval stores and raw materials,

and for the supplying the islands with lumber, provisions', etc., than the solicited colony on the Ohio." To prove this he stated that the excellent land was blessed with a temperate climate, that grapes, silk-worms, mulberry trees, hemp, and iron ore were found in native state and that the soil would produce tobacco, flax, and cotton in abundance. He said that transportation to and from the Ohio country was easier and cheaper than with "a great part of the counties of Pennsylvania, Virginia, and Maryland." Also, the products of the Ohio could be transported with less expense to Alexandria on the Potomac than any commodities could be sent from Northampton to London.

Franklin concluded: "As it has been demonstrated that neither royal nor provincial proclamations, nor the dread and horror of a savage war, were sufficient, even before the country was purchased from the Indians, to prevent the settlement of the lands over the mountains, can it be conceived that, now the country is purchased, ______the inhabitants of the middle colonies will be restrained from cultivating the luxuriant country of the Ohio." He stated further that some thirty thousand people had already crossed into that region and that the General Assembly and the Court

of King's Bench was held at Williamsburg, the capital of Virginia, which was four hundred miles from the Ohio settlements. As this was too far away to exert any control along the Ohio, Franklin asked, "Is it fit to leave such a body of people lawless and ungoverned?"

At the same meeting of the council, July 1, 1772, at which Franklin made his reply to the Board of Trade report, "Mr. Walpole made some pertinent observations on the subject in general. Mr. Wharton spoke next for several hours and replied distinctly to each particular objection." The council was so favorably impressed by these arguments that they at once "reported in favor of making the grant to the Honorable Thomas Walpole, Samuel Wharton, and their associates." The report to the King stated "that the lands in question had been for some time past and were then in an actual state of settling, numbers of families to a very considerable amount removing thither from his said Majesty's other colonies, that the lands in question did not lie beyond all advantageous intercourse with the kingdom of Great Britain."

24. Ibid.
In August, Franklin wrote to Joseph Galloway that "Lord Hillsborough, mortified by the Committee of Council's approbation of our grant, in opposition to his report, has resigned. I believe, when he offered to do so, he had such an opinion of his importance that he did not think it would be accepted, and that it would be thought prudent rather to set our grant aside than part with him. .......Lord Dartmouth succeeds him, who has much more favorable dispositions towards the colonies."

On August 14, 1772, the King approved the report of the council and ordered the Board of Trade to "consider and report to his Majesty in council, if any, and what terms of settlement and cultivation, and what restrictions and reservations to the British crown were necessary to be inserted in the said grant," and to "prepare and lay before his Majesty in council a plan for establishing a separate government upon the said tract.......together with an estimate of the expense and the ways and means by which the same should be defrayed by the petitioners." By a further order on the same day, the King commanded the Earl of Dartmouth to direct William Johnson "to apprise the chiefs of the Six Nations, and their confederates, of his Majesty's intention to form a settlement upon the lands purchased of them

   Edited by Jared Sparks.
by his Majesty in 1768." In a letter dated September 2, 1772, Dartmouth so directed Johnson. Johnson replied on April 30, 1773, "With regard to the acquiescence of the Six Nations on the subject of His Matys Intentions to establish a Government on the Ohio, I am to assure your Ldp that after having fully acquainted them, therewith, they unanimously expressed their satisfaction at the same, and their inclination to support their Grant."

In accordance with the King's orders, the Board of Trade reported on May 6, 1773, that they had made "the consideration of the plan of government the first object of their attention; and as they presumed that it was not intended that the limits of the new government to be formed should be confined to the tract proposed to be granted in propriety," they proposed "that the lands... should be separated from the colony of Virginia, and be erected... into a distinct colony, under the name of Vandalia... that the said grant should be made," and finally they represented "that they had omitted any restriction upon the proprietors from settling to the west of the line agreed upon with the Cherokees at Lochabor in October, 1770; that restriction having... become altogether unnecessary, as the Indians had, for the sake of a natural boundary, con-

30. Ibid., 369.
sented that the district reserved to his said majesty for settlement should be bounded on the southwest by the river 31 Louisa or Catawba River, which is very far west of the utmost extent of the tract proposed to be granted in propriety." Thus, the boundary line, which had finally been completed in 1770, was soon disregarded. This seems to indicate that, had not the Revolutionary War intervened, the British government might have removed the line further and further to the west.

