
**Anglo-Indian Relations
In North America
To 1763
And
An Analysis Of
The Royal Proclamation
Of 7 October 1763**

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ANGLO-INDIAN RELATIONS

IN NORTH AMERICA TO 1763 AND AN ANALYSIS OF

THE ROYAL PROCLAMATION OF 7 OCTOBER 1763

by

JACK STAGG

The views expressed herein are the
author's and do not necessarily reflect
those of the Department of Indian
Affairs and Northern Development.

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AUTHOR'S PREFACE

Research for this report began as an offshoot of work which I was asked to complete for the Department of Indian Affairs on the origins of Indian reserves in the maritime provinces. A preliminary investigation of the Indian reserve lands transferred to the federal government by Nova Scotia and New Brunswick at Confederation raised serious questions about the whole pattern of early reserve creation. Unlike the examples of Ontario and the prairie provinces, Indian reserve lands in eastern Canada could not be traced back to any formal treaties or surrenders. Very little work appeared to have been done in this area and it remained a mystery why Indians in the maritimes should have been treated differently from those in other parts of the country. Also, it was during the mid-nineteen seventies, when this project began, that Indians in New Brunswick and Nova Scotia began asserting rights to lands on the basis of aboriginal title and a document that was more than two hundred years old: the royal Proclamation of 7 October 1763. Court decisions such as that handed down in the case of Calder v. the Attorney General of British Columbia (1973) renewed Indian interest generally in the historical relationship between government and Indian peoples in North America. It seemed that the whole question of early European-Indian dealings needed a more comprehensive treatment than had been available in the past.

The title of the research report contained here reflects the two main concerns addressed. Firstly, an attempt is made to briefly highlight the history of Anglo-Indian relations to the middle of the eighteenth century. The work examines the various economic, political and military strategies generated by Great Britain and, to a lesser extent, France in their struggle for survival and success in North America. Such strategies shaped and were shaped by the presence and involvement of Indian peoples in almost every aspect of colonial life in North America and especially in matters involving land and trade. Secondly, there is an examination of the events and circumstances surrounding the formulation and issuance of the royal Proclamation of 7 October 1763. The Proclamation has become perhaps the most important contemporary focus for debate on the question of Indian rights in North America. The final chapter, which might be considered an adjunct to the work, is a detailed analysis of the wording of the Proclamation. Here an attempt is made to resolve some of the controversy that has occurred over a few of the more important questions the document raises.

This work, like any other major undertaking, is not the sole product of one person's effort. I would like to thank several people who kindly offered their time and their assistance in the project. Dr. Katie Cooke, Gordon Poupore and William Henderson of Indian Affairs sponsored and encouraged the completion of the research from its early beginning. Professor John Gallagher of Cambridge University gave valuable assistance and insights during a one-year assigned duty leave in England in 1977-78. Joe Leask and Morgan Jones of Indian Affairs permitted me the time to organize my findings upon my initial return from Cambridge. Robert Allen gave valuable comments on portions of my first draft. Maura Giuliani, as editor, made a readable report out of a rather ungainly manuscript. Francis Walker, in the departmental word-processing services, handled endless changes. Finally, I am deeply indebted to Professor Brian Slattery, now of the Native Law Centre at the University of Saskatchewan, who has an academic as well as a personal interest in Indian rights and Indian history. Much of what is contained in the final chapter of this work, in approach, in structure and in insight is perhaps more Professor Slattery's than my own.

INTRODUCTION

A BACKGROUND TO EUROPEAN-INDIAN RELATIONS

From the time of the earliest European explorations of the North American continent, relations between Indians and non-Indians were shaped by mutual needs of self-preservation and survival; military alliance, commercial enterprise and the disposition of land and its resources were preoccupations of all participants. The relative success of the countries which emerged in the eighteenth century as the most persistent and prosperous New World colonizers depended upon how well these nations were prepared to recognize the importance of this basic principle and to adapt their policies and actions accordingly.

Early Contacts

Numerous voyages across the Atlantic were made in the fifteenth and sixteenth centuries. Spain, and later Portugal and France, sought a westward sea-passage to the east and the oriental riches all of Europe wished to exploit. What these early mariners found instead was a New World wealth based on gold, fish and furs. The fleeting visits of hundreds of shiploads of Europeans to the eastern coastlines of North and South America were, at first, no more than temporary intrusions into the domains of those indigenous Indian peoples already residing on the two continents. In the north, seasonal fishing vessels, sponsored by large mercantile collectives and the banking houses of western Europe, seldom touched New World shores. When landings were made, it was to dry fish and perhaps to barter a few ornaments and other European goods for small quantities of furs from inquisitive natives. Contact between Indians and Europeans was brief, occasional and relatively inconsequential.¹

1. The first and perhaps still the best standard work on early European-North American Indian cultural contact is Professor Alfred Goldsworthy Bailey's work, The Conflict of European and Eastern Algonkian Cultures 1504-1700, 2d ed. (Toronto, 1969). This work was first published in 1939.

During the early sixteenth century, Spain and Portugal began asserting claims to what each believed to be their own particular and exclusive sphere of influence. It was an attempt to prevent other European nations from participating further in economic activities in the Americas.² Even by sixteenth-century standards, their claims were absurd and largely unenforceable. However, with their strong merchant navies and occasional willingness to prosecute a case with force, these countries succeeded in restraining other European nations from full participation in trans-Atlantic commercial enterprise.

By the close of the sixteenth century, as the power and influence of the Iberian potentates declined, both France and Britain increased their interest in New World economic and territorial potential. Gradually, these early British and French Crown-sponsored voyages to North America took on new importance: sovereignty over large tracts of unexplored lands was claimed on such bases as alleged symbolic acts of possession and first discovery. New World adventurers began planting flags, burying plaques and erecting crosses to assert or confirm to their respective sovereigns, largely undefined and militarily indefensible rights to North American soil.³ It was at this point, when European powers began giving substance to what had previously been only a vague arrogation of rights over North American lands, that the long history of Indian-European relations really began.

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2. Their pretensions stemmed from what Professor Brian Slattery has called a remarkable series of Papal bulls and from alleged acts of discovery, settlement and conquest. Rights were defined between the two Iberian powers by the Treaty of Tordesillas of 1494. Portugal was to confine its activities to regions east of a longitudinal line drawn roughly through Newfoundland and Brazil, leaving territories west of the line to Spain. See Brian Slattery, "French Claims in North America, 1500-1559," Canadian Historical Review (CHR) LIX (June 1978): 139; and F.G. Davenport, European Treaties on the History of the United States and its Dependencies to 1648 (Washington, 1917), 1:9-198.
 3. An explanation of this process and an analysis of what it meant in terms of principles of international law is contained in A.S. Keller, O.J. Lissitzyn and F.J. Mann, Creation of Rights of Sovereignty through Symbolic Acts, 1400-1800 (New York, 1938). A very thorough treatment of the subject is also contained in an unpublished doctoral dissertation by John Thomas Juricek, Indian "English Claims in North America to 1660: A study in Legal and Constitutional History" (University of Chicago, 1970). For further studies on early European viewpoints concerning New World acquisitions, see Julius Goebel, The Struggle for the Falkland Islands (New Haven, 1927).

French-Indian Relations: A Brief Characterization

Early on, France chose to establish its principal outpost and centre for its future American empire on the north shore of the St. Lawrence River. The largest inland waterway in the world was to provide the essential link between the North American continental heartland and rich European markets. In the seventeenth century, a sustained and largely inexplicable penchant for broad-rimmed beaver hats among the prosperous and fashionable of northern Europe made furs to Canada what gold and silver had been to the Spanish colonies in Mexico and Peru.⁴ As the principal procurers of this commodity, Indians living north of the St. Lawrence River and around the lower Great Lakes (chiefly the Huron and Algonkian nations) became crucial to the French trade in peltry and hence to the commercial underpinnings of Canadian colonial development. These tribes, who generally welcomed the trade with the French, soon made European manufactured commodities - weapons, utensils, tools, cloth - almost indispensable to their daily existence and quickly found themselves involved in the future success and economic survival of the French colonial experiment.⁵ They and their successors became French allies in war and commercial partners in peace.

French empire building in North America in both the seventeenth and eighteenth centuries was characterized by two related principles: a continuous uniformity in design and tight control from Paris by the French imperial Crown. Successive

4. W.J. Eccles, Frontenac: The Courtier Governor (Toronto, 1959), p. 75.

5. The cultural impact of the European contact upon the Hurons is analysed in a recent work by Bruce Trigger, The Children of the Aataentsic: A History of the Huron People to 1660 (Montreal, 1976). Their importance to the fur trade is discussed in H.A. Innes, The Fur Trade in Canada, 2d ed. (Toronto, 1970), pp. 26, 33-44; and G.T. Hunt, The Wars of the Iroquois: A Study of Inter-tribal Trade Relations (Madison, 1939). The Ottawas replaced the Hurons in the trade from about 1680 to 1700. Intendant Duchesneau, writing from Quebec in 1681, stated:

"The Outawas Indians, who are divided into several tribes, and are nearest to us, are those of the greatest use to us, because through them we obtain Beaver...they go in search of it to the most distant places, and exchange it for Merchandise which they procure at Montreal...They get their peltries, in the North, from the people of the interior...and in the South, from the Sakis, Poutouatomis, Puants, Oumaominiecs or La Folle Avoine, Outagamis or Foxes, Maskoutins, Miamis and Illinois."

E.B. O'Callaghan, ed., Documents Relative to the Colonial History of New York (N.Y.C.D.) (Albany, 1856-87), IX:160-161. After 1700, French "coureurs de bois" themselves dealt directly with the surrounding Great Lakes tribes.

French monarchs and their administrations involved themselves directly in the affairs of North America. From the days of the first colonial chartered monopoly, the Company of One Hundred Associates, the constant exertion of authority by the state can be detected. For example, the thrust to colonize Canada (and later Louisiana) was largely, if not exclusively, a state enterprise. Authority and its trappings, as exerted by imperial authorities from afar, were indelibly stamped upon the society they fostered. As one historian characterized it, the world of New France was not so much a world of industry, commerce and settlement as it was of officials, of décrets, of ordnances, of kings' soldiers.⁶ Whether related to agricultural development, regulation of Indian trade, marketing of peltries, regulation of prices or activities of religious orders, all important decisions were ultimately made at Fontainebleau.⁷

The control, uniformity and apparent singleness of purpose which characterized French colonial expansion had an ineluctable effect upon relations between French colonial society and the Indians with whom it dealt. Regular troops, which were continually sent out to Canada and financed by the Crown, eased the responsibility upon both colonial and Indian for protecting French territories and trade. A continuously revised defence strategy, worked out on a grand scale in France, also provided clear direction for the co-ordination and prosecution of military and naval placements in the New World.⁸ It provided colonial officials with the flexibility to negotiate in concert with French-allied tribes and the capability to respond decisively to changing conditions. Monopolistic prices

6. L.H. Gipson, The British Empire Before the American Revolution, 14 vols. (New York, 1942), V:343.

7. Ibid.

8. Governors of New France received detailed instructions attendant to their commissions each year from home concerning the military training of local inhabitants, defensive and offensive measures to be taken and the disposition of regular troops throughout the colony. See Eccles, Frontenac, p. 117.

of exchange, established each year for the skin and fur trade, guaranteed the Indian trapper or trader at least a basic price upon which he could depend, if not always a fair return for his labour.⁹ Finally, and perhaps most importantly, the state's control and encouragement of religious instruction played a crucial role in cementing relations between Frenchmen and Indians. From the time of the first successful French settlement in North America, when the Sieur de Monts brought two Catholic priests to "Christianize the natives,"¹⁰ a pattern which combined the theological and temporal objectives of the state was struck.¹¹ Roman Catholicism, as the single officially authorized religion, found itself unchallenged in the spiritual affairs of New France. In the seventeenth and eighteenth centuries, a virtual army of religious devotees, committed to the task of converting the Indian to Christian ideals, found its way to New France. Jesuit and Sulpitian neophytes from seminaries throughout France competed for assignments to the New World and thus to the remote Indian villages of

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9. The standard work on the history of the Canadian fur trade is still Innis, Fur Trade. A more recent analysis of the trade which originated beyond the Great Lakes Region and for which both France and Britain competed is in Arthur J. Ray's Indians in the Fur Trade: Their Role as Hunters, Trappers and Middlemen in the Lands Southwest of Hudson's Bay 1660-1870 (Toronto, 1974).
 10. J.S. Moir, Church and State in Canada, 1627-1867 (Toronto, 1967), p. 1.
 11. In exchange for a monopoly on the fur trade and jurisdiction over an area of land which included what is now the Maritime Provinces, half of New England, and most of Quebec, de Monts agreed to begin a permanent settlement in Acadia and to "Christianize the natives." When the Charter for the Company of One Hundred Associates was renewed in 1627, Article III declared that:

 "In every settlement that shall be built by the said Associates, in order to promote the conversion of the Savages and for the consolation of the French who will be in the said New France, there will be at least three clerics, whom the said Associates will be responsible to house, feed, clothe in liturgical garments and generally provide with all necessities for their living and for the performance of their ministry ... or if the said Associates prefer instead of said support, there may be given to the said clerics sufficient cleared land for their support." Gouvernement de Québec, Collection de manuscrits contenant lettres, mémoires et autres documents historiques, relatifs à la Nouvelle France; recueillis aux archives de la province de Québec, Quatre Tomes (Québec, 1883-1885), I:65.

both ally and foe, where they often spent half a lifetime of self-sacrifice and deprivation.¹² And from motives ranging from self-interest to loyalty, the Indians traded with and defended those whom they respected and trusted most. The personal friendships and alliances which the French priests established among the Indians aided France's commercial and territorial objectives in the New World.¹³ Religious and trade monopolies were irrevocably linked together.

Like other colonizing nations in the seventeenth and eighteenth centuries, the aim of the French government was to build a strong and well-functioning mercantile empire. Raw materials, gathered and shipped from colonial outposts to the mother country, were exchanged for home-processed or manufactured goods required by the colonial inhabitants of those same outposts. Such a system demanded, of course, the establishment of a sufficiently large colonial population to comprise a thriving and dependable overseas market. It was on this point that the endeavours of France never quite met with success. Frenchmen were not attracted to either the St. Lawrence or the Mississippi, and prospective colonizers from other nations were, as a rule, not desired. Although practiced by France in both the seventeenth and eighteenth centuries, the device of bringing regular troops to Canada and then offering inducements to remain and to establish permanent homes was an unmitigated failure. Even efforts

12. The classic source for records pertaining to the history of the Jesuit - Indian experience in New France is contained in Reuben G. Thwaites, ed., Jesuit Relations and Allied Documents, 73 vols. (Cleveland, 1896-1901).

13. Francis Parkman, in his published works on French-English colonial rivalry in North America, compared the apostolic nature of the French priests' activities in the seventeenth century with the political objectives of their successors in the eighteenth. F. Parkman, A Half Century of Conflict, 2 vols. (Boston, 1907), I:134. The concept of the priest as politician is certainly well illustrated by the documented conduct of such men as Père Piquet in Canada and l'Abbé LeLoutre in Nova Scotia in the eighteenth century. For a brief biographical sketch of the former see Biographie Universelle (Paris, 1970), XXXII:207, and for an in-depth study of the latter see Gérard Finn, "La Carrière de l'abbé Jean-Louis Le Loutre et les dernières années de l'affrontement Anglo-français en Acadie" (Thèse, D. 3^e cycle, Université de Paris, 1974).

to promote immigration through cash subsidies for prospective settlers met with only limited success. By the middle of the eighteenth century, New France could claim a population less than one-twentieth that of its British counterpart in North America. Only in the extreme lower and upper reaches of the Mississippi and on the banks of the St. Lawrence near Montreal, Trois Rivières and Québec was there anything approaching the type of contiguous settlement that characterized British colonial development at this time.¹⁴ Instead of a concentration of population in any single region, islands of Frenchmen appeared here and there within the vast continental wilderness.¹⁵ Emphasis upon the exploitation of one revenue-producing staple commodity - furs - reinforced this system of sparse and irregular settlement.

This aspect of French empire building was also important to relations between French colonials and Indians in North America. The absence of anything that could be construed as a "frontier line" of settlement permitted the French to escape almost entirely what came to be a major source of conflict between British colonials and their Indian allies: the occupation and use of land for purposes other than hunting and trapping. Turning large areas of frontier landscape into settled plantations would not only have bred friction between Frenchmen and Indians, but it would have been detrimental to the maintenance and growth of the fur trade upon which the economy of New France depended so heavily.

Government officials very seldom heard complaints by Indians of French encroachments on their lands. In the mid-seventeenth century, when New France

14. Gipson, British Empire, V:342 - 344.

15. This contrast between French and British colonial settlement patterns is noted by Professor William Eccles in The Canadian Frontier, 1534-1760 (New York, 1969), pp. 2-3, 43 and France in America (New York, 1972), pp. 60, 75, 83-86.

began to set aside specific parcels of land for the use and benefit of their Indian allies, the policy was unrelated to any perceived need to compensate these people for loss of their own territories.¹⁶ Instead, it was part of a larger plan in conjunction with religious officials - a kind of social experiment - to encourage those natives who so desired to settle into a more sedentary (and hence European) life-style.¹⁷ The nature and thrust of this plan is described in a letter from First Minister Colbert of France to Intendant Jean Talon in Canada:

In order to strengthen the Colony in the manner you propose, by bringing the isolated settlements into parishes, it appears to me, without waiting to depend on the new colonists who may be sent from France, nothing would contribute more to it than to endeavour to civilize the Algonquins, the Hurons and other Indians who have embraced Christianity, and to induce them to come and settle in common with the French, to live with them and raise their children according to our manners and customs.¹⁸

Moreover, the relative absence of conflict between French colonials and Indians over matters relating to land made the establishment of an elaborate Indian affairs bureaucracy unnecessary in New France. Unlike the British colonies to the south, the French never had to appoint special commissioners to hear Indian grievances over matters of land and trade; they never had to find funds and seek approval from assemblies for compensation for encroachments on Indian territories. In short, without the danger of being at cross-purposes with either its masters in France or the Indians with whom it dealt, the French empire in North America represented an ominous continental force to any nation which would challenge its strength and resources.

16. P. Cumming and N. Mickenberg, eds., discuss the French attitude towards Indian "title" in Native Rights in Canada, 2d ed. (Toronto, 1972), pp. 84-85.

17. The first of these Indian "settlements" was established at Sillery, near Quebec, in the 1630's. The Jesuits, who first held the designated land in trust, encouraged Indians who came to trade nearby to settle with their families on specific plots of the reserved land. Historian G.F.G. Stanley cited the experiment at Sillery as being the first "Indian reservation" in Canada. "The First Indian Reserves in Canada," Revue d'histoire de l'Amérique française 4(1950):178. See also his "The Policy of 'Francisation' as Applied to the Indians during the Ancien Regime," Revue d'histoire de l'Amérique française 3(1949):333 ff.

18. Colbert to Talon, 6 April 1666. O'Callaghan, N.Y.C.D., IX:43.

British-Indian Relations: A Brief Characterization

In his analysis of the colonial French and British experience in the New World, historian Lawrence Henry Gipson contrasts the uniform, state-controlled development of New France with the relatively haphazard and largely privately sponsored expansion of the North American provinces of Great Britain.¹⁹ From the time of the first British patent to New World lands, given by James I to Sir Thomas Gage and others for "two several colonies" on 10 April 1606, the British exploitation of America was left predominantly to the efforts and organization of non-governmental bodies. This did not mean, however, that the interests of the colonies, financial or otherwise, were thought of as different from those of the mother country. With few exceptions, British-sponsored American colonial initiatives harmonized with the objectives of Great Britain: to provide markets for home-manufactured goods, to produce raw materials for the British navy, factories and import companies, and to supply commodities such as tobacco, rice and fish to receptive British markets. The point of contrast was that, unlike France, Britain chose not to exercise close state control of these activities.

Profits and the lure of profits were what interested both colonials abroad and British investors at home: profits for the British manufacturer, for the British merchants who sold on credit, for shipowners of overseas companies, for North American seaboard merchants, for tidewater planters interested in land speculation, for settlers who established themselves along colonial frontiers, for American-sponsored inland trading companies and partnerships dealing with Indian traders, for those traders who travelled to Indian villages, and lastly, for Indian middlemen who sought out the far-western tribes, bringing them the products of the woollen mills of Leeds and Manchester and of the forges and fabricating plants of Birmingham and Sheffield.²⁰

19. Gipson, British Empire, IV:3-6; V:340-346.

20. Gipson, British Empire, IV:4.

The diversity of British commercial pursuits in North America was reflected in the number of widely disparate forms of political organization which evolved among the separate colonies. Letters patent, commissions, charters and imperial Parliamentary legislation led to a complex and diverse set of rules and regulations for the local governing of British possessions in North America. Royal provinces, proprietaries and chartered colonies comprised a kind of imperial *mélange*, each element complete with its own diverse and sophisticated machinery of government and the provisions, restrictions and privileges characteristic of its form. The general administration of each colony conformed to what was expected from its type. However, such specific administrative concerns as colonial defence, Indian policy and the encouragement of private commercial initiative were as a rule controlled by the colonists themselves, whose personal and public fortunes were directly and deeply involved.