On May 19, 1773, the King referred the report of the Board of Trade to the Lords of the Committee of Council for Plantation Affairs, who, July 3, 1773, "were thereby pleased to order that his said Majesty's attorney and solicitor-generals should prepare and lay before that committee a draught of a proper instrument, to be passed under the great seal of Great Britain, containing a grant to Thomas Walpole, Esq. and others, his associates, of the lands prayed for." On July 16, 1773, the attorney and the solicitor-general reported to the Lords of the Council, who, October 28, 1773, ordered them to prepare a proper instrument, inserting a change in the clause regarding quit-rents. That the grant was now assumed to be assured seems evident from

31. Kentucky River.
the fact that, when, "in the autumn of 1774, ...... the Earl of Dunmore, the then Governor of Virginia, had presumed to pass grants for some lands comprehended within the bounds of ......contract aforesaid," Dartmouth wrote to him that he "could not be ignorant of what has passed here upon Mr. Walpole's application, nor of the king's express command ......that no land whatever should be granted beyond the limits of the royal proclamation of 1763, until the king's further pleasure was signified."

However, the grant was never made, nor was the new colony ever established. A moment's reflection will bring to mind the fact that the relations between the colonies and Great Britain had become by this time quite strained. "In the spring of 1775, the draught of a royal grant for the lands aforesaid being prepared, pursuant to the said order of council, and having undergone the examination and correction of Lord Camden and others ......, the Lord President of his Majesty's Privy Council requested that the Honorable Mr. Walpole and his associates would wait for the grant aforesaid and the plan of government of Vandalia, until hostilities, which had then commenced between Great Britain and the United Colonies, should cease."

34. Ibid., 370.
At this point, our interest in the proclamation line of 1763 and the events depending on it ceases. As we have been considering this subject from the angle of British expansion and as the intervention and happy termination of the American Revolution brought an end to British control of the lands separated by the boundary line, the limits of the historical account of the line have been reached.

35. An account of the line after 1783 is given by Max Farrand, The Indian Boundary Line, pp. 789-791, American Historical Review, 1905.
Chapter VII.

The Proclamation Line and Its Relation to British Expansion.

The question as to whether the British ministry meant the proclamation line to be permanent or not is a controversial one. With the defeat of the Spanish Armada in 1588, England became the leading expansionist nation of the world. That England should in this one case suffer a relapse from the spirit which made her for a period, the leading nation of the world seems hardly plausible. That England should be disposed to make the entire region west of the Alleghenies the permanent hunting ground and abode of savages is unthinkable. In the following pages, an attempt will be made to prove that the project of the boundary line was nothing more than a temporary expedient, used as a palliative to quiet the aroused Indians.

Any idea that the English wished to reserve the trans-Allegheny region for the Indians because of humanitarian motives or because of a regard for the red man's title to the land, is easily proved fallacious. A note signed "J.A." and appended to a letter from George Croghan on April 30, 1763, reads: "You will do well to try to inoculate the Indians by means of blankets, as well as to try
every other method that can serve to extirpate this execrable race. I should be very glad your scheme for hunting them down by dogs could take effect." Lord Jeffery Amherst was at this time the English commander-in-chief in America. A letter which Bouquet sent to Amherst on July 13, 1763, bears a postscript which reads: "I will try to inoculate the __________ with some blankets that may fall into their hands, would like to use the Spanish method to hunt them with dogs." Such opinions, held by leading Englishmen in America, could not help being communicated to the ministry in England, and it was this ministry that promulgated the Proclamation of 1763. The French realized the English disregard of the rights of the Indians. Duquesne is reported to have said to the Iroquois: "Are you ignorant of the difference between the king of England and the king of France? Go see the forts that our king has established and you will see that you can still hunt under their very walls. They have been placed for your advantage in places which you frequent. The English, on the contrary, are no sooner in possession of a place than the game is driven away. The forest falls before them as they advance, and

2. Ibid., 27-28, note.
the soil is laid bare so that you can scarce find the where-
withal to erect a shelter for the night."