Efforts to construct a uniform political and economic system that might be more closely watched and managed from Whitehall always met with successful opposition from powerful interests in either Britain or North America. In the latter part of the seventeenth century, British officials began to view with envy the apparently successful management of the French overseas mercantile system instituted by French First Minister Colbert. In response, the British Parliament passed a series of statutes called the Acts of Trade and Navigation to establish a greater control over British mercantile traffic. A few years later, King William and Queen Mary constituted, by commission, a kind of sub-committee of Council called the Committee of the Lords of Trade and Plantations²¹

21. This Commission was issued in 1696 and is printed in full in O'Callaghan, N.Y.C.D., IV:145 ff. The committee was to examine and take account "of the state and condition of the General Trade of England, and also of the several particular Trades in all Forreigne parts, and how the same respectively are advanced or decayed." In another section the Committee was told it must inform itself "of the present condition of Our respective Plantations, as well with regard to the administration of the Government and justice in those places, as in relation to the Commerce thereof...."

to monitor these Acts. It was also charged with the duty of suggesting ways in which the colonies might best be encouraged financially, protected militarily and of benefit to the mother country commercially. Neither the Acts nor the committee created to enforce them functioned effectively. The Acts of Trade and Navigation, although referred to in almost every royal commission issued to newly appointed colonial governors after 1697, were largely ignored. In many instances they made liars of the king's governors who, out of ignorance or sympathy to a more open system of colonial trade, falsely reported colonial compliance with the regulations. The Committee of Trade and Plantations soon lost its effectiveness, as leading politicians who were appointed to serve on it found that the real power in matters of commerce and trade remained in the King's Council itself. Men of influence quickly abandoned the Committee, or Board of Trade as it came to be known, for offices of greater importance.²² After 1714, the Board of Trade became little more than a pressure group seeking to influence the choice of American officials and the formulation of colonial policy.²³

The type of administrative and political mechanisms which evolved for the governing of the British colonies in North America had, as was the case with France and its dependencies in the New World, a profound effect upon the character and evolution of those far-off British provinces. Colonial defence,

22. For an analysis of the early history of the Board of Trade see Herbert Arthur Basye, The Lords Commissioners of Trade and Plantations Commonly Known as the Board of Trade 1748-1782 (New Haven, 1925), pp. 1-10.

23. James Aloysious Henretta, "The Duke of Newcastle, English Politics, and the Administration of the American Colonies 1724-1754" (Ph. D. Thesis, Harvard University, 1968), pp. 10, 31. In 1715 and again in 1721, the Board proposed a complete overhaul of the colonial system, including the elimination of proprietary governments and the consolidation of colonial political and military organization. A kind of super Governor General-in-Chief would have been given administrative responsibility over all of the North American colonies. Both measures were rejected in Council and Parliament. Individuals such as Lord Cartaret, with extensive proprietary interests in the colonies, helped defeat the proposals. The 1721 Report of the Board of Trade is contained in O'Callaghan, N.Y.C.D., V:593-630. The 1715 effort resulted in an unsuccessful Parliamentary bill entitled "An Act for the Better Regulation of the Charter and Proprietary Governments." See also British Museum, King's MSS, Volume 205, folios 1-60.

so much the pride of the king's officials in France, was left for the most part in the hands of colonials in British possessions abroad. In their military capacities as commanders-in-chief of His Majesty's forces in the separate royal provinces or proprietaries, British governors raised troops, supplies and defence monies as the need arose. If the situation warranted it, the home government might choose to provide naval support for forces already assembled by the colonies, but even this was not a surety. In 1736, for example, a dispute between Spain and Portugal over Brazil threatened to spread northward into a major conflict involving France and Britain. One British official with substantial financial interests in North America and the West Indies complained to the Duke of Newcastle, then the senior Secretary of State,²⁴ that the security of British overseas possessions was being perilously neglected. He pointed out that when "danger of a rupture" is near "we are frightened out of our wits" but "when that danger seems to blow over, all thoughts of [the Colonies] are over too and nothing is done."²⁵

It might be argued that unrestricted private initiative and a diversity in colonial political organization, as opposed to public capital support and uniform state control, were the cornerstones of British success in North America. However, the British approach did have its costs, not the least of which was in colonial relations with Indians.

The absence of British regular troops permanently stationed in North America required individual provinces to fall back on their own manpower and financial resources to protect themselves militarily. Colonies such as Delaware, New Jersey, Maryland and Connecticut, whose formal limits did not extend to a western frontier and who were seldom threatened by hostile incursions by either Frenchmen or Indians, were always reluctant to contribute men or money to a common colonial defence. It also forced those provinces which had a frontier, and which might at any time be vulnerable to attack, to place a disproportionate and uncomfortable degree of faith in the loyalty and assistance of

24. Secretary of State for the Southern Department. The division between the Northern and Southern portfolios originally pertained to a geographical split in Europe for the administration of British foreign affairs. By the eighteenth century, the Southern Secretaryship became the senior position of the two principal Secretaries of State and had the colonies as its chief responsibility.

25. H. Walpole to the Duke of Newcastle, July 1736. British Museum, "Newcastle Papers," Add. MSS. 32 791, folio 353.

allied Indian tribes. The British colonies also lacked any formal mechanism for co-ordinating the defences of the entire colonial establishment if threatened by Spain, France or the Indians pledged to those countries.

Competition for land and for trade among the various colonies also contributed to a feeling of colonial instability, which was not entirely lost upon those Indians who participated in or observed such affairs from a distance. Before the middle of the eighteenth century, South Carolina fur traders, in co-operation with local government officials, sought to exclude Virginians from the Cherokee Indian trade; those of Georgia, to exclude South Carolinians from the Creek Indian trade; and the merchants of Albany, by means of some peculiar privileges embodied in the charter of incorporation of that city, endeavoured to monopolize the trade of the Six Nations.²⁶ Intercolonial disputes over boundaries also tended to undermine Indian confidence in the stability and resolve of British colonial administrations. In the seventeenth century, the limits of the several colonies had been laid down by means of royal charters with a greater or lesser degree of definiteness. In the eighteenth century, the more significant implications of these charters became apparent with the process of colonial expansion westward. In the face of French competition for control of the Mississippi basin, South Carolina and Virginia began to press pretensions to lands extending across the continent to the Pacific Ocean. On the basis of a 1662 patent, the corporate colony of Connecticut laid claim not only to the northern portion of the Pennsylvania proprietary, but also to lands near the Illinois River - thus overlapping similar claims by Virginia and Louisiana. Massachusetts Bay, vitally interested in the fisheries of Canso off the coast of Nova Scotia and

26. Gipson, British Empire, IV:5. The Six Nations were not overly impressed with a monopoly of their trade operating out of Albany, and the British knew it. For a very good analysis of the difficulties caused by the Albany merchants' attempts to control the New York and far western trade, see "Report of the Commissioners of Indian Affairs," 12 November 1724. O'Callaghan, N.Y.C.D., V:741. For a contemporary first-hand account of the ill effects of the Albany monopoly in 1749, see Peter Kalm's comments in J. Munsell, ed., The Annals of Albany, 10 vols. (Albany, 1850-1859), I:271-272. The strategic importance of Albany in British settlement policy is examined in Arthur A. Buffington, "The Policy of Albany and English Westward Expansion," Mississippi Valley Historical Review VIII (1922):327-377.

fearful of French competition in that region, insisted through its governor that British rights acquired under the Treaty of Utrecht of 1713 closed the area south of the St. Lawrence not only to French exploration and settlement, but to other British colonies as well. Together with New Hampshire, Massachusetts also laid claim to much of the land that was supposed to be part of the province of New York east of the Hudson.²⁷ Unfortunately, much of the acreage involved in the intercolonial disputes was looked upon by tribes traditionally loyal to Britain as belonging to them.

One of the fundamental causes of difficulties between Indians and British North American colonies was the lack of an effective British administration to assist in resolving any issue which arose between Indian and colonial. From the time of the earliest Virginia settlements until the middle of the eighteenth century, relations between Indians and colonial Britain were dealt with sporadically, eclectically and without the benefits of the firm control exercised by successive French governors and priests in Canada. Only once, in 1670, did the British Parliament take steps to regularize the treatment of Indians in North America. The Act which the British Parliament approved and sent to the king advised that:

For as most of our Colonies do border upon the Indians, and peace is not to be expected without the due observance and preservation of justice to them, you are in our name to command all the Governors that they (should) at no time, give any just provocation to any of the said Indians that are at peace with us... do by all ways seek fairly to oblige them and... employ some persons, to learn the language of them, and... carefully protect and defend them from adversaries ... more especially take care that none of our own subjects, nor any of their servants do in any way harm them. And if any shall dare offer any violence to them in persons, goods or possessions, the said Governors do severely punish the said injuries, agreeably to right and justice.²⁸

The document reflects some obviously good intentions on the part of British legislators but is at the same time far too general to have had any appreciable effect on the practices it meant to influence. What was needed was a more

27. Gipson, British Empire, IV:4-5.

28. As quoted from the Journal of the Legislative Assembly (Canada), 1844-45, Appendix EEE.

definitive and specific administrative plan of action to provide substance to the general principles the Act contained. While the legislation points clearly to the fact that the British Crown was prepared to acknowledge responsibility in protecting Indian rights, no concrete and workable mechanisms in law or administration are prescribed to guarantee fair dealings between British colonials and the neighbouring Indian tribes. The suggestion, for instance, that persons be employed to learn native languages and to protect and defend the Indians was interpreted and implemented by individual colonies in such a way as might have given even greater cause for Indian complaint. In 1674, New York Governor Andros created his Board of Indian Commissioners to oversee Indian affairs for the province and chose to appoint its membership exclusively from those with extensive interests in the fur trade.²⁹ Not surprisingly, they confined their duties largely to the regulation of the fur and skin trade and to a suppression of the liquor traffic.³⁰ In Pennsylvania, as sole proprietor over a new province which he promised would be a "Holy Experiment," William Penn published his famous "Letter to the Indians" in 1681, in which he stated that the province's natives would be treated with "love" and "friendship" in a "peaceable life."³¹ However, most of those whom he and his successors chose to appoint to positions

29. A copy of Andros's Commission establishing the Board is in John Fiske, The Dutch and Quaker Colonies in America (Boston and N.Y., 1899), IV:177. Board members were to "treat, confir and consult with the Five Nations." They were also charged to submit periodic reports of their proceedings to the Governor and Council of New York. Ibid., II:57. Fiske called this step "the most important act of Andros's administration."

30. Shortt and Doughty, eds., Canada and Its Provinces, 23 vols. (Glasgow, 1913-17), IV:719. Travellers, Indians and British officials often spoke of the magistrates of Albany who conducted Indian Affairs as more interested in private profit than the public good. Governor Hunter in 1715 referred to these officials collectively as "that vile race." Hunter to Lds. of Trade, 29 September 1715. N.Y.C.D., V:436. Adventurer Peter Kalm, who visited Albany in 1749, noted that the Albany merchants took "glory in tricks (such as) getting Indians drunk." He added, "The avarice and selfishness of the inhabitants of Albany are very well known throughout all North America...." Munsell, Annals of Albany, I:271-272.

31. William Penn's "Letter to the Indians," 18 October 1681. Samuel Hazard, ed., Annals of Pennsylvania, from the Discovery of the Deleware, 1609-1682 (Philadelphia, 1850), pp. 532-533.

of responsibility in Indian affairs had motives somewhat less honourable than those of their superiors. By 1714, Pennsylvania's Indian relations were placed under the stewardship of one James Logan, a former Secretary of the Province, who soon developed a far-flung network of fur traders and had his personal wealth quintuple during his first six years as Indian Commissioner.³² Those who followed Logan, namely George Croghan and Conrad Weiser, also had extensive interests in the peltry trade to protect and cultivate. In the south, the example of South Carolina was not too different from its northern counterparts. The quest there was for the valuable deerskin and buckskin leather trade.³³ The "Board of Indian Commissioners," which the South Carolina Assembly created in 1707 to oversee Indian affairs, was concerned exclusively with the regulation of the skin trade and the issuing of licences to participants in that enterprise. It made powerful people of those who sat on the Board, but its accomplishments in areas not directly related to trade were almost negligible.³⁴

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32. F.P. Jennings, "Miquon's Passing: Indian European Relations in Colonial Pennsylvania, 1670-1754" (Ph. D. Thesis, University of Pennsylvania, 1965), pp. 104-5, 136-7, 143-4. For Logan's personal role and career in Indian Affairs in Pennsylvania see *ibid.*, especially chapters 4, 6, 7. It appears that during his tenancy as Indian Commissioner, Logan also acquired rights to 8 000 acres of unpatented and unspecified land. See A. Zimmerman, "The Indian Trade of Colonial Pennsylvania" (Ph. D. Thesis, University of Delaware, 1966), chapters IV, VIII.
33. The principal tribe in this enterprise was the Cherokee. First contact between the Cherokee and British traders appears to have occurred in 1673-74, when two Virginia traders, James Needham and Gabriel Arthur, brought back to Williamsburg a few skins from the "Cherokee Country." C.W. Alvord and Lee Bidgood, The First Explorations of the Trans-Allegheny Region, 1650-1674 (Cleveland, 1912), pp. 210-226. By 1690, South Carolina traders from Charleston had entered the trade. S.C. Williams, Dawn of Tennessee Valley and Tennessee History (Johnson City, Tenn., 1937), p. 70. Between 1739 and 1759, Charleston was exporting a yearly average of some two hundred thousand pounds sterling in buckskin. Verner Crane in an Appendix to his The Southern Colonial Frontier, 1670-1732 (Ann Arbor, 1956), places the actual figures in table form. He gleaned these amounts from a 1764 report by John Stuart, Southern Superintendent for Indian Affairs, which was written for the Board of Trade in March of that year.
34. For a brief history of the Board's activities see W. Neil Franklin, "Virginia and the Cherokee Trade, 1673-1752," East Tennessee Historical Society Publication, IV:3-22. For a period, a general Indian agent was also appointed to reside among the Indians to inquire into and redress all grievances. However, it appears that most of that official's time was spent on trade matters and on problems relating directly to trade, such as illegal liquor traffic. Crane, Colonial Frontier, pp. 199-205.

An undoubtedly greater problem, and one of more immediate consequence, stemmed from the general lack of a uniform administration and policy for the management of British-Indian relations as they related to difficulties over land, land rights and land usage. The British pattern of expansion, concentrated along a narrow strip of sea coast from New England to Georgia and steadily advancing westward towards the Appalachian and Allegheny Mountains, brought individuals and the various colonial governments into direct conflict with Indian nations. As settlement advanced, Indians were forced to retreat beyond the "frontier line." The British movement into the interior, though for the most part unplanned and voluntary, steadily encompassed more and more of the continental wilderness and transformed it into farms, lumber stations and settled communities. If the major portion of French commercial success in North America could be attributed to its fur trade, that of Britain lay in planting, animal husbandry and forest products. Virginia's wealth came principally from the cultivation of one staple - tobacco.³⁵ Lumber, shipbuilding, grain and fish were the principal sources of revenue in Massachusetts,³⁶ while New Hampshire relied primarily on naval stores, including lumber and livestock.³⁷ In Connecticut, Rhode Island, and New Jersey, wealth was generated from livestock, grain and lumber.³⁸ Even in Pennsylvania, New York and the Carolinas, those colonies most active in the fur trade, furs and skins seldom represented more than thirty per cent of their total yearly exports by the eighteenth century.³⁹

35. In a report sent by Lt-governor Francis Farquier of Virginia to the Lords of Trade in 1763, it was estimated that in the first half of that year, out of a total of some £268 644 worth of exports, tobacco would account for £223 840. British Museum, King's MSS., Vol. 205, folio 262.

36. See for instance Governor Francis Barnard's Report to the Lords of Trade 5 September 1763. British Museum, King's MSS., Vol. 205, folios 196-200.

37. Governor B. Wentworth of New Hampshire to Lords of Trade, 2 September 1754. British Museum, King's MSS., Vol. 205, folios 213-214.

38. Governor of Connecticut to Lords of Trade, 1762. British Museum, King's MSS., Vol. 205, folios 220, 221. J. Jencks, Governor of Rhode Island to Board of Trade, 9 November 1731. *Ibid.*, folios 226-227. J. Belcher, Governor of New Jersey to Lords of Trade, 27 December 1754. *Ibid.*, folios 229-234.

39. Tabulated yearly exports by colony are given in S. Cutcliffe, "Indians, Furs and Empires: The Changing Policies of New York and Pennsylvania, 1674-1768" (Ph. D. Thesis, Lehigh University, 1976).

British colonial economic activities which concentrated on the domestic use of land were perceived by the Indians as a threat to their own future. Forest clearing, planting and the growing influx of people into British North America throughout the seventeenth and eighteenth centuries pushed the Indians and the limits to their productive hunting, fishing and trapping areas continuously westward. An additional frustration was the lack of any uniform procedure established either by Britain or her colonies for negotiating the fair purchase of Indian-occupied lands. None of the original charters given by the Crown to those establishing new communities in North America incorporated provisions or initiated systems for the taking of lands for settlement. Separate colonies, and in some cases individual families, asserted possession or title to lands on the basis of a variety of public and private practices.

In 1616, as governor of the new British province of Virginia, Sir Thomas Dale traded four hundred bushels of corn for a mortgage to an unspecified portion of the whole countryside around Jamestown.⁴⁰ Years later, at the conclusion of a conflict between the colony and a neighbouring tribe called the Chickahominy, the terms of peace imposed by the Virginia General Assembly took frontier lands as compensation for war damages.⁴¹ A further statute, passed by the Assembly in 1653,⁴² encouraged local county commissioners to purchase as much Indian land as possible, and during another Virginia-Indian frontier conflict

40. W. Stith, A History of Virginia (Sabin's Reprint, New York, 1865) pp. 53-54. Cited in Charles C. Royce, Indian Land Cessions in the United States, Eighteenth Annual Report of the Bureau of American Ethnology, to the Secretary of the Smithsonian Institute, Part II (Washington, 1896-97), p. 564.

41. The source of the conflict which raged between 1639 and 1642 can be traced back to the problem of encroachments made by British colonials on lands that had been acknowledged to belong to the Chickahominy through an earlier agreement of 1636. It was alleged by the Indians that Governor Hervey had, in contravention of the terms of that agreement, made indiscriminate grants of lands in the disputed area. J.D. Burk, The History of Virginia, from its First Settlement to the Present Day, 3 vols. (Petersburg, 1814-16), III:53. Cited in Royce, Indian Land Cessions, p. 565.

42. Ibid., p. 566.

in 1676, that same legislative body declared unilaterally that all Indian lands in the province would be sold to defray war costs.⁴³ A further Act, this one prohibiting Indians from returning to lands already granted or claimed by the province, was passed in 1691.⁴⁴ In 1722, Virginia's Governor Spotswood concluded a treaty with the Six Nations by which the latter agreed never to appear east of the Blue Ridge nor south of the Potomac River.⁴⁵ Settlement continued to press westward, however, often extending beyond the settlement boundaries established with the Six Nations. By 1744, the colonies of Virginia, Maryland and Pennsylvania found it necessary to negotiate from the Six Nations a transfer of the territories lying westward from the Virginia frontier, across the Appalachians to the Ohio River.⁴⁶

New York's example is somewhat similar. During its first few years as a British colony, Governor Richard Nichols encouraged several individuals and groups to purchase lands directly from the province's native peoples.⁴⁷ Later in the

43. William Hening, Statutes at Large: Being a Collection of all the Laws of Virginia, from the First Session of the Legislature in the Year 1619, 13 vols. (New York, 1819-1823), II:331. The Act passed on 6 June 1676 declared that:

"Whereas this country is now engaged in a warr against the Indians, and will thereby inevitably be at great cost and charges in prosecuting the same ... [Therefore] all lands whatsoever sett apart for the Indians in the last conclusion of peace with them and other Indian lands as now are ... [to be] dispose(d of) to the use of the publique towards defraying the charge of this warr...."

44. Ibid., III:84.

45. Royce, Indian Land Cessions, p. 568. Settlement was to be contained within the territory east of this boundary. It wasn't long, however, before Virginia colonists began to look upon the boundary as only temporary. By 1731, a number of potential settlers under the direction of Virginian Jacob Stauber were proposing the establishment of a whole new community west of the Blue Ridge. See Ann V.S. Milbourne, ed., "Colony West of the Blue Ridge, proposed by Jacob Stauber and others, 1731..." Virginia Magazine of History XXXV (1927): 175-190, 258-266; ibid., XXXVI (1928):54-70.

46. A treaty was concluded on 31 July 1744 at Lancaster, Pennsylvania by which the Six Nations allegedly gave up all claim to the lands known as the Ohio country for the sum of £400. Ibid., p. 569. Documents relating to the Lancaster Conference are contained in Cadwallader Colden's The History of the Five Indian Nations (New York, 1904), II:117-204.

47. Royce, Indian Land Cessions, p. 580. See as examples "Licence to purchase Indian Lands at the Novesinks" given by R. Nichols, 17 October 1664; same to Peter Schuyler for Indian lands near Albany, 30 March 1665; same to Johnnes Clute and Jan Hendrick Bruyns for Indian lands near Fort Albany, 1 April 1665. O'Callaghan, N.Y.C.D., XIII:365 ff.

seventeenth century, huge tracts of land claimed by the Mohawk Indians along the Hudson River were granted, without consultation, to various private companies and individuals by Governor Fletcher.⁴⁸ Then, in July of 1701, the Iroquois Five Nations gave New York officials a "deed" to their "Beaver Hunting Ground," which appeared to include most, if not all, lands drained by the Great Lakes water system.⁴⁹ It was re-ratified some twenty-five years later by the New York Council and Indian representatives.⁵⁰ The Iroquois later claimed the "deed" was merely a gesture on their part to recognize British as opposed to French sovereignty over the region. Nevertheless, several individuals from both within and outside the province later attempted to use the document as a basis for claiming title to unsettled Iroquois lands.⁵¹

Geographically southward, the actions of North Carolina can be taken as fairly representative of colonial-Indian land dealings in the territories closest to Spanish Florida and French Louisiana. The earliest purchases were made by traders who doubled as land speculators. Around 1660, a handful of traders operating in the vicinity of Roanoke Island negotiated the sale by Indians of "three great rivers, and also all such others they should like to the southerly."⁵²

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48. Examples of the Fletcher grants are: one to Colonel Nicholas Bayard, a member of the New York Council, for a tract on both sides of Schoharie Creek of some twenty-four to thirty miles in length; one to Godfrey Dellius, seventy miles in length from Battenkill, Washington County to Vergennes in present-day Vermont; one to a Captain Evans, forty miles in length by twenty in width, embracing parts of Ulster, Orange and Rockland counties. "Report of the Lords of Trade on the Affairs of the Province of New Yorke," 19 October 1698. O'Callaghan, N.Y.C.D., IV:391-392.
49. A copy of the "Deed" is contained in O'Callaghan, N.Y.C.D., IV:908 ff. It was signed at a large ceremony involving New York officials and representatives of the Five Nations on 19 July 1701.
50. Ibid., V:800 ff.
51. A discussion concerning the particulars of the Five Nations deed is contained in Royce, Indian Land Cessions, p. 581.
52. Mr. Yeardley to John Ferrar (n.d., c.1661). W.L. Saunders, ed., The Colonial Records of North Carolina, 1662-1776 (Raleigh, 1886-1890), I:18. The agreement was apparently sealed when a number of local Indian representatives presented the traders with a "turf of earth with an arrow shot into it."