Various historians have given opinions concerning the intent of the British crown in issuing the Royal Proclamation of 1763. A large number of them either by definite statement or by implication convey the impression that the line was designed to be a permanent one, that the policy of the British government was never to permit settlements across the Alleghenies. Turner, writing of the advance of the frontier over the mountains in the eighteenth, states: "The King attempted to arrest the advance by his proclamation of 1763, forbidding settlements beyond the sources of the rivers flowing into the Atlantic; but in vain." Historians to whom he makes reference on this point, are of the same opinion. Hinsdale makes the following statement in regard to England's attitude in discussing the Oregon question with the United States: "Signally as England failed in the attempt to exclude civilization from the Great West, she did not abandon the attempt to apply the principles of the Royal Proclamation to the American wilderness." He also states: "She was first anxious to secure possession of the Ohio, and then reluctant to see it put to any civilized use."

Edmund Burke, speaking before the House of Commons, stated that, because the rapid increase in the population of the colonies was one of the causes of their opposition, the suggestion was made that further grants of land should not be issued. He asserted that the colonists "would occupy without grants.......Such would be the happy result of an endeavor to keep as a lair of wild beasts that earth which God by an express charter, has given to the children of men." Roosevelt expresses a similar opinion: "She (England) wished the land to remain a wilderness, the home of the trapper and the fur trader, of the Indian hunter and the French voyageur." Another statement is further proof of his view: "The Briton and the Spaniard opposed the American settler precisely as the Frenchman had..... They endeavored in vain to bar him from the solitudes through which only the Indians roved."

Other historians err in much the same manner. Parkman implies that the boundary line was established to keep the colonies in due subjection to the mother country.

8. Ibid., III:243
That very patriotic historian, Bancroft, tells us that the trans-Allegheny region was shut off from settlement because England feared she could not hold such remote colonies in dependence.

A few more careful historians have correctly interpreted the true interest of the Proclamation of 1763. Howard states: "But there seems to be no good reason to doubt that it was really designed in good faith as a temporary expedient for securing the rights and quieting the minds of the Indians until a permanent arrangement should be made by treaty. . . . . That there was no intention of placing a permanent restraint on westward settlement is clearly revealed by later events." Channing truthfully makes the statement: "The plan, although it was not expressed in the Proclamation, was to secure cessions from the Indians from time to time, and thus open to settlement one tract after another, without the danger of arousing the natives."

Quite a few of the men who were interested in colonial affairs and who held positions of prominence were of the opinion that the line was only temporary. George Washington's view is found in a letter he wrote to Colonel Craw-

---

ford: "I can never look upon that proclamation in any other light (but this I say between ourselves) than as a temporary expedient to quiet the minds of the Indians, and must fall, of course, in a few years, especially when those Indians are consenting to our occupying the lands." A perusal of the previous pages of this work will prove that Benjamin Franklin held an opinion similar to that of Washington. There can be no doubt of it when we recall Franklin's connection with various land companies urging grants beyond the Alleghenies, his lengthy correspondence on the subject, and his reply to Hillsborough's adverse report on the Walpole grant. In a like manner, the views of William Franklin, the governor of New Jersey, and of Sir William Johnson, superintendent of Indian affairs in the Northern district, become clear. The utter disregard of the line by Captain John Wilkins has already been discussed. Lord Dunmore, the governor of Virginia and a most chauvinistic Briton, ignored the proclamation of the King and granted large tracts of land without the proper authority.

It is necessary before discussing the question further to have a clear understanding of the English system of

colonial control, which was complicated during the period under consideration by the lack of party politics, by the exercise of dual control over the colonies, and by various changes in the method of control. In the middle of the eighteenth century, there were not parties with distinct policies, but many leaders and their satellites, whose chief aim was to hold office. Such an aim did not permit consideration of opposing ideas. The secretary of state for the Southern department and the Board of Trade both had a hand in the administering of colonial affairs. During the years, 1757 to 1766, the head of the Board of Trade was usually accorded a place in the ministry in order to defend the opinions set forth in the reports of the Board. When the Chatham ministry came into power in July, 1766, the secretary of state for the Southern department absorbed the executive functions of the Board of Trade. By making one office responsible, some unity of purpose was achieved. The movement toward more centralized control was aided when, in January, 1768, the new secretaryship of state for the colonies was established. Not long after this, the new secretary was appointed to the presidency of the Board of Trade.