No boundaries are mentioned, nor are they for a number of similar purchases which took place during this same period, but the extent of the country involved must have been considerable. The Lords Proprietor of the colony often co-operated in the buying of Indian land by providing, as much as they were able, official and legal recognition to large purchases made directly from the Indians. Settlements established along the lower Cape Fear, based on transactions conducted in this way (where the local occupants alleged they "purchased of the Indian chiefs a title to the soil"), were sanctioned by proprietary officials.⁵³ By the beginning of the eighteenth century, most tribes which had inhabited lands in North Carolina had either migrated westward or joined neighbouring tribes to the south and southwest.⁵⁴ Disputes over land and trade, which began in 1703 between Indians occupying lands adjacent to the settled part of the colony and British colonials, erupted into a full-scale frontier conflict in 1711.⁵⁵ When the fighting ended, Indian groups who had participated in the war fled northward to join the Six Nations. As a tribe, the Cherokees then remained the only potential Indian opposition to North Carolina's expansion into the interior, and in 1730 the province concluded an agreement with these Indians which permitted the construction of forts and planting of corn among the various Cherokee "towns."

Many documented instances exist where either the British Crown or colonial officials in North America attempted to institute specific rules to regularize the processes of land acquisition from Indians on the settlement frontiers. Unfortunately, these were often hastily brought forward to satisfy military or other exigencies and were almost invariably unenforceable.

Following successive disputes with various tribes in and around the colony throughout the mid-seventeenth century, Virginia passed a series of Acts to assign and protect specific parcels of land for the exclusive use and benefit

53. Royce, Indian Land Cessions, p. 626.

54. Ibid., p. 627.

55. This is the so-called Tuskarora War, named for the tribe which spearheaded the Indian assault on N. Carolina during 1711-13.

of the Indians.⁵⁶ One such example is an Act passed by the Grand Assembly on 10 March 1655 which stipulated that:

What lands the Indians shall be possessed of by order of this or other ensuing Assemblys, such land shall not be alienable by them the Indians to any man de futuro, for this will putt us to a continuall necessity of allotting them new lands and possessions and they will be allways in feare of what they hold, not being able to distinguish between our desires to buy or inforcement to have, in case their grants and sales be desired; Therefore be it enacted, that for future no such alienation or bargaines and sales be valid without the assent of the Assembly.

The first important principle here was the recognition that lands already acknowledged as belonging solely to the Indians needed to be protected from speculators who might fraudulently take possession of Indian holdings without the compliance of provincial officials. Secondly, it demonstrated a willingness by the colony to accept responsibility for the disposition of Indian lands in the form of a guardianship over Indian interests. However, little attempt was made, or perhaps in the circumstances could have been made, to enforce these measures. As stated earlier, after a costly colonial-Indian war in 1675, the Assembly was much less committed to preserving Indian lands in Virginia and rescinded the 1655 statute, opening up all formerly protected lands to public and private purchase.

In Maryland, Acts passed in 1638 and again in 1649 predated Virginia's formal legislative concern over the protection of Indian lands and its prohibition against private purchases. In that colony and on its frontier, no Indian-occupied territory was to be alienated from the Indians without prior approval of the colony's proprietors or their delegates.⁵⁸ However, as the population of the province grew, and as competition increased for lands available for cultivation, enforcement became extremely difficult. Unsympathetic to the principles contained in the Acts, judicial officials made prosecution of those who ignored the legislation almost

56. See, for instance, "An Act of the Grand Assembly" 10 October 1649, especially articles I, II, III. Hening, Statutes, I:323-324; also a similar act of 5 July 1653 concerning lands on the Yorke River. Ibid., p. 380.

57. Hening, Statutes, I:396.

58. A discussion of the Maryland statutes is contained in Royce, Indian Land Cessions, pp. 571-572.

impossible. By the mid-seventeenth century, most of the Indians who resided in the province had left. Lord Baltimore, then chief proprietor of Maryland, introduced a somewhat novel approach to the problem of Indian lands. In 1651, he set up what amounted to a large Indian reserve of eight to ten thousand acres, where it was hoped the Indians would settle, hunt and reside in peace. The experiment proved, at least for provincial officials, to be a successful one and more reserves were created in 1669, 1704, 1711 and 1723.⁵⁹ The Indians were somewhat less impressed. Non-Indian encroachments on reserved lands and fraudulent sales of large portions to private interests forced a majority of the few remaining Indian tribes in the province to migrate into the interior by the middle of the eighteenth century.

In New York, royal instructions issued to Lord Bellomont in August of 1697 attempted to redress some of the grievances expressed by the Five Nations concerning unsanctioned land acquisition on the frontier. The governor was told to call representatives of the Five Nations together in a grand council, to promise them the Crown's protection and to assure them that private purchases of Indian lands by individuals would no longer be tolerated.⁶⁰ However, the practice of making large grants of Mohawk lands, especially on the upper Hudson, was later continued by Bellomont and his successors. It should also be noted that Bellomont's assurance to protect Five Nations land was made at a particularly delicate juncture in Iroquois-New York relations.⁶¹ After certain differences between the two over questions of alliance and defence were settled, colonial officials appeared to forget about problems associated with the taking of Indian-occupied lands.

59. Royce, Indian Land Cessions, p. 573.

60. Instructions to Lord Bellomont from the Lords of Trade, 31 August 1697. O'Callaghan, N.Y.C.D., IV:289-290. Bellomont himself conducted hearings concerning the illegal purchase of Mohawk lands. See the testimony given by Mohawks Henry and Joseph, 31 May 1698. O'Callaghan, N.Y.C.D., IV:345-346. On 19 October 1698, the Lords of Trade warned Bellomont that the consequences of fraudulent land dealings with the Mohawks "would be ruinous to the whole Province of New Yorke." The Lords explained that "the Mahacqs have always been the best guard and security of those [northern] frontiers; and if they should be dispossessed of their country, it would be very difficult for the English and other His Majesty's subjects to defend the rest against any attempts of the French in case of another war." Ibid., p. 393.

61. There was suspicion that the Five Nations would seek a separate peace from the French to include an exchange of prisoners taken during the just-ended British-French conflict known as King William's War.

In North Carolina, perhaps more than in any other British colony, direct, non-government sponsored purchases of Indian lands flourished. These activities continued throughout the province's history, despite repeated attempts from both London and Charlestown at restraint. The 1663 Instructions to Governor Sir William Berkley urged the removal, albeit with compensation, of those who purchased and occupied Indian lands without provincial government consent.⁶² John Locke's "Fundamental Constitutions" of 1669, which were meant to apply in North Carolina yet were never enforced, provided that:

No person whatever shall hold, or claim any land in Carolina by purchase, or gift or otherwise from the natives or any other whatsoever; but merely from and under the Lords Proprietors upon pain of forfeiture of all his estate, moveable or immoveable and perpetual banishment.

In 1715, after a particularly bloody conflict between the Tuskarora Indians and the colony, the North Carolina General Assembly passed an Act to encourage the peaceful settlement of the natives and to protect their lands. The fourth section of the Act reads as follows:

And whereas there is great reason to believe that disputes concerning land (have) already been of fatal consequence to the peace and welfare of this colony, ... no white man shall, for any consideration whatsoever, purchase or buy any tract or parcel of land claimed, or actually in possession of any Indian, without special liberty for so doing from the Governor and Council, first had and obtained, under penalty of twenty pounds for every hundred acres of land so bargained for and purchased, one half to the informer⁶⁴ and (the) other half to him or them that shall sue for the same....

As mentioned previously, after the turn of the eighteenth century there were few Indians who remained in the province to benefit from the adoption of such measures. The majority of those who did not join the Iroquois or who had not migrated southward into the interior soon found the promise of provincial protection for their lands limited to a small reserve on the north bank of the Roanoke River.

62. Saunders, North Carolina, I:51.

63. Locke's Fundamental Constitutions (1669) as quoted in Royce, Indian Land Cessions, p. 627.

64. The statute was called "An Act for Restraining the Indians from Molesting or Injuring the Inhabitants of this Government and for Securing to the Indians the Right and Property of Their Own Lands." The above section is quoted in Royce, Indian Land Cessions, p. 628.

Until the middle of the eighteenth century, at least one colony, Nova Scotia (or as the French called it, l'Acadie), escaped the usual pattern of confrontation between colonial and Indian over land. The entire territory, which includes modern-day Nova Scotia and New Brunswick, was claimed by both France and Britain during its early history. The whole region, or sometimes only parts of it, regularly changed hands like an expendable piece on the chess board of European diplomacy throughout the seventeenth and early eighteenth centuries. Neither France nor Britain viewed the province as an attractive, exploitable or profitable settlement colony. Small shoreline communities served as convenient rest stations for vessels engaged in the coastal fishing industry, and some fur trading did extend into the interior. However, compared to other developed areas in North America, its commercial importance was marginal. In 1713, after more than a century of colonial activity, Nova Scotia could claim a permanent population of no more than eighteen hundred.⁶⁵ Some were farmers, a few were traders, but most depended on fishing for a livelihood.

But what Nova Scotia lacked in economic activity was more than offset by its strategic geographic location and hence its military and naval importance to the security of both the British and French empires in North America. Control of such areas as the mouth of the St. John River, the Bay of Fundy, Cape Breton and the Gaspé coastline were important to the protection of adjacent territories claimed by either France or Britain. Nova Scotia could serve as a buffer between New England and New France or, if totally secured by one power, could provide a convenient launching place for the invasion of the other. It was no accident that during most of the province's early history, both France and Britain strove to maintain a presence in the region.

65. Population figures for Acadia are given in J.B. Brebner, New England's Outpost; Acadia before the Conquest of Canada (Columbia University, 1927), p. 46. In 1671 the population was 441; in 1714 it was officially recorded as being 1 773.

The Indians who inhabited Nova Scotia or Acadia, principally the Micmac and Malecite tribes, played a very limited commercial role in the region's early history. They contributed little to the fishing industry, to sporadic attempts made by Europeans at farming, or to the cutting of timber for ship masts and lumber for the British and French navies. But they were extremely important militarily: in times of French-British intercolonial rivalry, allied-Indian support or resistance, even in small numbers, could and often did tip the balance in favour of one or the other imperial contestant.⁶⁶

Generally, both Micmacs and Malecites favoured the French over their British rivals. What little trade in beaver and other peltry took place in Nova Scotia was conducted primarily between Indian and Frenchman at the Indians' summer settlements or from the half-dozen posts the French Crown sponsored in the province.⁶⁷ Also, as in Quebec, Catholic missions established in Nova Scotia contributed a great deal towards cultivating and sustaining the Indians in the French interest.⁶⁸

For their part, the British tried a variety of countermeasures to gain the trust and military assistance of the province's natives. Most of these proved to be ineffective and unsuccessful. Essentially, negotiations between British colonial officials and Indian representatives occurred only when the British perceived

66. This was especially true, for instance, when the British took the strongholds of Fort La Tour and Port Royal from the French in 1654, and later in the recapture of Port Royal by the French in 1690.

67. Three of the more active ones were at Medoctec, Fort Jemseg and Woodman's Point. W.O. Raymond, The River St. John (St. John, N.B., 1910), p. 47.

68. The activities of Pères Parc and Gaulin are illustrative of this point. Their political connections with the Intendant in Quebec and the French ministry in Paris are described in MacNutt, The Atlantic Provinces: the Emergence of Colonial Society, 1712-1857 (Toronto, 1965), p. 30. See also aspects of the career of l'abbé Jean-Louis Le Loutre in Finn, "Jean-Louis Le Loutre." Another religious official who assisted the French in Acadia was Père Thury. See John Clarence Webster, Acadia at the end of the Seventeenth Century (St. John, N.B., 1934), p. 11.

the possibility of a military crisis or after actual open conflict had occurred between the two groups. The British never felt it important to sustain a relationship or discussions with these tribes on matters of land, trade and defence - issues of extreme importance to the Indians. Instead, British officials satisfied themselves with Indian-endorsed paper commitments in the form of treaties of "Peace and Friendship," documents which, if one might judge the subsequent activities of both sides, meant little to either participant.

Such was the case in the period 1725-28, when after some thirty years of sporadic warfare between the Eastern Tribes and British settlements in Nova Scotia, New England and Massachusetts Bay, the Indians of the Abenaki Confederacy, along with members of the Micmacs and Malecites, agreed to negotiate a peace. The treaty that was endorsed by representatives of the Eastern Tribes and British officials at this time is illustrative of the British approach to Indian affairs in Nova Scotia on several counts. The Indians, representatives of most of the major tribes inhabiting the north-eastern seaboard colonies, agreed to desist from former acts of hostility either for their own part or in concert with any other nation. They also pledged: to allow settlement to continue peaceably; to submit differences involving land, trade and all other matters to colonial officials for arbitration; and finally, to assist the British in reducing to submission any tribe which broke the peace.⁶⁹ In return, it appears the British committed themselves to very little. Platitudinous language about government treating Indians fairly as it would all other British subjects and protecting traditional hunting, fishing and fowling grounds appears in this and most subsequent agreements. However, no specific or what might be considered enforceable set of measures is mentioned to guarantee the colonial side of the bargain.

69. A printed copy of "The Submission and Agreement of the Delegates of the Eastern Indians" of 15 December 1725 is contained in Cumming and Mickenberg, Native Rights, pp. 300-302. Representatives of both Micmacs and Malecites endorsed the treaty in July of 1727 at Casco Bay and in May of 1728 at Annapolis Royal. A facsimile of the original is contained in Thomas B. Akins, Selections from the Public Documents of the Province of Nova Scotia (Halifax, 1869), Folder between pages 572-573.

Further, save for the governor himself, no individual or government body was given the task of ensuring that Indian grievances would be heard and redressed on an ongoing basis. By 1752, what came to be known as the "Boston Treaty of Peace and Friendship" was re-ratified and then broken at least a half-dozen times by British and Indians inhabiting Nova Scotia.⁷⁰

70. For specific dates, see L.S.F. Upton, "Mimac Resistance in Nova Scotia, 1714-1740," a paper read before the annual meeting of the Canadian Historical Association at Fredericton, N.B. in June of 1977. A facsimile of the agreement ratified by the St. John's Indians on board the Beaufort in August of 1749 is contained in Akins, Documents of Nova Scotia, folder between pages 572 and 573. A printed copy of the one ratified by members of the Micmac tribe of the East Coast of Nova Scotia on 22 November 1752 at Halifax is contained in Cumming and Mickenberg, Native Rights, pp. 307-380.

PART I

CROWN CONTROL & CO-ORDINATION OF BRITISH-INDIAN
RELATIONS TO 1753

The Colonial Phase

Sometime during the 1740's and early 1750's, an awareness developed among British officials in North America that a more rational, uniform and, most importantly, better co-ordinated policy for governing colonial-Indian relations was needed. The success and perhaps even the survival of the British presence in North America depended upon it.

It was the War of the Austrian Succession, fought both in Europe and in North America between 1744 and 1748,¹ which proved to be the first catalytic agent for a re-examination and re-alignment of British policy toward Indians. This conflict emphasized the serious lack of co-ordination and co-operation in the conduct of colonial Indian affairs among individual provinces. Agreements made between one colony and its neighbouring Indians had often worked to the detriment of that colony's sister provinces in particular, and the British imperial cause in general. The war simply brought this problem into focus. It also pointed up in a clear and uncompromising fashion the serious deficiencies in a system which allowed economic and political concerns to take precedence over military necessity in a time of crisis. Indian policy in the hands of those whose prime motivation was personal interest as opposed to the public good became a completely untenable situation.

The British colonies' first, and at times only, line of defence against the French was the Six Nations Iroquois Confederacy, which occupied the northern territory lying between the settlements of the two European colonial powers.² The Iroquois had remained neutral throughout the first two imperial wars,³ and although this policy might appear nonpartisan, it actually worked to the advantage

1. King George's War in the colonies.

2. An analysis of the role of the Six Nations, their numbers and impact upon inter-colonial conflicts, is given in Frank T. Inouye, "Sir William Johnson and the Administration of the Northern Indian Department" (Ph. D. Thesis, University of Southern California, 1951), pp. 2-19.

3. King William's War of 1689-1697 and Queen Anne's War of 1701-1714.

of the British. The Confederacy never permitted either side to dispatch an invasion force freely through its territory. With an interior frontier thus protected by Six Nations "neutrality," the British could concentrate their military energies against French-held Atlantic coastal positions, exploiting British naval supremacy. It was during the War of the Austrian Succession that this pattern of British colonial defence strategy threatened to collapse.

In early 1745, a situation developed along the New York frontier that officials in the northern British provinces perceived as reaching crisis proportion. French and allied-Indian insurgents had penetrated deep into British-claimed territory south of Montreal and were threatening a full-scale attack on a number of poorly fortified British outposts south of Lake Champlain. After an extremely tense and worrying summer, colonial officials from four British provinces planned a joint meeting with the Six Nations to map out a co-ordinated strategy to confront the French military threat. This attempt at intercolonial co-operation on an issue involving Indian affairs was the first major development in British Indian policy brought on by the war.

From a colonial point of view, the possibility of acting in military concert with the Six Nations appeared promising. It was hoped that a conference which included representatives from more than one province would demonstrate to the Indians a certain "unity of resolution" on the part of the British. Also, the session held at Lancaster, Pennsylvania the previous summer, between an intercolonial delegation and the Six Nations (to settle various land questions), appeared to have been a minor triumph. It was with a great deal of confidence in the success of the venture that Governor Clinton of New York asked the Albany Indian Commissioners to call a meeting of representatives of all the Six Nations at Albany for October 1745.

Colonial officials from New York, Massachusetts, Connecticut and Pennsylvania arrived at Albany a few days prior to the Indian delegations to plan a unified programme for presentation to the Six Nations. Their deliberations and their subsequent failure to agree on what should be required of their Indian allies represents, in microcosm, much of what had been wrong with the British colonial administration of Indian affairs. Each colony had its own uncompromising per-

ception of how the war should be conducted, who should pay for it and what the Iroquois should be promised for their assistance. Massachusetts demanded that the Six Nations unilaterally and immediately declare war on the French and their allied tribes; the pacifist Pennsylvania delegates preferred a more defensive commitment and refused to provide any guarantees that their province would act jointly either with the Indians or with the other colonies; Governor Clinton could not promise any financial support from his tight-fisted New York Assembly; and Connecticut appeared to be more concerned with having the Iroquois guarantee protection to a number of its frontier settlements than with their pledging to act offensively in the conflict.⁴ It was also assumed that the Iroquois, out of respect or loyalty, would not demand a price for their military assistance. Hence the delegates did not devise a comprehensive response to possible complaints from the Six Nations over recurring problems associated with land and trade.⁵

The shortcomings of the first real intercolonial approach to co-ordination of British-Indian military affairs became evident soon after the conference began. The Mohawks, traditionally the most pro-British of the Six Nations, immediately expressed their concern over alleged plans by a number of Albany merchants to acquire certain of their lands. Sachem (Chief) Hendrick, one of the most powerful of the Six Nations chiefs and spokesman for the Mohawks, expressed

4. Documents relating to the 1745 Albany Conference are contained in O'Callaghan, N.Y.C.D., VI:290 ff.

5. In the late 1730's and early 1740's, major disputes erupted between the Six Nations and the colonies of Virginia, Maryland and Pennsylvania over land claims. One source of disagreement was the occupation by settlers of land along the Juniata River - an area both Maryland and Pennsylvania were eager to develop. Conassateego, an Onondaga Chief, had complained that other settlements had also been established south of Pennsylvania, this time by Virginians without compensation to his tribe. This latter issue culminated in a skirmish between the Virginia militia and the Iroquois in which a number of colonists were killed. Three conferences called to settle these and other disputes - two at Philadelphia in 1742 and one at Lancaster in 1744 - were only partially successful in convincing the Six Nations that the British would not unilaterally take away their lands. The first of the Philadelphia conferences (1742) is documented in Colden's Five Nations, II:61-115. Details of the "Lancaster Conference" of June 1744 are cited ibid, pp. 117-204.

the fear that, in light of previous expansion into Iroquois territories in New York and New England, the British were planning to force his people off their lands completely.⁶ He also complained that in spite of the long friendship which had developed between the British and the Iroquois, the provinces had allowed a few individuals to exploit the fur trade by charging excessive prices for goods essential to his people.⁷

The British commissioners seemed to have been caught completely off-guard by Hendrick's complaints. In their response they either couldn't or wouldn't provide the Iroquois with unequivocal guarantees for protection of their lands or for moderation in prices of goods at British trade posts.⁸ Governor Clinton attempted to divert Iroquois attention from matters of land and trade by relating news of the spectacular British victory over the French at Louisbourg just a few weeks before. The ploy failed. By the close of the conference, it was clear that the Iroquois were unprepared to provide the British with a resolute guarantee to fight an offensive war against the French. They did state, however,

6. O'Callaghan, N.Y.C.D., VI:294-295. Hendrick's allusion to British expansion in New England referred to settlements that had been encouraged and established by Massachusetts. These extended from the Penobscot River in Maine to the eastern border of New Hampshire and from the Merrimack to the Connecticut Rivers, across the southern part of the present state of New Hampshire. Land speculation in these areas had also been engaged in by the Penobscot (Land) Company, a group of Boston merchants given proprietary rights by the Crown over regions of the lower Kennebec River in 1714. For an analysis of the early activities of this company and others who were involved in New England land speculation see Leach, The Northern Colonial Frontier, 1607-1763 (New York, 1966), pp. 172-176. Hendrick also claimed trickery by a number of New York speculators who allegedly had "five or six deeds in their pockets" and who had already surveyed some Mohawk lands by night. O'Callaghan, N.Y.C.D., VI:294.

7. Ibid., p. 301.

8. Ibid., pp. 276-299. The colonial commissioners were also hampered throughout the conference by persistent rumours which had spread among the Six Nations the previous winter that the British were planning the annihilation of the Six Nations tribes. The stories had first spread among the Senecas living near the French post at Niagara and probably originated from a Frenchman, Charbot Joncaire, who had been dispatched from Canada to draw the Six Nations Confederacy over to the French camp. Joncaire apparently told the Indians that the British had written the French governor at Quebec, proposing a joint effort to exterminate the Six Nations and to divide their lands among the two colonial powers. It was an effective ploy and assisted in dampening Iroquois-British relations. Ibid., pp. 292-293.

in a rather ambivalent way, that they would resist French attacks on their own lands. Colonial delegates had to accept this promise as the best that could be extracted from the Confederacy in the circumstances.⁹

The stance taken by the Six Nations at the 1745 Albany Conference was one which was interpreted by British officials as supporting long-range Indian interests at the probable expense of the British colonial establishment. They were aware that the Iroquois had already held discussions with the French concerning Indian military strategy. The Iroquois were in an enviable position. They could maintain an uneasy friendship with the British and yet not commit themselves to either Britain or France in a vicious frontier conflict between the two powers. They could also choose to maintain the option of negotiating with the French, should it appear more expedient to ally themselves with Britain's rival to the north. All of this left British colonial officials extremely uneasy, not only for the duration of the King George's War, but for some time afterwards.

Although late in the war the Iroquois were finally persuaded to participate in the conflict on the British side,¹⁰ their apparent reticence to support the British military offensive was a lesson that was not soon forgotten. What was at stake gave just cause for grave British concern.

9. Governor Clinton's decision not to press the Iroquois for a more concrete commitment was probably influenced by a political struggle then occurring between himself and James De Lancey, President of the New York Council. De Lancey had considerable influence among members of the New York Assembly and close ties to the Albany trading community. The Albany merchants had given De Lancey assurances that whatever happened, the Six Nations would not allow the French to invade New York. Acting on this assessment and convinced of the security of the province's frontier, De Lancey began to shape official government policy toward a course of pacification of the Iroquois. If the Six Nations remained at peace, it was hoped that "business as usual" would be carried on at Albany with both the Iroquois and the French traders from Montreal, in spite of any other frontier disturbances. For an analysis of the Clinton - De Lancey controversy over New York Indian policy, see J. Tootle, "Anglo-Indian Relations in the Northern Theatre of the French and Indian War, 1748-1761" (Ph. D. Thesis, Ohio State University, 1972), p. 81, footnote 9. Also James T. Flexner, Mohawk Baronet: Sir William Johnson of New York (New York, 1959), pp. 46-47.

10. In April of 1747. Tootle, "Anglo-Indian Relations," p. 58. The only concerted joint effort came when some six hundred warriors marched under William Johnson against a French force near Lake George in August of 1747. Even this did not result in battle. By the time Johnson and his war-party reached Lake George, the French and their allied Indians were already in full retreat back to Canada. Ibid., pp. 59-60.

The Five and later the Six Nations Confederacy had always been viewed as a kind of lynchpin in the security of the northern British provinces.¹¹ The belief was widely endorsed by government officials in both London and the colonies that the Iroquois were Britain's "frontier guards, always ready to defend [British] out settlements and to make war upon any other Nation whenever we require them to do it."¹² Governor Slaughter of New York stated in 1690, immediately preceding the start of King William's War, that if the French succeeded in allying themselves to the Iroquois "they certainly get all America."¹³ Governor Dongan, also of New York, was the first to speak of the Iroquois as a kind of buffer or "bulwark between [the British] and the French."¹⁴ And the British government itself was not unaware of the strategic position played by the Iroquois on its North American frontier. In a discussion on Indian affairs which took place in the House of Commons in March of 1700, it was noted that the Board of Trade had "represented the necessity of preserving the friendship of the Five Nations of Indians which are a barrier between his Majesty's plantations and Canada."¹⁵ Nothing had changed either strategically or politically in North America during the first half of the eighteenth century to alter this view of the importance of the Iroquois to Britain's colonial security.

11. The Iroquois were originally a confederacy of five nations: the Mohawks, the Onondagas, the Oneidas, the Cayugas and the Senecas. A sixth tribe, the Tuscaroras, was added in 1720.

12. From a report by the Board of Trade to the Southern Secretary, the Duke of Newcastle, 20 August 1730, cited in Stanley Pargellis, Lord Loudoun in North America (New Haven and London, 1933), pp. 4-5.

13. Cited in William M. Beauchamp, A History of the New York Iroquois (New York, 1905), p. 239.

14. "Report on the State of the Province of New York," 22 February 1687/8. O'Callaghan, N.Y.C.D., I:99.

15. Leo Francis Stock, ed., Proceedings and Debates of the British Parliaments Respecting North America (Washington, 1924-45), II:368.

What had given the Iroquois such prominence in colonial affairs was the geographic position the tribes occupied between the two rival empires of France and Britain. Six Nation territories extended from the Mohawk Valley, north-westward around Lakes Erie and Ontario, and southward to present-day Kentucky.¹⁶ Their military support, given to either the French in Canada or to the British seaboard colonies, would certainly threaten the stability - if not the existence - of the other colonial empire.¹⁷

First the Dutch and later the British succeeded in exploiting the historical enmity which existed between the Iroquois and their northern counterparts, the Algonkian tribes. This latter Indian grouping, which occupied the area north of Lakes Erie and Ontario, was most closely linked, militarily and commercially, with the French in Canada. A century of conflict between the Algonkians and the Iroquois saw the Five Nations Confederacy emerge as the stronger, both militarily and commercially. Their Algonkian rivals, reduced to a state of exhaustion and abject poverty, were no longer a major factor in interimperial conflict.

From the end of the seventeenth to the middle of the eighteenth century, the Iroquois continued to hunt and trap, but more importantly, they became key middlemen in the lucrative fur and skin trade conducted between the far western tribes and British merchants in Pennsylvania and New York. Furthermore,

16. Beauchamp, New York Iroquois, pp. 131, 135. For a critical and scholarly analysis of the extent of the Iroquois "empire" see George T. Hunt, The Wars of the Iroquois (Madison, Wisconsin, 1940). Hunt concludes that the Iroquois controlled most of the present state of New York, western Pennsylvania, and held a loose dominion over present-day southwestern Ontario and eastern Ohio. Ibid., p. 161.

17. Historian Pierre Charlevoix, reflecting on the importance of the Iroquois to the French and British holdings in North America, stated in 1766:

"... nothing has contributed more to render (the Iroquois) formidable, than the Advantage of their Situation; which they soon discovered, and knew well how to take Advantage of it. Placed between us and the English, they soon conceived that both Nations would be obliged to court them, or at least to engage them to remain neuter..." Voyage to North America (Dublin, 1766), II:22.

because Britain could supply at the cheapest rates the principal goods which these Indians sought - cloth strouds, powder and shot - the British held a distinct advantage in commercial dealings with the Iroquois.¹⁸

In spite of the fact that fur trade was not the lifeblood of British enterprise in North America, the British were always careful to sustain their commercial activities in this area, partly to guarantee the continued loyalty of the Iroquois Confederacy. When the Iroquois complained of abusive use of liquor by British traders or of inflated prices for goods at British trading posts, or of the illegal trade between Albany and Montreal, British authorities usually listened and acted with varying degrees of success. It was too important to the welfare of the colonies not to. However, during King George's War, the formidable build-up of the French military in Canada, the effective raids made by French-allied Indians on British frontier settlements and trading posts, and the apparent inability or reluctance of the British to respond in kind to the French threat, prompted the Six Nations to question the sagacity of their historic pro-British alliance.¹⁹

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18. In fact, a significant proportion of the goods used by the French at Montreal and Quebec in their trade was obtained from the British and Dutch merchants at Albany. Under such circumstances, on a purely commercial basis, the French had little hope of competing favourably with their British counterparts. The French, however, were willing themselves to travel large distances and conduct business among far-off Indian encampments, thus saving the Indian a long trek, often over a distance of hundreds of miles, to the nearest trading center. A comparative price list of 1689, showing the exchange rate in beaver pelts for key commodities obtained in both Albany and Montreal, demonstrates quite dramatically the natural commercial advantage held by the British.

	<u>Albany</u>	<u>Montreal</u>
8 lbs. of powder	1 beaver	4 beaver
A gun	2 beaver	5 beaver
4 lbs. lead shot	1 beaver	3 beaver
Blanket (red cloth)	1 beaver	2 beaver
Blanket (white cloth)	1 beaver	2 beaver

O'Callaghan, N.Y.C.D., IX:408-409.

19. The Confederacy was represented at the October 1745 Albany Conference by spokesmen of only Five of the Six Nations. The Senecas sent no emissaries, claiming that they were currently trying to cope with a severe medical epidemic, thus prohibiting their participation in the Albany proceedings. Since the Senecas were, of all the Iroquois, the most sympathetic to the French, it is a strong possibility that they avoided the conference for reasons of politics rather than health.

The failure of the co-operative approach at Albany in 1745 and the reluctance of the Six Nations to promise active support to the British war cause led to a second major development in British-Indian relations during this period: the appointment of William Johnson as the sole Commissioner of Indian Affairs in New York.

Because the Iroquois occupied the geographic area they did, the administration of relations between the Six Nations and the British naturally devolved upon New York and hence upon the Board of Indian Commissioners at Albany. As mentioned previously, this had not proven a successful relationship. Because the chief and often exclusive interests of Commission members lay with the peltry trade and its regulation, other important matters such as those relating to Indian lands and colonial defence tended to be overlooked. The appointment of William Johnson to replace the Board of Indian Commissioners in 1746 was in part an acknowledgement of the inadequacy of the latter's single-minded approach. It was also a recognition by at least one British colony of the danger in allowing private interests, either political or financial, to control an activity so important to the welfare of the entire community. New York Governor Clinton, who appointed Johnson, was convinced that the Albany Commissioners might sacrifice the colony's security to maintain the lucrative Montreal-Albany Indian trade.

The Board of Commissioners had also evolved a much closer relationship with the New York Assembly than with the governor. The former represented the colony's political interests and the latter, the Crown's. Clinton believed that a more "independent voice" for the administration of Indian affairs, with authority directly from the provincial governor, would assure the Crown and the Indians a more even-handed approach to their shared concerns. The apparent success of a similar approach by the French to dealings with their Indians was not lost on either Clinton or his associates. Cadwallader Colden, a close confidant and advisor of Clinton's, wrote in 1746, just before Johnson's appointment:

The chief Reason ... of the French having so far succeeded beyond the English is that Indian Affairs are the particular care of the Governor and other principal Officers in Canada, who have the greatest knowledge and authority....²⁰

Given the failure of British colonies to co-operate on matters of defence and colonial security, it appears that Clinton was prepared to take matters into his own hands.

Johnson's appointment as "Colonel of the Forces of the Six Nations of Indians"²¹ reflected Clinton's concern for renewing the traditional alliance between New York and the Iroquois for purposes of colonial defence and joint military strategy. Johnson himself was given wide discretionary authority in his day-to-day dealings with the Iroquois, but the governor, as commander-in-chief of New York, retained control over the most crucial matters of colonial-Iroquois relations. While Johnson convened numerous conferences with the Six Nations throughout the war on issues relating to defence, military supplies and battle plans, Clinton demanded to be informed of every detail of the proceedings, when not present himself.²²

Johnson soon gained the respect and personal loyalty of the Six Nations. He proved himself a competent administrator, adept negotiator and an extremely shrewd diplomat.²³ However, for all his skill and diligence, Johnson was

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20. Colden, Five Nations, I:22. Colden had a long career in British colonial politics in the eighteenth century. He served at various times as Surveyor General, President of the Council and unofficial advisor to three governors, all in New York. His two-volume History of the Five Indian Nations was published the same year William Johnson became the province's chief advisor on Indian affairs. The relationship between Colden and Clinton is touched on in Flexner, Mohawk Baronet, pp. 49-50.
 21. "Commission and Instructions to William Johnson by His Excellency the Honourable George Clinton...", 27, 28 August 1746. James Sullivan and Andrew Fleck, eds., The Papers of Sir William Johnson, (1738-75), (Albany, 1921-), I:59-61. Clinton had, a few days before, elevated Johnson to the colonelcy in a dramatic ceremony before the Six Nations at another Albany Conference. For a record of the proceedings of this conference, see Colden, Five Nations, II:226-252.
 22. See, for instance, Clinton's warrant to Johnson concerning the latter's instructions for a meeting at Onondaga in early 1747. Clinton to Johnson, 2 December 1746. Sullivan, Papers of Johnson, I:67-68. See also Johnson's long and detailed report to Clinton on a meeting with the Six Nations of 25 April 1747. Johnson to Clinton, 7 May 1747. O'Callaghan, N.Y.C.D., VI:358-63. Clinton himself presided at a conference held at Albany in July of 1748. Ibid., VI:441 ff.
 23. Perhaps the best analysis of Johnson's career in Indian Affairs administration is contained in Inouye, "Sir William Johnson." Earlier published accounts of Johnson and his dealings with Indians include: William L. Stone, The Life and Times of Sir William Johnson, 2 vols. (Albany, 1865); William Elliot Griffis, Sir William Johnson and the Six Nations (New York, 1891); Arthur A. Pound, Johnson of the Mohawks (New York, 1930). The most personalized account of Johnson as trader, land speculator and Indian affairs administrator is contained in a more recent work by Flexner, Mohawk Baronet.

not able to persuade the whole of the Six Nations to commit themselves without qualification to the British cause during the war. Part of the problem was the intransigence and often sheer inability among the various military establishments in the individual colonies to co-ordinate a unified effort on the British frontiers. In late 1745, the French and their Indian allies violated both Iroquois and British territory with raids against Saratoga and Hoosic, leaving no remaining strongholds between Albany and the enemy.²⁴ In 1746, more raids in the Albany-Schenectady region and on the Massachusetts frontier threatened the security of all the northern colonies.²⁵ The British response was ambivalent and totally inadequate. First, a large intercolonial invasion force, organized by Massachusetts Governor William Shirley and intended to "subdue the Country of Canada," failed to materialize.²⁶ Secondly, a lesser effort planned against the French at Crown Point also had to be aborted when rumour spread of an imminent attack by the French fleet on Boston.

All of this had a profound effect upon the Iroquois. They perceived the British as being neglectful of their responsibilities to protect the northern frontier and, as a result, hedged on their own full-fledged participation. The Six Nations, mostly recruits from Mohawk castles (villages), did take part in a number of small raids on French strongholds but for the most part remained inactive or "neutral." By the spring of 1748, Iroquois frustration over British military ineptness turned into bitter resentment. Johnson warned of an "Open Rupture" occurring between the Six Nations and New York.²⁷

24. Howard Peckham, The Colonial Wars 1689-1762 (Chicago, 1964), p. 108.

25. Ibid.

26. O'Callaghan, N.Y.C.D., VI:318-319. The governors of New York, Virginia, Maryland, Pennsylvania, and New Jersey had been ordered by the British government to mount a joint land attack against the Canadian interior. Simultaneously, forces from Massachusetts, Rhode Island, Connecticut, and New Hampshire were to go by sea to Cape Breton, join the British fleet there and make an attack on eastern Canada. Although the surprising number of 7 800 troops was raised from eight colonies, co-ordination of plans was slow and by the time the force was ready to move, the promised support from Britain failed to arrive. Tootle, "Anglo-Indian Relations," p. 82, footnote 13; Peckham, Colonial Wars, pp. 109-110; O'Callaghan, N.Y.C.D., VI:384-385.

27. E.B. O'Callaghan, ed., Documentary History of the State of New York, 4 vols. (Albany, 1850-51), II:360-361. A specific complaint made by the Iroquois was that the British had brought some of their numbers into active service and now refused to assist those who were captured by the French and incarcerated at Montreal. Johnson to John Catherwood, 16 March 1748. Sullivan, Papers of Johnson, I:149.

The Failure of British Colonial Control of Indian Affairs
and the Beginnings of Imperial Intervention 1748-1753

The Treaty of Aix-la-Chapelle, signed in Europe in October 1748, ended hostilities in King George's War in North America and the War of the Austrian Succession in Europe. It did not, however, remove the causes of friction between the two rival empires of France and Great Britain. The strategically located fortress at Louisbourg was returned to the French for concessions agreed to by the latter in India. Provisions were made to appoint a commission to settle a definitive boundary between the French and British territories in Acadia. Aside from these items, the treaty was silent on the long-standing issues between the two imperial powers concerning land, commerce and trade in North America. The peace took practically no cognizance of the colonial problem: the treaty suspended rather than ended the hostility between French America and British America. Each would continue to view the other with suspicion and malevolence. Embattled colonial Frenchmen and Englishmen were left facing each other on a half-dozen fronts, in areas separated by vast stretches of forest, river, or sea.²⁸

Between 1748 and 1756, French and British colonies in North America shared three common problems. Firstly, it had been left to the colonies of both empires to consolidate their rights over territories within which each had a strategic or commercial interest to maintain or exploit. Where claims overlapped, the potential for conflict was great. Both empires were expanding, and neither would tolerate its ambitions being blocked by the other. The Peace of Aix-la-Chapelle left unsettled almost every boundary question that had troubled relations between France and Britain in North America since the ejection of the Dutch from New Netherland in 1664. Acadia and the so-called Ohio Country were two crucial areas whose ownership remained to be decided by the two imperial powers. Secondly, after the War of the Austrian Succession, neither France nor Britain could claim unqualified support from their traditional Indian allies. In France's case, the tribes which accompanied French soldiers into

28. Tootle, "Anglo-Indian Relations," p. 86; Max Savelle, The Diplomatic History of the Canadian Boundary, 1749-1763 (New Haven and Toronto, 1940), p. 1; Peckham, Colonial Wars, pp. 116-117.

New York and New England suffered few casualties, but the long campaigns, constant deprivation and exhausting treks into enemy territory had stemmed their enthusiasm for the French cause.²⁹ The cooling of relations between the British and the Six Nations has already been explained in some detail. Any further erosion of Iroquois support represented potential disaster to a half-dozen British provinces. Thirdly, both France and Britain were faced with a need, at best, to maintain and, at worst, to increase costly military establishments in North America when the two imperial rivals had virtually exhausted their treasuries on a four-year war effort. In Paris, ministers of the Crown had begun asking fundamental questions concerning the real benefits and costs of maintaining a highly unprofitable North American empire.³⁰ In London, officials were frustrated by the apparent inability of their overseas possessions to fend for themselves. Recent events had shown that the British provinces were incapable of launching a sustained attack on the French and were reluctant to contribute substantially to their own defence. By the early 1750's, the future success of the empires of France and Britain in North America depended upon an appropriate resolution of each of these three problems.

29. In a "Memoir" written about 1750 by former New France Governor the Marquis de la Galissonnière, it was stated that continued Indian support of the French in North America was precarious. The ex-governor believed that it was "fear" rather than "love" which had come to motivate loyalty among the French-allied tribes and that if the "nearly equal balance" between the two empires should tip in Britain's favour, all French settlement would be lost. Marquis de la Galissonnière's "Memoir on the French Colonies in North America" (c1750). O'Callaghan, *N.Y.C.D.*, X:223, 224. The ideas in the Memoir actually date from 1748. It was then, while governor of Canada, that Galissonnière composed a dispatch to the Minister of Marine in Paris containing most of what he later consolidated in the document cited here. M. de la Galissonnière à Comte de Maurepas, Quebec, 1 Septembre 1748. *Ibid.*, pp. 134 ff.

30. Arguments were being raised against the retention of Louisiana and Canada. The case was being made at the time that only those colonies which were a source of revenue should be retained, while those which were a constant drain on the resources of the mother state should be allowed to shift for themselves. This argument was no doubt fuelled by a report in 1752 by the Compagnie des Indes which outlined the old and new deficits incurred by the Company in its activities in Louisiana and Canada and juxtaposed these against the profits it had realized in the East Indies. An extended discussion of this report is contained in Gipson, *British Empire*, V:267-268. See also T.C. Pease, ed., *Anglo-French Boundary Disputes in the West, 1749-1763* (Springfield, Ill., 1936), *Illinois State Historical Library Collections*, Vol. XVII, French Series Vol. II, xii-xiii. Pease estimates that Louisiana actually cost France some 800 000 francs per year in cash outlay. Canadian expenses in government and military expenditure came to at least this amount.

After 1748, Acadia remained a potential source of conflict between the territorial aims of France and Britain. Aix-la-Chapelle confirmed the cession of the country "with its ancient boundaries" to Britain, but an obvious source of future friction lay in the fact that no one actually knew what those "ancient boundaries" were. Article X of the Treaty of Utrecht of 1713 had, like the 1748 peace, made provision for a joint Anglo-French commission to determine this point and "the limits between the other French and British colonies in those countries."³¹ However, some thirty-five years of sporadic negotiations between the two powers had failed to produce a solution. When British development of the area increased after 1715, and the strategic importance of the valleys of the Kennebec and St. John Rivers became clear, French diplomats convinced themselves that the Acadia ceded to England in 1713 did not include the lands between the Isthmus of Chignecto and the eastern borders of New England. French policy soon aimed at containing British settlement to the southern part of the Nova Scotian peninsula and east of the Bay of Fundy. The British, for their part, constantly maintained that on the basis of a 1621 royal charter granted to Sir William Alexander and in light of subsequent occupations, the ceded limits of Acadia included all the land lying between the Kennebec and St. Lawrence Rivers, eastward to the Atlantic.³²

31. The texts of the Anglo-French and Anglo-Spanish Treaties of Utrecht are printed in Davenport, European Treaties, III:208-214, 223-231. The provision quoted above from Article X is found ibid., III:211. Louis XIV ceded "Nova Scotia, otherwise called Acadia, in its entirety, conformable to its former limits; as also the town of Port Royal now called Annapolis Royal, and generally all the dependencies of the said lands..."

32. British diplomats also used the Treaty of Breda of 1667 to substantiate their claim whereby Sir Thomas Temple of Britain had surrendered to the French all of mainland Nova Scotia from the Kennebec River to the Atlantic. A description of Nova Scotia, outlining the British case, was contained in the instructions given to British Commissioners appointed to negotiate the boundaries of Hudson's Bay and Acadia in 1718. The limits of Acadia as contained in the Treaty of Breda are printed in Davenport, European Treaties, II:183, 184. The 1718 Commissioners Instructions are printed in British Diplomatic Instructions 1689-1789, vol. II (London, 1922), pp. 198-200.

Between 1715 and 1748, numerous disputes, some producing armed skirmishes, occurred between Acadians, the French military and their allied Indians on one side and British settlers, the local militia and the British navy on the other.³³

The failure of the Treaty of Aix-la-Chapelle to designate a definitive boundary for Acadia condemned the area to continue as a battleground between the two rival powers.