16. Ibid., p. 169, note.
In order to prove that the boundary line was simply a temporary expedient to quiet the Indians, cognizance must be taken of the motives which engendered that part of the Proclamation of 1763, which established the line. When the British ministry learned that abuses of the Indian trade and the lavish granting of patents "upon the pretence of fair Indian purchases, some of which the Indians have alleged were never made but forged - others bought of Indians who were no Proprietors some by making two or three Indians Drunk and giving them a trivial consideration - They say also the Surveyors have frequently run Patents vastly beyond even the pretended conditions or limits of sale," they instructed 17 "General Braddock to appoint Col. William Johnson 18 sole superintendent of the affairs of the Six Nations and their allies..... to retrieve the British interest...."

On January 9, 1756, Peter Wraxall, secretary to Johnson, composed a long report on Indian affairs. He proposed "that the Indians be remedied and satisfied with regard to their complaints about their Lands....... and that no Patents for Lands be hereafter Granted but for such as shall be bought in the presence of the superintendent at

18. Ibid., pp.11-14.
19. Ibid., p.19.
public meetings & the sale recorded by His Matys Secry for Indian affairs. . . . By relinquishing these claims, assuring them that we would in no manner invade their Hunting Grounds but secure them to them and their use. . . . . would in a great measure contribute."

The deposition before Johnson in September, 1756, of Margaret Williams, who had been a prisoner among the Delewares, was used by Johnson to defend his opinion that a certain grant of land should be returned to the Indians. The deposition was as follows: "The said Margaret says she often heard the Indians say and declare most solemnly they never would leave off killing the English as long as there was an Englishman living on their Lands that they were determined to drive them all off their lands. . . . ."

That the Board of Trade began to realize that the crux of the disaffection of the Indians lay in land frauds is evident from its report of June 1, 1759: "That it appears from many Letters and Authentick Papers in the Books in Our Office, that the extensive purchases of Land made not only by the Proprietaries of Pennsylvania, but in other Governments bordering on the Indian Country, have long since occasioned Disgusts and Suspicions of Injury

21. Ibid., p.331.
in the minds of the Indians; And that these Jealousies have been one principal Cause of their Defection from the British interest, and of the Hostilities which they have committed on the Frontier of His Majesty's Provinces."

From this same report, the inference can be drawn that one of the American colonies was responsible for the idea that the Allegheny mountains should be the boundary between Indian and colonial lands. A purchase of land made at Albany in 1754 had occasioned a great deal of trouble. After a series of meetings and attempts to adjust the matter, a treaty was made at Easton, Pennsylvania, in October, 1758, "the principal object and result of which was the Proprietaries of Pennsylvania relinquishing to the Six Nations that part of Lands purchased at Albany in 1754, which lies to the Westward of the Mountains, and we cannot without injustice to the Proprietaries omit acquainting your Lordships, that full satisfaction was given by them to the Indians, with respect to this purchase which had been the cause of great disgust and discontent." The Board of Trade could not help being impressed by the fact that the Alleghenies were a very acceptable boundary to the Indians and that their

23. Ibid.,p.775.
hostility was thus removed. Johnson noted the effect of the Easton treaty and reported it to the Board of Trade on May 17, 1759. He stated that the Indians had a "right to be redressed or satisfied, in all their reasonable & well founded complaints of enormous & unrighteously obtained Patents for their Lands and Treaties of Limitation.......; in this the Province of Pensilvania & New Jersey lately very wisely & politicly set an Example." 24

On June 1, 1759, the Board of Trade remarked about "how dangerous it may be to make Grants and Settlements of Indian Lands wch have been ceded for Protection and not Settlement....." 25 By November 11, 1761, the Lords of Trade had become certain of the effects of encroaching on the Indian hunting grounds. They stated: "it will be sufficient for the present purpose to observe that the primary cause of that discontent which produced these fatal Effects was the Cruelty and Injustice with which they had been treated with respect to their hunting grounds..... no sooner were those measures pursued which indicated a Disposition to do them all possible justice upon this head of Complaint than those Hostilities which had produced such

25. Ibid.,p.780
horrid scenes of devastation ceased...."

The Board of Trade reported to the King on December 2, 1761, that, in obedience to his orders, instructions to the Governors in America "where the property of the Soil is in your Majesty" had been prepared. The instructions stated that as the Indians continued to complain that lands had been secured "illegally fraudulently and surreptitiously" and the Governors had countenanced such grants, no one in authority should make grants of lands claimed or occupied by the Indians except by special license obtained from the Board of Trade. The words of the instructions which ordered a proclamation to be made "strictly enjoining and requiring all persons whatever who may either wilfully or inadvertently have seated themselves on any Lands so reserved to or claimed by the said Indians without any lawfull Authority for so doing forthwith to remove therefrom," were repeated almost verbatim in the Royal Proclamation of 1763.