The 1748 provision for a new commission to establish the true limits of Acadia was acted upon in 1750. Commissioners appointed from the French and British courts met in Paris for what would turn out to be a very long series of negotiations.³⁴ Between May of 1750 and December of 1755, the commissioners and their successors, the courts whom they represented and their monarchs, exchanged proposals, demands, admonitions and barely veiled threats to arrive at some suitable accommodation on the issue. But during the entire period, neither side was willing to substantially alter its position.³⁵ By late 1755, not only was it obvious that further diplomatic wrangling was hopeless, but events in North America had clearly overtaken any possible settlement that could have been made.

33. A typical conflict occurred between these two groups in 1718 when a dispute arose over the ownership of the island of Canso. French fishermen were driven from the island and several of their boats were seized. In 1721, the French with the aid of several Micmac warriors led a counter offensive against Canso, killed more than a dozen British and retook the post. Harriet Cunningham Hart, "History of Canso, Guysborough County," Nova Scotia Historical Society Collections XXI (1927):3-6.

34. Britain designated William Mildmay (whose appointment depended more upon family connections than upon any profound knowledge he may have possessed of colonial affairs) and William Shirley, Governor of Massachusetts and friend of Board of Trade President, Lord Halifax. The French chose the Marquis de la Galissonnière, a recent ex-governor of New France and two lesser court officials. Upon Mildmay's departure for Paris, the Duke of Newcastle, one of the George II's principal Secretaries, commented that the question of the Acadian boundary was "... the most ticklish, and the most important Point, that we have almost ever had singly, to negotiate with France." British Museum, "Newcastle Papers," Add. MSS. folios 305-307.

35. Full statements were published contemporaneously by both France and Britain outlining their positions on the outstanding issues. In France, it was Mémoires Des Commissaires du Roi et de ceux de Sa Majesté Britannique, sur les possessions et les droits respectifs des deux couronnes en Amérique; avec les actes publics et pièces justificatives, 3 vols. (Paris, 1755). A fourth volume dealing only with French claims to Acadia and the Island of Tobago was published in 1757. In Britain, the government sponsored the publication of The Memorials of the English and French Commisaries concerning the limits of Nova Scotia or Acadia (and St. Lucia), 2 vols. (London, 1755). The two publications also contained maps which demonstrated graphically the exact boundaries each side supported. These are reproduced in Savelle, Canadian Boundary, pp. i, ii.

During the winter of 1748-49, the recently appointed and energetic President of the Board of Trade, Lord Halifax, decided that when Louisbourg was officially returned to the French, it was vitally important that Britain strengthen its position on mainland Nova Scotia. He recommended to his superior, Secretary of State, the Duke of Bedford, that Britain sponsor the establishment of new settlements at strategic points on the peninsula and support these with an increased military force.³⁶ Nova Scotia was to be secured to the British empire by an avalanche of Protestant immigrants and a redeployment to the province of regular soldiers and volunteer militia already on the continent.³⁷ In March of 1749, the Duke of Bedford sought and received the king's consent to transfer to Nova Scotia the 40th and 45th Regiments which had been garrisoned at Louisbourg under Governor Hopson. At the same time, 3 000 prospective settlers, comprised for the most part of demobilized soldiers and sailors, were to be shipped from England to Chebucto, La Have, Whitehead, Baye Verte, and Minas.³⁸ In addition, Hopson was to persuade members of the 50th and 51st Regiments, also at Louisbourg,

36. "Extract of a Plan presented to His Majesty for the Settlement of Nova Scotia" (c. February 1749). House of Lords Record Office; Papers tabled by the Board of Trade, 12 March 1753. House of Lords Journal, XXVIII: 43-47. In 1748, Annapolis on the Fundy coast was the centre of British power and influence in Nova Scotia. Its fortifications were comprised of one crumbling stockade and a garrison of less than one hundred men. Instead of being proof against an armed force, the walls of the fort, observed Lord Halifax, "were not a sufficient fence against the cattle of the neighbourhood." It should also be noted that by 1748, the French farming community in Acadia had grown to a population of some 15 000 who traded at Louisbourg and who never willingly accepted the British presence in the colony. Dominik S. Graham, "British Intervention in Defence of the American Colonies, 1748-1756" (Ph. D. Thesis, University of London, 1969), pp. 16-17.

37. This was not the first time the Board of Trade had come out strongly in favour of making Nova Scotia a "settlement colony." In 1729, Martin Bladen, a Board member, proposed the creation of a civilian establishment in Nova Scotia to draw off settlers from Massachusetts Bay. By the mid-1730's, merchant groups and speculators thought the Board had finally succeeded in its quest. Thomas Coram, a British philanthropist and merchant, told a friend in 1737 that "We were in Expectation of seeing ... this Somer ... The Settling Nova Scotia with good Protestant Families, British and Foreigners under a Civil Government, not military nor Arbitrary." Both excerpts are quoted from Henretta, "Duke of Newcastle," pp. 379-380.

38. Chebucto later became Halifax. La Have and Whitehead are on the south shore of the peninsula and Baye Verte and Minas are situated on the Northumberland Strait side of the Isthmus of Chignecto.

to take up land in Acadia instead of returning home. Colonel Edward Cornwallis was appointed governor of the new "settlement colony" and the Board of Trade in London was made responsible for its overall organization and administration.³⁹

Cornwallis's instructions were based on detailed proposals, probably written by Lord Halifax in February of 1749.⁴⁰ Halifax emphasized the importance of providing security to the new British settlements and of being prepared to cover New England's eastern flank should hostilities break out again between the two imperial powers. The French were to be deprived of the ice-free harbour at the mouth of the St. John River and to be generally watched for any possible subversion in that area or any other where there was a large Acadian French or Indian population.

The arrival of over 2 000 settlers and the founding of Halifax in June of 1749 marked a renewed commitment by Great Britain to substantiate its claim to a large and strategically important area of North American territory. More importantly it signalled a willingness by the imperial Crown to participate directly and forcefully in colonial affairs. The role of the Board of Trade, advisory in the affairs of the other colonies, became an executive one in Nova Scotia. Parliament pledged some £50 000 yearly to support the province's settlement, and the Board of Trade had to justify all expenses made from this pool. Governors' instructions, written by the Board and issued by the king, detailed the expected conduct of Nova Scotian officials for nearly every aspect of the province's civilian and military affairs. The placement of almost four complete regiments of British regular soldiers⁴¹ at the colony's disposal was organized, arranged and paid for by the British Crown. London retained full authority over the province's military defence establishment, completely independent of any political rancour that might develop in the colony itself.

39. Bedford to the Board of Trade, 6 March 1749. House of Lords Record Office; Papers tabled 12 March 1753.

40. Compare "Proposals for the Establishment of a Civil Government and the Settlement of a Number of Protestant Subjects in the Province of Nova Scotia," Papers tabled 12 March 1753, with "Draft of Instructions for Governor Edward Cornwallis," Public Archives of Canada (PAC), Colonial Office Records (C.O.) 218/2/425 and C.O. 218/3/1.

41. The 47th Regiment of Foot was sent directly from England while portions of the 40th, 45th, and 51st arrived from Louisbourg after the French re-occupied the fort under the terms of Aix-la-Chapelle.

Britain's direct participation in the affairs of Nova Scotia permitted the establishment of concrete priorities by imperial officials that were meant to benefit not only Nova Scotia but the wider imperial scheme as well. Cornwallis was ordered to mend fences with the province's Indian populations⁴² and to begin prosecuting British claims to Nova Scotian lands. The new governor moved quickly on both items. Major Charles Lawrence, after one unsuccessful attempt in April of 1750, managed to secure a British military stronghold on the Isthmus of Chignecto in the fall of that same year.⁴³ It provided the British with an excellent point of embarkation against the French on the north shore of the Bay of Fundy and secured the territory southward for new settlement. Cornwallis also initiated measures aimed at winning Nova Scotia's Indian inhabitants over to the British side. In October of 1749, the Nova Scotia Council passed a measure whereby 1 000 bushels of corn were to be sent to the St. John's Indians "to confirm them in their good disposition towards the English.... That a reward of 10 guineas be granted for every [enemy] Indian taken or killed."⁴⁴ In 1751, Cornwallis sent Colonel Paul Mascarene to represent Nova Scotia's interests at a summer conference at [St.] Georges in New England. There, British officials

42. On two occasions, the Board of Trade instructed Cornwallis to gain the co-operation and friendship of the Indians of the province and to use whatever methods he found most appropriate to the task. In one instance, the Board emphasized the importance of achieving an understanding with the natives while the continent lay divided "between two rival states jealous for every degree and instance of superiority." Board of Trade to Cornwallis, 16 February 1750; PAC, C.O. 218/3/182 and Board of Trade to Cornwallis, 2 April 1750. C.O. 218/3/217.

43. In the Cumberland basin near the Missaquash River, it was named Fort Lawrence after its founder. The French responded shortly afterwards by erecting a fort of their own at Beauséjour, facing the British fort on the opposite shore of the Missaquash (in 1751). They also established two lesser ones across the Isthmus at Baye Verte on the Strait of Northumberland. La Jonquière, then governor of New France, protested to Cornwallis that Fort Lawrence was a clear example of British encroachment on French territory. House of Lords Manuscripts; Papers Relating to French Encroachments, La Jonquière to Cornwallis, 2 April 1750.

44. Cornwallis to the Board of Trade, 4 September 1751. Public Archives of Nova Scotia (PANS), Vol. 35, Document 42. The Council approved the measure on 17 October 1749.

from several north-eastern seaboard colonies met with delegates from tribes inhabiting disputed territories around the Kennebec, Penobscot and St. John Rivers - the so-called "Eastern Tribes of Indians."⁴⁵ The meeting was an apparent success. Cornwallis was able to assure the Lords of Trade on September 4th that an "accommodation" had been reached between the Malecites of the St. John River and his government.⁴⁶

In the autumn of 1752, Peregrine Thomas Hopson, who replaced Cornwallis as governor of Nova Scotia, reported a cordial meeting between his Council and a number of Micmacs from S[h]ubenacadie.⁴⁷ Out of that particular session emerged a tentative agreement between the Shubenacadie Chief, Jean Baptiste Cope, and the Nova Scotia Council - an agreement over matters concerning land, trade and Indian settlement which British officials hoped would be attractive to other bands and a basis for further agreements.

The document which was drawn up from the Council's meeting with the Micmacs from Shubenacadie was not unlike the old "Boston Treaty of Peace and Friendship." However, it did contain a number of detailed specifics that the former and its derivatives appeared to lack, one of which referred to Indian hunting and fishing activities. Section Four of the Treaty provided that the Indians "shall not be hindered from, but have free liberty of hunting and Fishing..."⁴⁸ No specifically "protected" regions are mentioned in the document, where settlement might be prohibited in favour of these other pursuits. However, when the agreement was being negotiated before the Council, Hopson used the general term

45. Cornwallis to the Lords of Trade, 4 September 1751. Akins, Documents of Nova Scotia, pp. 643-644.

46. Ibid.

47. Hopson to the Lords of Trade, 16 October 1752. Akins, Documents of Nova Scotia, p. 678. The meeting took place at the governor's residence on 16 September 1752.

48. "Treaty or Articles of Peace and Friendship Renewed..." Enclosure in a letter from Governor Hopson to the Right Honourable the Earl of Holderness, 6 December 1752. PANS, Vol. 35, Document 77. A copy of the Treaty is also printed in Cumming and Mickenberg, Native Rights, pp. 307-308.

"in this Country,"⁴⁹ perhaps signifying that neither he nor the Indians would have difficulty in acknowledging where potential problems between settlement and Indian hunting and fishing would occur. With respect to trade, in return for an Indian promise to deal exclusively with the British, Hopson promised to establish truckhouses near Indian settlements where they might bring skins, feathers, fowl, and fish, "or any other thing they shall have to sell... to dispose thereof to the best advantage."⁵⁰ This was a direct challenge to the French trading activities which had been successfully though not-too-profitably prosecuted among Nova Scotia Indian encampments for well over a hundred years. Finally, though not in the Treaty, Hopson gave the first concrete assurance of any Nova Scotia governor concerning Indian lands. He told Chief Baptiste Cope that if his band chose to "settle" with their wives and children "no person shall hinder it, nor shall meddle with the lands where you are..."⁵¹

Although the response to the treaty from other Indians in Nova Scotia was less enthusiastic than that of the residents of the Shubenacadie area,⁵² the negotiations which provincial officials initiated with the Micmacs represented a significant step in British-Indian relations in Acadia and elsewhere. It demonstrated clearly that the Crown, through its chief agent in the province, was prepared to undertake a direct involvement in settling issues between itself and colonial Indian populations - a pattern that would be repeated successfully in other parts of North America in the decade following 1752.

49. Minutes of the Nova Scotia Council, Halifax, 16 September 1752. Akins, Documents of Nova Scotia, p. 672.

50. Cumming and Mickenberg, Native Rights, p. 307.

51. Minutes of the Nova Scotia Council, Halifax, 16 September 1752. Akins, Documents of Nova Scotia, p. 672.

52. The mark of Jean Baptiste Cope and those of three of his lieutenants are the only recorded Indian signatures on Hopson's 1752 Treaty. Although Cope either chose or was given the designation of "Chief Sachem of the Mick Mack Indians Inhabiting the Eastern Coast of (Nova Scotia)," modern research has concluded that he represented only those Indians of his immediate tribe and had no authority over areas outside the Shubenacadie region. See Rex v. Syliboy (1928), I, Dominion Law Reports, 307, 50 (C.C.C.) 389 (Nova Scotia Cty. Ct.). At any rate, a truckhouse system was not approved by the imperial government and this aspect of the Treaty was not immediately implemented.

Expansion into the Ohio Valley and the Logstown Conference

The other geographic area on the North American continent where an even greater potential for British-French conflict emerged after the Treaty of Aix-la-Chapelle was the Ohio Valley. It was a region comprised of the territory lying south and west of Lake Erie, extending from present-day Detroit, overland to the Ohio River and then southward along the Ohio to the Mississippi Valley. The Ohio was absolutely vital to the imperial aspirations of both Britain and France. It was rich in furs and for this reason alone would have been worth winning. However, as one historian of the period states: "Had not a single fur-bearing animal inhabited the area it would have been of paramount importance to both nations."⁵³ Its long-range strategic value was much greater than any factor of purely economic consequence.

By 1748, French trading activities had advanced up the St. Lawrence from Quebec and Montreal to the shores of Lake Erie, via posts constructed at Frontenac⁵⁴ and Niagara.⁵⁵ French *coureurs de bois* were also trading out of a small fort constructed at Detroit on the St. Clair River. From the Gulf of Mexico, they had penetrated up the Mississippi to the mouth of the Ohio and beyond. French forts dotted the landscape stretching from Detroit to New Orleans. Towns had been established in the Illinois River country and at Vincennes on the Wabash. This left the Ohio Valley region as the last remaining link to connect the French northern and southern strongholds at Montreal and New Orleans.⁵⁶ If the Ohio fell into the French sphere, New France would extend its influence in

53. Tootle, "Anglo-Indian Relations," p. 29.

54. Present-day Kingston, Ontario.

55. The fort at Niagara, abandoned during Queen Anne's War, was revived by the French in 1720 and strengthened in 1726 at the personal request of the French king. O'Callaghan, *N.Y.C.D.*, V:550, 802-804. See also H.E. Osgoode, *The American Colonies in the Eighteenth Century* (New York, 1924), 3:364 ff.

56. Prior to King George's War, the Ohio Valley had not been an area of acute friction. France and Britain had hardly realized the importance of the great continental interior. It wasn't until M. Lery's expedition in 1729 that the French explored the upper reaches of the Ohio. The British likewise knew little about the "western waters" except that the French were there and the trade was fairly lucrative. Savelle, *Canadian Boundary*, pp. 11-12; C.W. Alvord, *The Illinois Country, 1673-1818* (Chicago, 1922), p. 185.

a powerful and impenetrable arc from the mouth of the St. Lawrence to the mouth of the Mississippi, and the potential wealth and strategic superiority that came with control of the Ohio would belong to France.

The Ohio was equally important to the British. Spreading from the original coastal settlements of the seventeenth century, the tide of Anglo westward movement was at the crest of the Appalachian chain by 1748. Without the possibility of future expansion into the Ohio, the British colonial effort would be destined to confine itself to the comparatively narrow strip of land between the mountains and the Atlantic.

If the Ohio was a priority for the immediate extension of both British and French empires, it would not prove an easy conquest for either. The region was controlled by several important Indian groups who regarded the Ohio Valley as their home and exclusive preserve. They were naturally determined to resist further European expansion into the area. If either of the two imperial rivals hoped to annex this region, its success would greatly depend upon the goodwill and assistance of the most powerful of the Ohio tribes. Courting favour among these Indians became a major preoccupation of both French and British during the post-1748 period.

Title to the Ohio Valley was asserted by France on the basis of explorations made by the Chevalier de La Salle, who allegedly was the first European to discover the Ohio River in 1679 and who claimed for France all the lands drained by the Mississippi. The French claim to ownership of the Ohio was further strengthened by later expeditions, first by Lévy in 1729 and then by the Baron de Longueuil in 1739.⁵⁷ Britain's official claim to the Ohio rested on the "sea to sea" provisions

57. Peckham, Colonial Wars, p. 122. Peckham notes that "modern scholarship" has concluded that La Salle never saw the Ohio River. Cited in Tootle, "Anglo-Indian Relations," pp. 86, 130, footnote 2.

contained in royal charters given to Virginia and Pennsylvania by the British Crown in the seventeenth century.⁵⁸ But Britain's strongest vindication of rights to Ohio lands depended upon its unofficial control of the area through the Iroquois Confederacy. By right of conquest, the Six Nations asserted their mastery over the Delawares, Shawnees, Wyandots, Twightwees and other smaller nations inhabiting the midwestern interior of the continent. The Iroquois exercised their authority over these Ohio tribes through the migrant Mingoes, so-called "half-brothers" of the Six Nations, and the Mingo "half-king," who served as a link between the Iroquois central council at Onondaga and their Ohio Valley subordinates.

By the Treaty of Utrecht of 1713, France agreed to recognize the Iroquois as subjects of the British Crown,⁵⁹ and on this basis Britain attempted to substantiate its claim to all lands under Iroquois dominion. British officials equated sovereignty over the Six Nations with title to the land of both Six Nations and their dependencies. Neither the French nor the Iroquois, however, during the whole of the period between Utrecht and the Seven Years' War, accepted the British interpretation which gave Britain sole rights to Ohio territory. The Six Nations, whose friendship and alliance with Britain was signified by an almost yearly renewal of the "Great Covenant Chain," never considered themselves "subjects" to Britain in the European sense of the term. They defined their relationship

58. It was in this context that Pennsylvania complained to the Board of Trade in 1731 that the French had recently claimed, "by virtue of some Treaty" the lands lying along all the rivers of which they, the French, controlled the mouths. The Treaty referred to here was the Treaty of Ryswick of 1697, by which the French justified their claims to all rivers they had explored. This claim, if established, would have brought the boundaries of French territories within the limits of Pennsylvania as outlined in its original charter. It would also have prevented British settlement from penetrating the country west of the Appalachians. Later, Pennsylvania officials alerted the home government that the French were building a log fort on the Ohio with a view to excluding British traders. Savelle, Canadian Boundary, p. 12.

59. Article XV of the Treaty of Utrecht.

with the British as that of equal associates rather than of subordinates.⁶⁰ The French dismissed as absurd Britain's claims to Ohio lands on the basis of British hegemony over the Iroquois. In court-to-court negotiations between the two powers during the early 1750's, France argued that the Iroquois Confederacy was comprised of free and independent nations. The French also pointed out to British officials that if Britain's claim to the Ohio was to be acknowledged on the premise of British sovereignty over the Six Nations, Frenchmen might also claim rights to disputed Acadian territory on the grounds that the native Micmacs were traditional allies and friends of theirs.⁶¹

A rationalization for French desire to gain control of the Ohio was outlined in a 1750 "Memoir" written by a former governor of New France, the Marquis de la Galissonnière, to the Ministry of Marine in Paris.⁶²

60. The British themselves were most careful not to press too fine a definition of their relationship with the Iroquois at these annual meetings. An exception came in 1744 at a conference held at Lancaster, Pennsylvania between the Six Nations and representatives from Pennsylvania, Virginia and Maryland to clear up questions of land ownership in the region of western Pennsylvania. Here, Tachanoontia, an Iroquois chief, made it clear to British officials that his people had the indisputable and sole right to lands beyond "the Great Mountains." "We have the Right of Conquest [to these lands]," the chief declared to all the assembled delegates, "a Right too dearly purchased, and which costs us much Blood; to give up without any reason at all..." When Thomas Lee, conference commissioner from Virginia, protested that the Iroquois had some time before declared themselves Subjects to the King of England, Gachradodow, another Iroquois spokesman stated, "...we don't remember that we were ever conquered by the Great King [of England] or that we have been employed by that Great King to conquer others; if it was so, it is beyond our memory." A full text of the Lancaster Conference of 1744 is contained in Colden, Five Nations, pp. 204 ff. A discussion of the nature of the Iroquois-British relationship is contained in Gipson, British Empire, IV:5 and Peckham, Colonial Wars, p. 122.

61. Savelle, Canadian Boundary, p. 75.

62. Galissonnière served as governor of New France from 1747 to 1749. He later became the director of the Dépôt des cartes de la marine and an admiral in the French navy. He commanded the French squadron which assisted in the capture of Minorca from the British in 1756. In 1750, it was Galissonnière and the Marquis de Silhouette who became the two principal French negotiators on the joint Anglo-French commission established to clear up all disputes left unsettled by the Treaty of Aix-la-Chapelle. Galissonnière's "Memoir on the French Colonies in North America" is found in O'Callaghan, N.Y.C.D., X:221 ff. The ideas expressed in the "Memoir" of 1750, however, actually date from about 1748. In September of 1748, Galissonnière composed a long dispatch to the Count de Maurepas in Paris, outlining most of what he would officially tell the Ministry of Marine in the 1750 Memoir. See M. de la Galissonnière to Count de Maurepas, 1 Septembre 1748. O'Callaghan, N.Y.C.D., X:134 ff.

Galissonière was a consummate military and naval strategist who anticipated in 1750 the inevitable rupture between his country and Britain over control of the North American continent. He postulated that when the fight commenced it would be crucial to French success that the British empire be confronted in the backwoods of North America rather than on the high seas of the North Atlantic, the Caribbean or the Indian Ocean. Galissonière believed that France's advantage lay in its ability, with the aid of its *coureurs de bois* and its Indian allies, to stage an overland campaign much superior to that of the British. The Ohio represented the best potential venue for such a strategy for two reasons. Firstly, argued Galissonière, a strong French presence on the Ohio would confine British coastal communities within their current limits, forcing them to the defensive and inhibiting them from constructing formidable armaments for a concentrated assault on French-held West Indian islands. Secondly, once France had completed a strong chain of military posts through the Ohio, communication between New Orleans and Montreal could not be severed by British sea power in times of war. The Montreal-to-New Orleans corridor would serve as the only practical, invulnerable route for the conveyance of French troops and supplies between the northern and southern extremities of French settlement.

In order to effect the "Ohio strategy," increased numbers of French regular troops would have to be committed to North America, forts constructed immediately near the Ohio country, and a renewed effort made to strengthen alliances between New France and the Ohio tribes. If France were to be master of the continent, it had to gain mastery over the Ohio first.

The initial step towards an effective "Ohio strategy" which Galissonière proposed in 1750 had already been taken in 1748, while he was still governor of New France. During the winter of 1748-49, Galissonière planned an armed excursion to the Ohio under the command of Captain Céloron de Blainville, a tough Canadian-born officer, experienced in commanding troops in the wilderness and in negotiating

with the Indians.⁶³ Céloron's mission was intended to renew "ancient" French ties with the tribes inhabiting the Ohio country and to restate, officially, French claims to the area. As a side benefit to French commerce, Céloron was told to eject any English traders he found in his travels and to warn them not to return to the region.

The Céloron expedition which roamed about the Ohio and Allegheny Rivers country during the spring and summer of 1749 achieved a limited success.⁶⁴ Céloron conducted a total of seven "ceremonies of possession," burying inscribed lead plates to commemorate the renewal of French claims to the region. But this in itself amounted to little more than a cavalier gesture towards actually securing the countryside to the French interest.⁶⁵ Several British traders whom Céloron encountered along his route were ordered to withdraw to "British"

63. Pierre-Joseph Céloron de Blainville had commanded at Detroit between 1742 and 1744, at Niagara during 1744-45 and at St. Frederic on Lake Champlain in 1747.

64. G.G. Hatheway, "The Neutral Indian Barrier State; A Project in British North American Policy, 1754-1815" (Ph. D. Thesis, University of Minnesota, 1957), pp. 23-24. Céloron's "army" consisted of 215 French officers and men and 30 Indians, mostly from the Micmac and Abenaki tribes. He kept a journal of the expedition and the original has been transcribed and printed in Pierre Margry, ed., Mémoires et documents pour servir à l'histoire des origines françaises des pays d'outre mer; Découvertes et établissements des Français dans l'ouest et dans le sud de l'Amérique septentrionale, 1679-1754 (Paris, 1888), VI:666 ff. Another account is contained in Thwaites, Jesuit Relations, LXIX:151-199. A secondary account and analysis of the success of the expedition can be found in G.A. Wood, "Céloron de Blainville and the French Expansion in the Ohio Valley," Mississippi Valley Historical Review, IX:302-319. It should be noted here that Céloron did not depart Montreal for the Ohio before Galissonière was replaced by la Jonquière as governor of New France.

65. Two of these plates which Céloron buried along the Allegheny were promptly recovered by some local Indians and sent on immediately to William Johnson in New York. Johnson used the plates effectively as proof to the Six Nations that the French meant to take complete control of the entire Ohio country. Johnson translated the inscription on the plates "with necessary additions" to a delegation of Mohawk chiefs assembled together for that purpose. See O'Callaghan, N.Y.C.D., X:189 ff. "Minute of the taking possession of the Ohio River and its tributaries by the French."

territory.⁶⁶ The Indians whom Céloron hoped to encourage into the French camp were co-operative but never enthusiastic in their pledges of support to the French cause.⁶⁷ Yet, in one respect, the French did accomplish something significant. Indians as far west as the Wabash River had viewed a sizable French force in the region - one that was capable of mobilizing itself to travel long distances and was apparently unaffected by the harsh conditions of the interior.⁶⁸ Céloron was also able to make important observations as to the best sites for future trade posts and French fortifications. On this basis he could promise the locals a more consistent and lucrative trade with the French throughout the Ohio. The French had come to the Ohio and would be back in force.

Between Céloron's return to Montreal in the autumn of 1749 and the elevation of Ange de Menneville, the Marquis Duquesne, to the governorship of New France in 1752, virtually no progress was made by France in the Ohio project. Under

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66. At one point, near Attique, Céloron found a party of six Pennsylvania traders leading a string of fifty fur-laden pack horses. Céloron told them to leave and never return. He took this opportunity to send a letter to the governor of Pennsylvania stating that he was "very much surprised to find some merchants of your government in this country to which England has never had any pretensions." "I have treated them," Céloron continued, "with all possible mildness, though I had a right to look upon them as intruders and mere vagrants, their traffic being contrary to the preliminaries of peace, signed more than eighteen months ago." Finally, Céloron warned the governor that if he did not restrain British trade on the Ohio, "violent measures" would be taken by France to protect its interests.
67. That Céloron's entire contingent slept fully clothed, with guns ready, on several occasions is eloquent proof that the French did not consider themselves among trusted friends. Margry, *Découvertes et établissements*, VI:674-675, 688-689, 701. The effects of the expedition upon Indian sentiment were also moderated by the presence of English emissaries in the area immediately before and after Céloron visited the tribes. Governor Hamilton of Pennsylvania, upon receiving Céloron's note, sent a messenger to the Ohio to gauge the Indian mood after Céloron had departed. He reported to Hamilton that the Indians had not gone over to the French. Hamilton to Clinton, 2 October 1749. O'Callaghan, *N.Y.C.D.*, VI:530-531.
68. Several Indian groups had become so frightened at the sight of such a large French force that Céloron often encountered empty villages and abandoned encampments where he had hoped to confer with the tribes.

the Marquis de la Jonquière,⁶⁹ Galissonnière's replacement as French governor in North America, French plans for extending its system of defence into the Ohio languished. Poor harvests and the rumour of administrative corruption led to near-riot conditions in Quebec and Montreal during 1750 and 1751. An expedition, organized in 1751 and charged with the task of driving away from the Ohio those Indians of pro-British sentiment, failed miserably.⁷⁰ Upon la Jonquière's death in 1752, the colony had deteriorated economically, administratively and politically to the point where the Baron de Longueuil, the interim governor, could not secure sufficient supplies to send a force of one hundred militia into the Ohio.⁷¹

Under Duquesne, the French ministry in Paris hoped to avoid any further delays or blunders in developing its plans for the Ohio. The new governor was given instructions on two specific points: to drive the British out of "French territory" on the Ohio (thus preventing Pennsylvania and New York from re-establishing their trade in the region) and to conciliate the Ohio tribes by explaining to them that the French would allow their travel to the British colonies to trade but would not permit British traders into the Ohio.⁷²

This professed policy was in direct contrast to former French efforts. Previously, French officials were encouraged to foment distrust among the Indians with a view to weakening the tribes who might cause the French the greatest difficulty in times of war. Now, France chose a course whereby it would cultivate an image as the beneficent mediator and protector of Indian welfare. It was a policy designed to attract those Indians who were either independent or mildly attracted to the British into the French sphere, without their having to sacrifice

69. Jacques Pierre de Taffanel, Marquis de la Jonquière.

70. Hatheway, "Indian Barrier State," p. 28. In this instance, the French had seized a few British traders, murdered two Miami Indians and then retired quickly back to Canada.

71. Ibid.

72. Minute of Instructions to be given to M. Duquesne. O'Callaghan, N.Y.C.D., X:242-245.

the advantages of British trade. The Indians would keep their trade; the French, control of the Ohio. It was a tactic well suited to driving a political wedge between the British colonies and the Indians living west of the Allegheny Mountains.

In March of 1753, plans to complete Galissonière's grand design for the defence of French colonies in North America were concluded. Captain Pierre Paul Marin was chosen to construct the last links in the chain of posts to connect the French strongholds of Canada and Louisiana. He was instructed to build three forts in the Ohio country: one at Presqu'Isle (now Erie), one at Le Boeuf (now Waterford), and finally, one at Venago (now Franklin) - all within the modern boundaries of Pennsylvania.⁷³

Marin proceeded directly to the Ohio, and after an exhausting effort during the summer of 1753, outposts were completed at Presqu'Isle and Le Boeuf.⁷⁴ Construction of the final one at Venago would have to wait until the following spring.

Indian reaction to the new policy of French-Indian conciliation which Marin was instructed to spread among the Ohio tribes was mixed. The Onondaga Council of the Six Nations, still controlled by pro-British chiefs, warned Marin through the Seneca half-king, Tanacharisson, to depart in peace or suffer the consequences. The Chaouanons or Shawnee, however, offered Marin their support and assistance and denied any association between themselves and the Six Nations, especially the Senecas and Tanacharisson.⁷⁵

73. Duquesne à Contrecoeur, le 23 mars 1753. Fernand Grenier, ed., Papiers Contrecoeur et autres documents concernant le conflit Anglo-français sur l'Ohio de 1745 à 1756 (Québec, 1952), pp. 28-31

74. Hathaway, "Indian Barrier State," pp. 31-32. Marin drove himself and his men mercilessly to finish all three forts, but by September only the first two were completed. Realizing that he would not accomplish the entire task contained in his Instructions, Marin's physical and mental health failed him. He died on the return trip to Montreal in October.

75. Conseil Tenu par des Tsonontouons venus de la Belle Rivière, du 2 au 7 septembre 1753. Grenier, Papiers Contrecoeur, pp. 53 ff. Marin à Joncaire (n.d.), Ibid., pp. 58-59; Parole des Chaouanons, le 3 septembre 1753, ibid., pp. 61-63.

When news arrived in Montreal during October of 1753 that Marin had failed to complete all three forts and that he was suffering from ill-health, Duquesne ordered Jacques le Gardeur de Saint-Pierre to proceed immediately to the Ohio and to finish the work. By the end of December or early January of 1753-54, Saint Pierre was on the Ohio awaiting only the end of the harsh winter conditions of the interior mid-west to bring Galissonière's scheme to fruition. The French fortifications, but for one final effort, ranged like a formidable barrier throughout the heart of the continent. British expansion to the west of the Appalachians would be checked, and the French would take possession of the strategically crucial Ohio Valley.

Céloron de Blainville's military excursion through the upper Ohio Valley in the summer of 1749 was interpreted by the British colonies as indisputable evidence of French determination to prevail in North America. This conclusion was reinforced by the testimony of several Pennsylvania traders who, as captives among the French, had witnessed the French military preparations in the west.⁷⁶ British colonial officials were aware of the potential impact a concerted French drive into the Ohio could have upon both the western tribes and those most crucial to the British Indian alliance, the Six Nations. With relations between Britain's northern provinces and the Iroquois already at an extremely low ebb following King George's War, the task of winning back the Six Nations' allegiance, while at the same time confounding French initiatives on the Ohio, represented a formidable challenge indeed.

The first problem which had to be surmounted was, in a sense, inflicted by the British upon themselves. Following Aix-la-Chapelle, the hunger for fresh cheap land and the enticing possibilities of profits to be made in land speculation,

76. William Johnson to Governor Clinton, 25 September 1750. Sullivan, Papers of Johnson, II:302-304.

once again impelled large numbers of colonists to venture beyond the settled frontier, westward into the remote interior. The lands which these migrants coveted - or in some instances forthrightly claimed as their own - were, as before, those never formally ceded by the Indians. There had always been a serious lack of government interest in restraining such activities before 1748, and during the immediate postwar period there was little evidence that the colonies were prepared to treat the problem differently.

In New England, pioneering families moved northward up the valleys of the Kennebec and Connecticut Rivers. On the upper Hudson, potential farmers drifted into areas whose ownership had previously been contested between the Mohawks and New York. In Pennsylvania, a new wave of immigration, beginning about 1749, gained increasing strength in the early 1750's, spreading out along the upper reaches of the Delaware, Lehigh, and Schuylkill Rivers, and especially along the western tributaries of the Susquehanna. Even further westward, the principal center of intrusion was the winding valley of the Juniata River, an area whose occupation had long caused friction between Pennsylvania and its neighbouring tribes.⁷⁷ But the greatest difficulty arose over the planned settlement of land along the Ohio River, a programme which found encouragement from provincial and imperial officials alike.

Britain's desire to gain possession of the Ohio Valley coincided with Virginia's wish to make good its claim to Ohio lands allegedly secured by the Treaty of Lancaster of 1744. Pennsylvania and Virginia had quarrelled over which

77. Leach, Northern Colonial Frontier, pp. 195-196. In the spring of 1750, Pennsylvania did attempt to appease the Six Nations by taking action against settlements on the Juniata. An official party, led by Pennsylvania Secretary Richard Peters, went out and ejected some of the squatters and burned their cabins to discourage others from going there. These efforts, however, had little impact. Within two years, the number of British settlers along the Juniata rose to their former level. Leonard W. Labaree, The Papers of Benjamin Franklin, (New Haven, 1959), V:96-99.

of the two provinces had rights to the region west of the sources of the Potomac and Juniata Rivers, and the Six Nations refused to recognize any surrender of lands to the west of the Allegheny Mountains.⁷⁸ In 1748, Pennsylvania sent an emissary, Conrad Weiser, into the Ohio to negotiate a formal trade alliance between Pennsylvania traders and the Ohio tribes.⁷⁹ His apparent success served to galvanize Virginia land speculators into action. In late 1748, a group of thirty-five prominent Virginia businessmen formed the Ohio Company.⁸⁰ It would not only serve to solidify their colony's claim to the Ohio, but would also return a large profit through land speculation to its shareholders. The Company had the immediate advantage of being well connected in London, and in less than a year it received a charter, along with a grant of some two hundred thousand acres located at the forks of the Ohio River.⁸¹ The British government in London saw the Company as "a weapon to be used by the British against the French."⁸²

78. Gipson, British Empire, IV:253-254.

79. Weiser's travels among the Ohio Indians during the summer of 1748 are documented in Paul A. Wallace, Conrad Weiser: Friend of Colonist and Mohawk (Philadelphia, 1945), pp. 259 ff.

80. A History of the Ohio Company can be found in Kenneth P. Bailey, The Ohio Company of Virginia and Westward Movement, 1748-1792 (Glendale, Calif., 1939).

81. The Charter is dated 31 July 1749. The original grant gave the Ohio Company "two hundred thousand acres of land lying betwixt Romanettos and Buffalo's creek on the south side of the river Alligane otherwise the Ohio, and betwixt the two creeks and the Yellow creek on the north side of the rivers..." It was specifically stated that the grant was "within" the colony of Virginia. It was further stipulated that as soon as the Company erected a fort and settled their grant with two hundred families, an additional grant of three hundred thousand acres was to be given, adjoining the earlier grant and on similar terms. Bailey, Ohio Company, pp. 30-31. French officials at Montreal were not unaware of the intentions of the Ohio Company and other British colonial groups to turn the Ohio country into a homesteading enterprise. At least one historian of the period had concluded that Céloron's expedition into the Ohio was a direct reaction to British designs on the region. See Wood, "Céloron de Blainville," pp. 308-10.

82. Bailey, Ohio Company, p. 18.

The Ohio Company grant intensified Virginia-Pennsylvania rivalry for control of the Ohio to the detriment of British-Indian relations. Following the cessation of hostilities in 1748, Pennsylvania and Virginia traders had rushed into the Ohio to capture as much of the lucrative fur trade of the area as possible. Their activities were unsupervised and the intense competition between Virginia and Pennsylvania traders and merchants resulted in both groups discrediting the British cause in the eyes of the Indians. Pennsylvanians informed the Ohio tribes that a Virginia-based company had already received a grant to most of their lands along with permission to build a fort in the area. They warned that the fort would be used exclusively to control the Indians and that roads leading into the fort would serve as convenient routes for their enemies, especially the Catawbias, to attack them.⁸³ Meanwhile, Virginia traders circulated a rumour that Pennsylvania meant to extend its western and southern boundaries to include all lands westward to the Ohio.⁸⁴ At the very time when the Ohio tribes were showing intense apprehension over the French military intrusion into their territories, the manoeuvrings of British traders were alienating them from the British interest.

83. Thomas Lee, as president of the Virginia Council, complained to Pennsylvania Governor Hamilton in the autumn of 1749 about the conduct of the Pennsylvania traders on the Ohio. Lee called upon Hamilton to compel these men to "cease their mischievous Practices." He also reiterated Virginia's claim to the Ohio on the basis of the Lancaster Treaty of 1744. It should be pointed out that Lee had been a founding member of the Ohio Company of Virginia and had an obvious personal interest in the development of the Ohio. Lee to Hamilton (n.d.). Pennsylvania Colonial Records, 16 vols. (Harrisburg, 1851), V:422-423.

84. The rumour was not entirely without factual foundation. Governor Hamilton had proposed to the Virginia Council that a joint Virginia - Pennsylvania commission be established to negotiate the extension of Pennsylvania's southern boundary westward. Tootle, "Anglo-Indian Relations," p. 109.

It is difficult to understand why Virginia and Pennsylvania were reluctant to settle intercolonial differences over the Ohio in a more discreet manner. One might also wonder why neither colony took more resolute action in the matter of Indian relations, given the sensitivity shown by Ohio tribes to a permanent European presence on their lands. In two isolated instances, colonial governors did intervene. In 1749, Thomas Lee, as President of the Virginia Council and acting governor, demanded that Pennsylvania traders cease their "mischievous Practices" in stirring up Indian resentment against traders from his colony. He warned of much greater consequences to all the British colonies than loss of Indian trade if such activities were to be continued.⁸⁵ In early 1750, after warnings by the Six Nations against further British encroachment on the Juniata, Governor Hamilton ordered the breaking up of settlements in that region.⁸⁶ However, there was not the same enthusiasm in either Pennsylvania or Virginia to establish a centrally co-ordinated administrative control of Indian affairs as there had been in New York. No colonial Crown official in these colonies took the initiative or the full responsibility for attempting a settlement of Indian grievances as had Governor Clinton. Individuals such as George Croghan, Christopher Gist, Conrad Weiser and Andrew Montour found sporadic employment with Virginia and Pennsylvania as Indian interpreters, mediators or messengers between colony and Indian. But none of these men were given the authority or the responsibility to build the type of sustained relationship between their colonies and the Indians that William Johnson had cultivated between the Six Nations and New York. The most plausible explanation for Pennsylvania and Virginia not following New York's precedent appears to relate directly to various circumstances surrounding King George's War. While New York was constantly under the threat of hostile Indian incursions on two of its borders, the frontiers of Pennsylvania and Virginia were relatively

85. See footnote 83.

86. See footnote 77.

quiet. These latter colonies were able to maintain a reasonable level of trade with the western tribes even at the height of the Anglo-French conflict.⁸⁷

While New York was compelled to address itself to British-Indian problems, Virginia and Pennsylvania were not so pressed and consequently tended to regard their relations with Indians as a perfunctory exercise.

By the autumn of 1750, Ohio Company members were making concrete plans to move settlement into the Ohio. The Company chose Christopher Gist, a Virginia trader, to conduct a reconnaissance to "search out and discover lands upon the River Ohio." Gist was to explore the area, mark out the best land, and map the various watercourses, mountains and other prominent geographic landmarks. In addition, he was to "observe what Nations of Indians inhabit there, their strength and Numbers, who they trade with and in what Comodities they deal."⁸⁸

On his journey through the Ohio, which began in October of 1750, Gist met informally with a number of Ohio tribes and received a somewhat less-than-enthusiastic reception. He reported in a journal he kept of his travels that the Indians were suspicious of his motives, fearing that he had come for the sole purpose of surveying their lands. Although he encountered no direct hostility to himself or to his party, Gist stated that he set his survey instruments "privately," as it was considered "dangerous to let a Compass be seen among these Indians."⁸⁹ Gist returned to Virginia, without incident, in the late spring of 1751.

Following Gist's return, the initiative, at least for a brief time, swung back to Pennsylvania. While Gist was on the Ohio, Governor Hamilton had sent two agents westward - George Croghan and Andrew Montour. They were charged with the task of inviting representatives of all the Ohio tribes to Pennsylvania

87. In 1744, the value in pounds sterling (£) of fur and skins exported from New York and Pennsylvania respectively was 14 398 and 6 824. By 1748, New York's share had fallen to £ 7 384 while Pennsylvania's rose to £ 9 688. See Cutcliffe, "Indians, Furs and Empires," Tables on pp. 181, 224.

88. Tootle, "Anglo-Indian Relations," p. 109.

89. William M. Darlington, ed., Christopher Gist's Journals (Pittsburgh, 1893), pp. 34-35.

for a conference to be held in the spring of 1751.⁹⁰ Their efforts appeared to have met with success. On 18 May 1751, Croghan, Montour and a delegation of Pennsylvania traders conferred with a large contingent of Delawares, Shawnees and Mingoes at Logstown on the Pennsylvania frontier. Amidst the traditional initial exchanges, gift-giving and long ceremonial speeches, the Indians pledged their support, albeit unspecified, to the British. But the question of rights to land on the Ohio was deliberately circumvented by each side. It appears that neither wanted to raise an issue which both groups realized might cause friction. Croghan later reported to Governor Hamilton that the Indians favoured the erection of a "strong Trading House" on the Ohio, ostensibly to protect the British-Indian trade,⁹¹ but Montour countered these remarks with the suggestion that the Indians would never actually consent to the fort's construction.⁹² The Pennsylvania Assembly, which had reluctantly agreed to finance the establishment of a fort on the Ohio, used the conflicting testimony of Croghan and Montour as a pretext for scrapping the entire measure.

The failure of Pennsylvania to act decisively to organize an Ohio strategy and the colony's apparent failure to negotiate openly with the Ohio tribes on conflicting claims to western lands, once again gave the initiative to Virginia. Robert Dinwiddie, an Ohio Company member and a strong supporter of British development on the Ohio, was appointed governor of Virginia in early 1751.⁹³ By the time he assumed the position in November, the Company had established an important storehouse and centre of operations on the upper Potomac at Wills' Creek. Future plans called for the construction of a road from this base to the forks of the Ohio, where another Company-sponsored trading-house would

90. Pennsylvania Colonial Records, V:517-518. Nicholas B. Wainwright has written a biography of George Croghan, George Croghan: Wilderness Diplomat (Chapel Hill, 1959).