Because of a change in the ministry early in 1763, Lord Shelburne secured the presidency of the Board of Trade and a seat in the ministry. Shelburne was at this time a studious young man of twenty-six. As soon as he

27. Ibid., 477-478.
came into office, it became incumbent upon him to devise plans for the control of the vast territory recently acquired from France. News of fresh Indian hostilities under Pontiac, which made it imperative that he hasten his plans, must have influenced him greatly. He, of course, studied the correspondence which had been carried on in the past by the Board of Trade. What he found there has been quoted in the preceding pages.

On August 5, 1763, he wrote to Johnson that "we have proposed to His Majesty that a proclamation should be issued declaratory of His Majesty's final determination to permit no grants of lands nor any settlement to be made within certain fixed bounds under pretence of purchase or any pretext whatever, leaving all the territory within these bounds free for the hunting grounds of the Indian Nations, and for the free trade of all his subjects." He requested Johnson to acquaint him with the various causes of the Indian trouble and to state "by what means those causes may be removed and the public tranquillity restored, and what will, in your judgment, be a proper plan for the future management and direction of these important interests, to the satisfaction of the Indians, the benefit of free trade,

31. Ibid., p.535.
and the security and interests of His Majesty's dominions." This declaration on the part of Shelburne, that a proclamation had been proposed, in undeniable proof that a definite plan had been presented to the King. His statement that he wished Johnson to help him in devising a plan for future control, shows that he did not intend the proposed proclamation to be permanent.

The English parliamentary system was responsible for another ministerial change, which, on September 2, removed Shelburne from office and gave Lord Hillsborough the presidency of the Board of Trade. That Hillsborough could acquaint himself with his office and draw up a new plan for the control of the new territory seems impossible. The Indian uprisings became more and more troublesome, and the Royal Proclamation, which was essentially the plan of Shelburne, was hurriedly issued on October 7, 1763. In 1767, the Board of Trade gave the Indian trouble as the "consideration which occasioned the provisional management in the proclamation of 1763, and induced this Board to propose... .......in 1764.......a boundary line being established by solemn compact with the Indians."

Since a detailed account of the content of the proclamation is given in Chapter II, it is necessary to recall

32. Ibid., pp. 535-536.
33. Docs. Rel. to Col. Hist. of N.Y., VII: 1004
here only that the proclamation stated definitely that the region west of the Alleghanies was reserved as a means of quieting the Indians and also that the reservation was not absolute because the King retained the right to make grants in that territory.

The account given of events coming after and depending upon the proclamation is further proof that the line was a temporary expedient to quiet the Indians. Special attention should be given to the plan of the Board of Trade in 1764, in which it was stated: "That no purchases of lands belonging to the Indians.......be made but at some general meeting at which the principal Chiefs of each Tribe claiming a property in such lands are present..." Note should also be taken of the fact that Shelburne was secretary of state for the Southern department in 1767 when Johnson and Stuart were authorized to ratify the Indian treaties which established a boundary line and that Hillsborough succeeded Shelburne in authority a second time.

35. Supra, pp.30-31.
It will be recalled that the definite line which was established, was soon moved further to the west.

The foregoing proofs that the line established by the Royal Proclamation of 1763, was a temporary expedient to quiet the Indians, seem irrefutable.

38. Supra, pp.62-63.
BIBLIOGRAPHY

A. Sources


14. Washington, George, The Writings of; being his Correspondence, addresses, Messages, and other Papers, Official and Private, selected and published from the original manuscripts; with a Life of the Author Notes, and Illustrations. Edited by Jared Sparks. Vol. II, 1858.

B. Secondary Works.


C. Books Not Available.

28. Canadian Archives, Reports.


30. Draper, M. S. Life of Boone, III.


32. Massachusetts Historical Collections.

33. Pownall, T., Administration of the Colonies.

34. Reed, S. M., Colony of Charlotiana. In manuscript, University of Illinois.

35. Virginia Magazine of History and Biography.