91. Pennsylvania Colonial Records, V:529.

92. For a discussion of the conflicting interpretations of Croghan and Montour as to what had been accomplished at the Logstown Conference see Wainwright, George Croghan, pp. 41-42.

93. Louis Knott Koontz, Robert Dinwiddie: His Career in American Colonial Government and Westward Expansion (Glendale, 1941), p. 169.

be built.⁹⁴ Large quantities of items to be used as Indian presents and trade goods had been ordered from Britain.⁹⁵ Provision had also been made for another excursion by Christopher Gist to map out the proposed road from Wills' Creek to the Ohio. He was also to choose the best possible location for a large British settlement on the Ohio.⁹⁶

Gist travelled throughout the Ohio between late November of 1751 and early March of 1752. His entourage was politely received by the Indians and there were no apparent signs of Indian hostility at his presence on the river.⁹⁷ However, questions were frequently raised by Indian spokesmen about Britain's future plans for the west. In one instance, an Indian emissary sent by the Delawares asked Gist if the French claimed, as had been reported,⁹⁸ all the land north of the Ohio River and the British claimed everything to the south, what land belonged to the Indians? Gist responded that the Indians were considered British subjects and entitled to inhabit large tracts of British-claimed lands. The Delaware chief's reply, delivered some two days later, was equivocal. He stated simply that he agreed with Gist on the point that his nation and Gist's were "all one King's People."⁹⁹

In contrast to Gist's first journey, his second venture into the Ohio confirmed a growing Indian apprehension about European penetration into the west, especially as it related to the disposition of Indian-occupied lands. A conference held soon after Gist's return in the spring of 1752, between colonial agents from Virginia and Indian representatives from the Ohio, confirmed this shift in Indian concerns from problems of trade to questions about land.

94. Tootle, "Anglo-Indian Relations," p. 160.

95. Osgoode, American Colonies, IV:289.

96. Darlington, Gist's Journals, pp. 67-68.

97. Gist travelled under the pretence that he had come to the Ohio to invite the tribes to a conference at Logstown planned for the spring of 1752.

98. An obvious reference to Céloron's burying of the lead plates.

99. Darlington, Gist's Journals, p. 78.

The idea to stage another meeting at Logstown had come from the newly appointed governor of Virginia, Robert Dinwiddie. The outcome was viewed as crucial to any overall plan to gain control over the Ohio. Neither the Ohio tribes nor the Six Nations had ever openly accepted Virginia's interpretation of the boundaries for land surrendered to the British at the Lancaster Conference of 1744. Virginia officials had consistently held that it gave their colony jurisdiction over all the territory between the Alleghenies and the east bank of the Ohio River. According to the Indians, especially the Six Nations, the western limits of the purchase put the boundary far to the east of the Ohio, and no further west than the Allegheny divide. The Indians who occupied the disputed area generally refused to permit any British settlements west of the Susquehanna.¹⁰⁰ The Ohio Company directors realized that to fulfil its charter obligations to place a settlement of at least two hundred families on the Ohio, it would first have to persuade the western tribes and the Six Nations to accept the Virginia interpretation of the 1744 Lancaster agreement. This was the principal motivation behind calling the Indians, once again, to Logstown.

The strategy adopted by the Virginia representatives to the conference was to have the Indians formally re-assess the text of the Lancaster Treaty, then to strike a separate agreement which would allow British settlement into the Ohio.¹⁰¹ It was a successful ploy. The colonial commissioners told the assembled Indians that a British settlement in their midst would provide them with sufficient cheaply priced supplies on a year-round basis and protection against the French who had already threatened to take the Ohio by armed force.¹⁰² The Mingo half-king, representing both the interests of the Six Nations' Council at Onondaga

100. Tootle, "Anglo-Indian Relations," p. 164.

101. A record of the Logstown Conference of June 1752 is contained in Lois Mulkhearn, ed., The George Mercer Papers Relating to the Ohio Company of Virginia (Pittsburgh, 1954), pp. 54-65.

102. Ibid., pp. 57-60.

and the tribes from Ohio, agreed to a reconsideration of the Lancaster Treaty.¹⁰³ Most importantly, he gave his consent to Virginia for the immediate construction of a "stronghouse" on the Ohio at the forks of the Monongahela River and signed an agreement which would allow the British to establish a settlement on the south and east sides of the Ohio River.¹⁰⁴

The Logstown Conference of 1752 was important in the evolution of British-Indian relations for two reasons. Firstly, the lack of active participation by Pennsylvania at the meeting represented the decline of that colony's formal interest in the Ohio and hence signalled the demise of an intense and potentially damaging British intercolonial rivalry over control of the region.¹⁰⁵

The Pennsylvania Assembly, for a combination of moral and economic reasons, had made it clear that it would not appropriate the necessary funds for an aggressive western policy.¹⁰⁶ Secondly, tacit Indian approval for the establishment of a British community west of the Allegheny Mountains appeared to break the long deadlock between Indians and British colonials over the question of settlement beyond the Appalachian chain.¹⁰⁷ Approval had not been given for a carte blanche occupation of any and all western lands, but the specific parcels where settlement would be allowed had been agreed upon through a process of peaceful negotiation rather than of armed confrontation. It was one of the few high points in British-Indian relations during the long period of colonial management of Indian affairs.

103. He claimed he could not provide an immediate response to all the points involved as he would have to consult the Onondaga Council for their views first.

104. Mulkhearn, Mercer Papers, pp. 63, 65.

105. Governor Dinwiddie had requested that Pennsylvania send a sizable contingent to the conference to represent that colony's interests. Only William Trent, a business agent of George Croghan's, showed up, and then only as an observer.

106. Gipson, British Empire, IV:249.

107. Tootle, "Anglo-Indian Relations," p. 179.

Between 1752 and early 1753, with both the approval of the Ohio tribes and their active assistance, the Ohio Company persisted in its efforts to penetrate the western colonial frontier. By early 1753, it had completed a road wide enough for pack horses from Wills' Creek to the forks of the Monongahela. The road became known as Nemacolin's Trail in recognition of the services rendered in its planning and construction by Nemacolin, a Delaware chieftain who resided in the area.¹⁰⁸ The Company also successfully completed another fortified storehouse, this one on the Monongahela itself, to serve as a warehouse for goods transported westward from Wills' Creek and as a base for British traders in the Ohio country. By the spring of 1753, of all the British colonies, Virginia was well on its way to staking its claim to territory considered vital to France's overall strategy for the control of North America.

The concern shown by Pennsylvania and Virginia over the Ohio had been prompted by motives essentially commercial: desire for a profitable advantage in the lucrative western fur trade and for active participation in the inevitable land speculation as new territories were opened for settlement. But for the colony of New York, what occurred on the Ohio became important for a different reason: its relationship with the Six Nations, the self-professed overlords of the Ohio Indians and their lands, would soon be judged by the degree of support New York was prepared to give in protecting Iroquois interests - not only against the French, but also against other British colonials, whose appetite for land seemed endless. While Virginia had achieved a degree of equilibrium in its relationship with neighbouring Indians, the same was not true in New York.

Deterioration of British-Indian Relations: The Iroquois Confederacy

It should be recalled that at the close of King George's War, Iroquois-New York relations were on a particularly delicate footing. A new complaint arose among the Six Nations that New York had not shown sufficient interest and concern for their welfare to expedite the return of Iroquois warriors taken prisoner

¹⁰⁸. Bailey, Ohio Company, pp. 152-154.

by the French. The French, and in particular Governor Galissonière, had resisted persistent New York demands for the immediate exchange of Indian prisoners. The French governor maintained that the Iroquois were a separate nation and hence entitled to negotiate with the French directly at Montreal.¹⁰⁹ William Johnson suspected a French plot to lure the Six Nations to Canada, where Galissonière would then strike up trade and military alliances with the Confederacy.¹¹⁰ After lavish use of gifts and a long series of talks, Johnson succeeded in persuading the Iroquois to give up the prisoners they had taken and to hand these over to Clinton as a bargaining tool in direct British-French negotiations. By the early spring of 1750, after a delegation of six British emissaries and six French hostages had been sent to Montreal,¹¹¹ the French agreed to release all Iroquois prisoners. With this, Clinton was able to claim first victory in the post-1748 British-French cold war for the support of the Six Nations.¹¹²

By solving the problem of the French-held Iroquois prisoners, both Johnson and Clinton were confident that the traditional British-Six Nations amity would be restored. It was not to be. In the autumn of 1749, while New York officials were still anxiously awaiting news from Montreal regarding the prisoner exchange, Johnson suddenly found himself faced with a new problem. Word had spread to the New York frontier of Céloron's reconnaissance mission into the Ohio Valley. It was rumoured that Céloron's force planned to return to Canada via New York, launching a full-scale invasion of the Six Nations' homeland as it passed.

109. Galissonière to Clinton, 25 August 1748. O'Callaghan, *N.Y.C.D.*, VI:489.

110. Johnson to Clinton, 28 April 1749. *Ibid.*, p. 505.

111. Lieutenant Des Segneris to Clinton, 14 April 1749. *Ibid.*, p. 502. These comprised a mixture of French and Indians totalling nineteen men.

112. Sending a British delegation straight to Montreal without a prior commitment from the French to negotiate was both a gesture of good faith on Clinton's part and an enormous gamble. Johnson warned Clinton of the terrible "Consequences" should the British emissaries return from Montreal empty-handed. Johnson to Clinton, 19 August 1749. *Ibid.*, pp. 525-526.

By October, the Mohawks were so agitated by the possibility of a French attack that many of them abandoned their castles and hid in the surrounding countryside.¹¹³ Johnson immediately promised British military assistance and wrote Clinton, asking him to send two detachments to the upper Hudson.¹¹⁴ Clinton, however, then embroiled in a struggle with the New York Assembly over control of the province's military expenditure, was not able to guarantee the necessary troops.¹¹⁵ Johnson was forced to withdraw his earlier promise and could offer the Mohawks only the use of his own stone house should a French attack actually materialize.¹¹⁶ The Iroquois were bitter over what they perceived as a continuing British neglect for their safety.

In early 1750, matters went from bad to worse. A report reaching the Mohawk castles had more than a dozen Ottawa Indian towns contributing volunteers for a combined French and Indian attack on Iroquois encampments. The Mohawks again begged Johnson for assistance and again Johnson's appeal to the governor for help was unsuccessful.¹¹⁷

No French invasion actually occurred during this period, but the Confederacy remained uneasy about French plans for the Ohio and the northern New York frontier. By September of 1750, a mere six months after the French release of Iroquois prisoners from Montreal, Clinton again received unfavourable news concerning British-Indian relations. Johnson reported that the French on the Ohio had made considerable progress among the tribes there through the distribution of "a large Quantity of very valuable Goods." He warned the governor that if the Ohio Indians went over to the French, the entire Six Nations "must certainly

113. Tootle, "Anglo-Indian Relations," pp. 114-115.

114. Flexner, Mohawk Baronet, pp. 103-104. Johnson to Clinton, 4 May 1750. Sullivan, Papers of Johnson, I:100-101.

115. Sullivan, Papers of Johnson, I: 276-277.

116. Tootle, "Anglo-Indian Relations," p. 115.

117. *Ibid.*, p. 117.

submit."¹¹⁸ In early October more discouraging reports arrived from the Iroquois capital of Onondaga. Conrad Weiser, who had recently returned from a journey to the Six Nations cantons on behalf of Virginia, reported a definite shift of Indian sentiment away from the British. Weiser was so dispirited by what he had seen at Onondaga that he remarked "the English interest among the Six Nations can be of no consideration any more."¹¹⁹ The Oneidas had informed Weiser that the disaffection from the British was due to the "neglect" and "ill-management" shown by the British in their dealings with the Indians since the end of the war. They complained that while "the Governor of New York never spoke to them or gave them anything... the French gave large Presents... in order to bring them over to (their side)."¹²⁰

At the very time when relations between New York and the Six Nations were growing progressively worse, Governor Clinton was faced with another crisis: the resignation of William Johnson as sole provincial agent for Indian affairs. Johnson had grown increasingly impatient over the New York government's indifference to Indian-related problems. He was also frustrated by the lack of financial support the Assembly was willing to provide to maintain Six Nations' friendship. On numerous occasions, he complained to Clinton of the enormous personal expenditures he was required to make for Indian supplies and presents, with little or no hope of recompense from the notoriously parsimonious provincial government.¹²¹ Johnson had repeatedly urged, without success, that the joint

118. Pennsylvania Colonial Records, V:462. Cited in Tootle, "Anglo-Indian Relations," pp. 139-140.

119. Pennsylvania Colonial Records, V:467. Cited in Tootle, "Anglo-Indian Relations," p. 140.

120. Pennsylvania Colonial Records, V:475. Cited in Tootle, "Anglo-Indian Relations," p. 140. The Oneidas also told Weiser that the Six Nations' warriors who had joined with the British in King George's War "were not well used."

121. Johnson to Clinton, 22 November 1749. O'Callaghan, N.Y.C.D., VI:541. Johnson to Clinton, 4 May 1750. Sullivan, Papers of Johnson, I:276-279. By the winter of 1750, Johnson was still owed money for expenses he had advanced during the war for gunsmiths, the repairing of forts on the New York frontier, and the transportation of French prisoners to New York. See Johnson to Clinton, 22 January 1750. Ibid., p. 261. Clinton to Johnson, 2 July 1747. Ibid., p. 103. Johnson to Clinton, 16 October 1748. Ibid., p. 186. Johnson to Clinton, 20 December 1750. Ibid., p. 313.

management of Indian affairs be taken out of the jurisdiction of New York and the several other colonial governments and placed under royal control. In November of 1749 he told Clinton that it was an unsatisfactory situation that "the narrow minds of an American Assembly prescribe methods of managing a people of the greatest importance to our Lives and properties in War in this part of the world."¹²² Johnson argued that he could not continue in his present office if he were to remain financially dependent upon the New York Assembly. Only if he were to receive a royal commission, backed by the home treasury, could he continue to perform the delicate and costly business of managing Indian affairs.¹²³ By December of 1750, in spite of Clinton's concurrence in and support for the scheme, no royal commission appeared to be forthcoming. The hardening of political factions and the feuds which characterized the executive-legislative power struggle in colonial New York showed no signs of abatement. On 20 December 1750, Johnson wrote a letter to the governor which he stated would be the "last Piece of Indian News I shall ever have occasion to trouble your Excellency with" and resigned his position as Indian Commissioner of New York.¹²⁴

French threats to Ohio lands, persistent reports of flagging interest among the Iroquois in supporting British political and commercial endeavours on the New York frontier, and finally, Johnson's resignation as Indian Affairs Commissioner, all combined to lend a sense of urgency to problems associated with British Indian relations in the early months of 1751. Clinton, acutely aware of the seriousness of the problem developing, yet powerless himself to deal adequately with it, elected to call a conference between colonial officials of all the British provinces and the Six Nations at Albany. The governor hoped that such a meeting might not only generate a spirit of co-operation among the various British colonies for co-ordinating a clear and concise policy on Indian affairs, but also serve

122. Johnson to Clinton, 22 November 1749. O'Callaghan, N.Y.C.D., VI:541. In this same letter Johnson urged that the Six Nations should "be treated with ... immediately from the King."

123. Flexner, Mohawk Baronet, p. 101.

124. Johnson to Clinton, 20 December 1750. Sullivan, Papers of Johnson, I:313-314. Johnson had also warned Clinton of his intentions to resign in a short note sent to the governor six weeks prior to his formal declaration. Johnson to Clinton, 6 November 1750. Ibid., p. 308.

to draw the Confederacy firmly back to the British side.¹²⁵

The response to Clinton's calling of the Albany meeting exceeded even the governor's expectations, and in early July of 1751, delegates from the Six Nations and representatives from New York, Massachusetts, Connecticut, Pennsylvania and South Carolina gathered themselves together for discussions.

The conference began with private deliberations between Clinton and Chief Hendrick of the Mohawks, and it soon became evident that Iroquois concern for the resignation of Johnson as Indian Commissioner would overshadow most other issues. Hendrick told Clinton that it was Johnson whom the Confederacy trusted above all others for the conduct of British-Iroquois relations.¹²⁶ "(H)is knowledge of our affairs made us think him one of us," stated Hendrick, "and we are greatly afraid, as he has declined (to serve), your Excellency will appoint some person, a stranger both to us and our Affairs."¹²⁷ Clinton's response that it was not his decision but rather Johnson's alone to abandon the commissioner-ship did little to smooth Indian resentment. Hendrick demanded that Johnson be summoned to Albany immediately and that the governor ask him once again to resume his old office. Clinton agreed and messengers were hurriedly sent to bring Johnson to the conference site. When he finally arrived at Albany two days later, Johnson explained publicly why he had chosen to resign his post. He told colonial officials and Indian representatives that the New

125. Clinton rationalized the importance of the conference to the other provinces by drawing attention to "the encroachments of the French are dayly making on the Indian Territory subject to [the] Crown of Great Britain..." O'Callaghan, N.Y.C.D., VI:717.

126. A record of the Clinton - Hendrick discussions of 2, 3, 5 July is printed in Sullivan, Papers of Johnson, I:339-344.

127. Ibid., p. 340.

York Assembly had consistently refused to recommend payment for expenses incurred in the Indian service and that if he were to continue in the position it would be at "a very great detriment, if not ruin, to him and his private Fortune, as well as a very great fatigue to his person."¹²⁸ Clinton promised the Iroquois that upon his impending return to England, he would seek the appropriate compensation from the home government for what was then owed Johnson but declined to say whether he would support making Johnson a royal official who might in future claim independence from the provincial purse.¹²⁹ Johnson, while refusing to resume the duties of New York Indian Commissioner, did agree to remain in Albany for the duration of the conference.¹³⁰

The Conference proceeded as had most previous encounters between British colonial officials and Indians: the ritual of renewing or "polishing" the Covenant Chain, the exchange of pledges for amity and friendship, the giving of presents, and the traditional British guarantees of providing, in future, an ample quantity of goods for the peltry trade. The serious issues dividing the two groups were then raised. Clinton, believing that the soundest defence was a good offence, berated the Six Nations for allowing the French to erect a stronghold at Niagara and hence to gain control of the surrounding territory. Fort Niagara, he charged, would serve only to allow an interruption of the normal flow of British-Indian trade. He warned the Iroquois that their compliance with the French scheme would make them appear weak in the eyes of their neighbouring tribes. The governor insisted that the Confederacy should prove its fidelity to the British

128. "At a Council held at Albany, 5 July 1751." Sullivan, Papers of Johnson, I:342-343. Johnson claimed that the Assembly was behind in its payments to him in the amount of £2 404. This was a considerable sum of money. A colonial governor's salary during this period seldom exceeded £1 500 per annum.

129. Ibid., p. 344.

130. Ibid.

by attacking the French at Niagara. It would serve as a warning to the French "to forbear their Erecting any Forts, or other Buildings there, or at Ohio, or any where else on your lands, and to Demolish what is already Built."¹³¹

In light of the obviously delicate nature of Iroquois-British relations which existed at the time, the Indian representatives must have been shocked and puzzled by the sheer boldness of Clinton's approach. If that were so, the Six Nations lost little time in regaining the offensive. A Mohawk spokesman, after first making allusions to New York's neglect of their affairs,¹³² informed Clinton that the Onondagas had already travelled to Niagara to prevent the French from building there "as the Land was the property of [the Onondaga] Nation." He then demanded that when the governor returned to Britain, a message be brought to the English king "that the French are Endeavouring to take away our Lands, and Build Forts on them, and beg that the King will Inform the King of France of the proceedings of his Subjects that he may put a stop to it..." Finally, the Six Nations asked that Clinton also request the king to "reinstate Coll. Johnson amongst us."¹³³

The Albany Conference of 1751 was a mixture of moderate success and failure for the British. That it was called at all served the purpose, as one historian has remarked, of easing long-held Iroquois anxiety over their neglect by New York since Aix-la-Chapelle.¹³⁴ A one-year peace agreement between the Iroquois and their traditional southern enemies, the Catawbias, was perhaps the most significant accomplishment of the Conference - and this was arranged

131. "Propositions made by... George Clinton... To the Six Nations" 6 July 1751. O'Callaghan, N.Y.C.D., VI:717-719.

132. He reminded Clinton that "It is a long time since we have had the pleasure of seeing Your Excellency at this place..." See "Answer of the Six Nations..." O'Callaghan, N.Y.C.D., VI:719.

133. Ibid., p. 720.

134. Tootle, "Anglo-Indian Relations," p. 155.

behind the scenes by the South Carolina Commissioner.¹³⁵ The Iroquois response, however, to the problem of French activities on the Ohio and at Niagara was somewhat less supportive of the British position than Clinton would have wished. There was also a clear demonstration of Indian anxiety over the resignation of William Johnson and an uneasiness about who, in future, would be charged with their affairs. But perhaps the most serious fault of the conference was its failure, once again, to establish a more unified and coherent system of dealing with British-Indian relations. In his principal address to the Indians, Clinton had mused:

If all the Indian Nations united in Friendship with [all the British colonies] in the same Councils, with Love and Friendship, how great would that power be, what dread must it Strike on your Enemys, and who would dare Attempt to Hurt them.¹³⁶

The absence from the conference of invited delegates from a number of the British provinces precluded any success that might have been achieved towards such a goal. Those who did participate did not discuss co-ordinating their Indian policies, either because it had not occurred to them that it was important to do so or because they believed a more practical and partisan approach might serve their individual interests better. To many of the colonies, especially those which did not have frontier lands then being threatened by the French, Indian friendship was not seen as an item of high priority for their councils. The absence of Johnson as an official spokesman for British frontier interests and as a respected arbiter of Six Nations-British affairs did nothing to promote an attitude of co-operation and conciliation at the meeting. Colonial and Indian representatives departed from Albany a little unsure of what, in future, either could expect from the other.

135. "Conference Proceedings," O'Callaghan, N.Y.C.D., VI:721-726. Governor Glen of South Carolina had persuaded a number of Catawba head-men to accompany the South Carolina Commissioner William Bull Junior, to Albany. After a series of negotiations between the Catawbas and the Iroquois, chaired by Bull, a one-year non-aggression pact was signed.

136. Ibid., p. 718.

After the 1751 Albany Conference, the French continued to give New York cause to worry about the security of its northern and western frontiers. Rumours and reports abounded concerning a French build-up of men and arms at Niagara, Fort Frontenac and Crown Point.¹³⁷ On 12 June 1751, three weeks before the Albany meeting began, Clinton had written the French governor, Jonquière, officially protesting the reinforcement of the French stronghold at Niagara. In Jonquière's August 10 reply, the governor stated that Fort Niagara had been built on French territory with the "consent" of the only people with the legitimate right to oppose it, the Six Nations.¹³⁸ On the larger question of French acknowledgement of the Six Nations as subjects of the British Crown, and thus Britain's right of dominion over Iroquois lands, la Jonquière argued that the French were the first to penetrate the territories of the Six Nations and the first to establish an "alliance of friendship" with those Indians. Accordingly, Iroquois lands were French lands, the possession of which was re-affirmed by the Treaties of Utrecht and Aix-la-Chapelle. The French governor concluded that these proofs, along with the more recent campaign of Céloron, confirmed the French claim of "uninterrupted possession" of the lands in question.

Jonquière's letter provided British officials with unequivocal proof that the French were determined to confine the northern British colonies to the narrow coastal limits they now occupied. It was also a confirmation of French intentions to incorporate as much of the western interior into the French sphere as the British and Iroquois, through inaction or neglect, would permit.

137. Johnson to Clinton, 27 July 1751; Lieutenant Benjamin Stoddard, commander at Fort Oswego to Johnson, 19 July 1751; Lieutenant Lindesay to Johnson, 10 July 1751. O'Callaghan, N.Y.C.D., VI:729-730.

138. Marquis de la Jonquière to Clinton, 10 August 1751. Ibid., pp. 731-734.

Although stories of French military activity in the north and west persisted during the winter of 1751-52, it wasn't until the early summer of 1752 that the French provided substance to the threat which the British colonies actually faced. On June 21, the same day as the rather productive Logstown Conference in Pennsylvania was breaking up, Charles Longlade, a French frontiersman of exceptional skill, led a large party of French and Indians in a successful attack on the small British trade post at Pickawillany.¹³⁹ The post had been the one British stronghold in the Ohio country of any note and was thought to be secure from French invasion by the close proximity of the Miamis, a tribe which had remained loyal to the British even during the latter stages of King George's War.

The fall of Pickawillany dealt a severe blow not only to the British trading interests, which were immediately affected, but also to general British prestige among the western tribes. It was the British colonial establishment which had chosen not to garrison the outpost in the face of the ever-present potential of a French attack from Detroit. Pickawillany, as one historian has commented, had great symbolic value as the centre of British strength and influence closest to the French sphere in the west.¹⁴⁰ The fort's demise would have the inevitable effect upon the Ohio Indians of causing them to reassess their thinking on the relative ability of the French and British to protect both their own commercial and political interests and those of their allied Indians. Historian L.H. Gipson commented that the Pickawillany defeat provided the western tribes with tangible evidence of British weakness and French power that they would not soon forget.¹⁴¹

139. Longlade was under orders from Céloron de Blainville, then commanding at Fort Detroit. Details of the French campaign against Pickawillany are contained in a journal kept by Pennsylvanian William Trent, who arrived at the post shortly after it was taken. Trent and Andrew Montour had been sent, along with three representatives from Virginia, into the Ohio country, to deliver gifts from Logstown to the tribes friendly to the British. Alfred T. Goodman, ed., Journal of Captain William Trent from Logstown to Pickawillany (Cincinnati, 1871), pp. 86-87.

140. Tootle, "Anglo-Indian Relations," p. 170.

141. Gipson, British Empire, IV:255-256.

The French victory at Pickawillany was a significant factor in French Governor Duquesne's decision to send Henri Marin, along with some fifteen hundred warriors and soldiers, into the Ohio in early 1753. The Six Nations, who were in constant communication with the Ohio tribes, were the first to warn the British of the large Marin expedition advancing into the west. Iroquois alarm at the French seizure of Pickawillany and their resentment at the total lack of any effective British response to the French threat now turned to panic. Onondagas, Cayugas and Senecas, tribes whose ties of loyalty to the British had been weakest, went over to the French in large numbers. Even among the more "moderates" of the Six Nations, there developed a feeling of confusion and bewilderment. As one Mohawk spokesman stated:

We dont know what you Christians French and English together intend. we are so hemm'd in by both, that we have hardly a hunting place left ... we are ¹⁴²so Perplexed, between both, that we hardly know what to say or think.

The Six Nations were clearly frightened by the size and mobility of the French force passing through their territory. Johnson, although he no longer held any official position in Indian affairs,¹⁴³ informed Clinton of the Iroquois reaction to the Marin expedition and volunteered to assist the governor in calling an emergency Indian conference for New York in the early summer of 1753.¹⁴⁴

Clinton wasted no time in summoning representatives of the Six Nations to New York, and on 12 June 1753 the governor and the entire New York Council met with an Indian delegation at Fort George, within the New York city limits.

142. Historical Society of Pennsylvania, Pennsylvania MSS. I, Indian Affairs, 1687-1753, p. 86. Cited in Leach, Northern Colonial Frontier, p. 197.

143. The New York Assembly had re-instituted the Board of Indian Commissioners at Albany in November of 1752. Clinton to Johnson, 5 November 1752. Sullivan, Papers of Johnson, I:383.

144. Johnson to Clinton, 20 April 1753. O'Callaghan, N.Y.C.D., IV:778-779. Marin's expedition into the Ohio was confirmed by Captain Stoddard of of Oswego in a letter to Johnson of 15 May 1753. Ibid., pp. 779-780.

A majority of Indians who attended were Mohawks - the others either had pledged their support to the French or, because they had not done so, were afraid leave their homes and families undefended against a possible French attack. The Mohawk sachem, Hendrick, the most senior Indian representative, left little doubt as to how far British-Iroquois relations had deteriorated when he rose and gave the opening address. "We are come," the chief stated, "to remind you of the ancient alliance agreed on between our respective Forefathers: We were united by a Covenant Chain and it seems now likely to be broken not from our Faults but yours."¹⁴⁵ Hendrick went on to complain bitterly of the "indifference and neglect" shown towards the Confederacy by the New York Assembly. "Albany," he stated, was left "naked and defenseless" and in an obvious reference to the French occupation of the Ohio, Hendrick told the meeting that the Mohawks were now "exposed to the enemy."¹⁴⁶ The French were on the Ohio in large numbers, the British had refused to act, and as a result the Six Nations were now made to "stand every hour in danger." Hendrick reminded the New York Council that they had fought against the French at British request, and now that the French were strong and the British weak, the French held "a knife over our heads to destroy us..."¹⁴⁷ Hendrick ended his speech with a plea and a warning. He asked Clinton to re-establish good relations between his colony and the Six Nations and called for immediate action by the New York Council to redress long-standing Indian grievances. The alternative, Hendrick concluded, was for New York to continue to ignore the pleas of the Iroquois and to suffer the consequences: he, for one, would treat with the French.¹⁴⁸

145. "Conference between Governor Clinton and the Indians, Minutes of Meeting..." O'Callaghan, N.Y.C.D., VI:781.

146. Ibid., p. 782.

147. Ibid.

148. Ibid., pp. 782-784.

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146. Ibid., p. 782.

147. Ibid.

148. Ibid., pp. 782-784.

The specific "grievances" which Hendrick outlined, and which he insisted required Clinton's direct attention, were by no means new to any British officials present. The Six Nations demanded more tangible support from New York for the security of their homes and an immediate stop to the fraudulent taking of Iroquois lands by surveyors and settlers. The main source of complaint was apparently the unilateral extension of patents by colonials over lands not officially surrendered or sold by the Mohawks. Hendrick backed up this claim with a half-dozen examples of non-Indian abuse of the informal system of land acquisition and alienation "Established between New York and his tribe." "As to what we have sold we are well satisfied therewith and sensible," stated the chief, "but it grieves us to have more [land] taken up than we have agreed to sell." Circumvention of the system was so widespread according to Hendrick that it seemed to him there were no lands now left to his tribe.¹⁴⁹

Clinton's response to the Mohawk complaints was woefully inadequate. He pledged to re-affirm the Covenant Chain and suggested only that another conference be called for Albany for a further airing of the issues raised by Hendrick. The governor admitted that the French presence on the Ohio also gave him "a great deal of concern" but then failed to provide any assurances that his colony was prepared to do anything about it. Clinton promised only that if he heard "any intelligence of any attacks intended to be made on you or your Allies," he would promptly pass these on to the Six Nations Council at Onondaga. As to specific Mohawk complaints concerning encroachments on their lands, Clinton argued that most of the lands in question had been patented long before his arrival in New York, but that he was prepared to have the Board of Indian Affairs Commissioners at Albany examine each case individually. The governor ended his speech asking the Six Nations not to consult with the French as "[They] have ever been treacherous to you and you can not be too much on your Guard against them."¹⁵⁰

149. O'Callaghan, N.Y.C.D., VI:781.

150. Ibid., pp. 785-787.

Hendrick was incensed at Clinton's attempt to evade what the chief saw as the crucial issues separating the Six Nations and New York. "All what we have desired to be done for our Good is not granted," Hendrick told the assembled conference delegates. He went on:

When we came here to relate our Greivances about our Lands, we expected to have something done for us... and brother you tell us that we shall be redressed at Albany, but we know them so well, we will not trust them, for they are no people but Devils, so we rather that you'l say Nothing shall be done for us.¹⁵¹

Hendrick then delivered a stunning blow to Anglo-Iroquois relations. "As soon as we come home," the chief told the conference, "we will send up a belt of Wampum to our Brothers the 5 Nations to acquaint them the Covenant Chain is broken between you and us." Hendrick solemnly concluded his address, stating "you are not to expect to hear from me any more, and Brother we desire to hear no more of you."¹⁵² With that, the Iroquois stormed out of Fort George to carry this message to their fellow tribesmen.

The French invasion force on the Ohio was clearly responsible for bringing about the long-expected confrontation between New York and the Six Nations over matters of security and land. What had surprised provincial officials was the importance the Indians placed on these items. Clinton and the New York Council had clearly underestimated the anxiety and desperation which the Iroquois, especially the Mohawks, then felt. The Six Nations had journeyed to New York with the hope of receiving a firm commitment of assistance for the protection of their lands and security against the French advance. Clinton's weak and non-committal response gave the Confederacy little reason for maintaining further ties with the British.¹⁵³ Disappointed by Clinton's response, frightened by the success of the French army in the west, the Iroquois saw at once that

151. O'Callaghan, N.Y.C.D., VI:788.

152. Ibid.

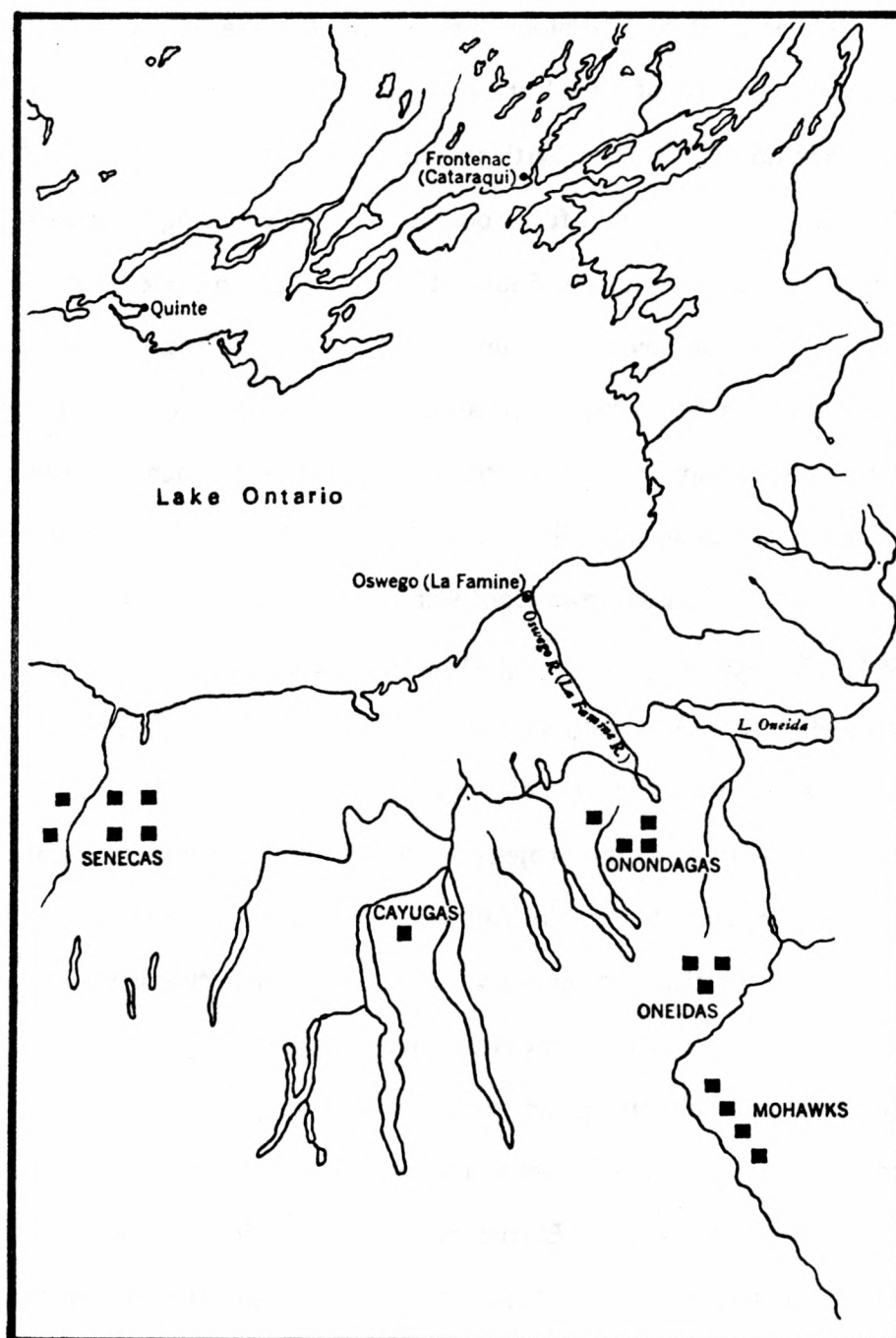
153. Tootle, "Anglo-Indian Relations," p. 184.

their best hope for self-preservation lay in joining the invader and disassociating themselves from their long-time allies, the British. The failure of New York, or any other British colony, to provide an adequate defence of Iroquois trade, lands and homes had resulted in the breaking of the Covenant Chain.¹⁵⁴

The New York Conference of June 1753 represented the last colonial-sponsored initiative to settle issues affecting Iroquois-British relations. Like the 1745 and 1751 Albany Conferences, it failed to produce any concrete, long-term solutions to problems of land, trade and defence. New York colonial self-interest and a marked unwillingness among the other colonies to co-operate in formulating a common policy for the conduct of Indian affairs had led to a gradual disintegration of the British-Iroquois alliance. In New York, political in-fighting and petty jealousies among the Assembly, the governor, the Albany Board of Commissioners and William Johnson had frustrated the adoption of effective measures to retain Confederacy support. Likewise, disagreements between Virginia and Pennsylvania over boundaries and trade had threatened to do irreparable damage to British ties with Indians residing west of the Appalachian Mountains. The intransigence, indecision and vacillation which characterized the British approach to Indian affairs, especially during the period 1748-1753, stood in stark contrast to the coherent, systematic and calculated approach employed by the French. Céloron's 1749 expedition into the Ohio with a large contingent of regular soldiers and allied Indians was a forthright demonstration of French willingness to forcefully prosecute their pretensions to North American territory. Later, under Governor Duquesne, all Frenchmen dealing with Indians either officially or unofficially were advised to be accommodating, conciliatory and fair in their commercial and political transactions with tribes who might, in future, assist France against its British rival.

¹⁵⁴. Tootle, "Anglo-Indian Relations," p. 184.

By the end of 1753, no single individual, institution or government body had emerged within the British colonies to speak with conviction and authority for all the provinces on the crucial issues relating to Indian affairs. Only in one case, and that was Acadia, had the home government demonstrated a willingness to intervene and provide some direction to local officials for handling Indian problems. The threat of a rupture between France and Britain, especially over control of the west, grew more imminent each day. The importance of the Indian - and the military assistance he might provide to either side - made it imperative that the British find a new approach to the resolution of old issues. The questions of how, where and from whom some new arrangement for tackling British-Indian differences might emerge represented the most important challenge to the British colonial and imperial establishments at this time.



THE FIVE NATIONS OF THE IROQUOIS.
(After a map of 1668 in the Dépôt de la Marine.)

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PART II

IMPERIAL AND COLONIAL PRECEDENTS, 1754-1755THE ALBANY CONFERENCE AND ITS AFTERMATHColonial Reports and Imperial Action

Between 1750 and 1752, the home government began receiving mixed reports from various colonial officials concerning the status of British-Indian relations and French efforts to block the continental interior to British trade and settlement. Clinton of New York and William Johnson sent regular accounts of French trade and military activities in the Ohio. London was also informed of New York's failure to regain full Iroquois support following King George's War.¹ But at the same time, the Board of Trade received some generally favourable news from such men as Governors Glen of South Carolina and Dinwiddie of Virginia. Glen forwarded a rather inflated report on the success of South Carolina commissioners at Albany in 1751 in arranging the one-year peace agreement between the Catawbas and the Six Nations. Dinwiddie sent the Board encouraging accounts from the 1752 Logstown Conference, where representatives of the Ohio tribes had allegedly given recognition by treaty of British sovereignty over lands west of the Appalachian divide.² Also, from what the King's Council had been told about the activities of the Ohio Company, there appeared to be no difficulty whatsoever in the project for extending British settlement westward to the Ohio and beyond. In Acadia, Chignecto had been secured by the building of Fort Lawrence, British immigration had increased into the province, and Governor Hopson had treated successfully with representatives from at least one major tribal unit inhabiting the region. Until early 1752, imperial officials in London were still optimistic that some mutually satisfactory agreement would be reached between French and British commissioners in Paris over Acadian and western boundaries. Even in 1753, when an apparent deadlock in the Paris talks arose over Acadia and the disposition of the so-called Neutral Islands

1. See as examples, Clinton to the Lords of Trade, 30 July 1750. O'Callaghan, N.Y.C.D., VI:577-578. Clinton to the Duke of Bedford, 30 July 1750. Ibid., pp. 578-580. Clinton to the Lords of Trade, 12 September 1750. Ibid., pp. 587-588. Johnson to Clinton, 18 August 1750 (forwarded to the Lords of Trade by Clinton). Ibid., pp. 589-590. Clinton to the Lords of Trade, 17 July 1751. Ibid., pp. 713-715. Clinton to the Duke of Bedford, 17 July 1751. Ibid., pp. 715-726.

2. Cited from Board of Trade to Dinwiddie, 29 November 1752 and 17 January 1753. C.O. 5/1366/516 and C.O. 5/1367/5.

in the West Indies, the British ministry did not become unduly concerned. For the most part, the government was still too absorbed in cleaning up the debris from the last war to contemplate the possibility of another open conflict with the French. Until the spring of 1753, nothing had occurred either at home or abroad to give Britain real cause for anxiety over the safety of its North American possessions.

By March of 1753, however, the relative sense of calm among those closest to the king began to be disturbed. It was Governor Dinwiddie of Virginia who raised the first alarm. In a late-winter report Dinwiddie informed the Board of Trade that the French were now inciting the Indians in the "Western parts of Virginia," meaning the Ohio, and that they had robbed and plundered a number of British traders. The governor forwarded a list of French forts in Canada and Louisiana which had been given him by a French deserter. According to Dinwiddie, this confirmed French designs on British trade and settlement. The governor estimated the number of French "soldiers" south of the Great Lakes to be 10 000 in addition to those already occupying forts on the Lakes "in the Territories of the Six Nations and within the Dominion of Great Britain."³ The Board of Trade acted at once by asking the Privy Council to authorize twenty or thirty three-pounder cannons to be sent to Dinwiddie for the arming of "forts" which the governor proposed to build on the Ohio. A request was also submitted to allow the Virginia governor to take £ 1 000 from the Tobacco Levy to buy presents for one of the Ohio tribes. Reporting to Lord Holderness, then Secretary of State responsible for the colonies, the Board declared that unless some measures were "speedily" taken to put an end to "these proceedings and encroachments [by the French] . . . any further attempts of H.M. subjects to make settlements in the interior part of America, will be effectually prevented" by the alienation of the Indians who would "ravage and invade" the colonies if there should be an "open rupture" between the two Crowns. The Board went on to state that as it was not "apprised of the state of the negotiations [at Paris] between the two Crowns" it would not recommend what directions ought to be given to the

3. Stanley M. Pargellis, Military Affairs in North America, 1748-1765 (New Haven, 1936), pp. 12-16.

governors immediately and that such advice should come from those who were better informed.⁴ However, before the Council had time to consider fully the Board's recommendations, news arrived from New York that French Governor Duquesne had sent some 6 000 more troops southward from Canada to erect additional forts along the Ohio system.⁵ This was the Marin expedition, and although few government officials in Britain believed that number of men could be mobilized by the French on such short notice, there was a general feeling in London that the situation in North America had now become serious.

The first imperial official who appeared to understand the essential gravity of Anglo-French and British-Indian relations in North America was the ambitious and aggressive President of the Board of Trade, Lord Halifax. Since his appointment to the Board in 1748, Halifax had worked tenaciously to acquire an in-depth knowledge of the American colonies. His friendship and family connections with Governor Clinton had prompted an even closer interest in New York affairs. Halifax had concluded as early as 1752 that Clinton's difficulties with the New York Assembly had been precipitated to a large degree by their differences over the handling of Indian affairs administration. The resulting quarrels between the province's chief executive and its elected representatives had, in Halifax's view, rendered the colony impotent to oppose the French during King George's War and to regain Iroquois support after 1748. Since the Iroquois remained the key to any successful military defence of the British colonies in North America, and as they had been recognized as British subjects under the terms of the Treaty of Utrecht, it appeared to Halifax that political and military circumstances combined in demanding a new Indian policy.⁶

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4. Lords of Trade to Holderness, 16 March 1753. C.O. 5/1367/21. The order-in-council approving the dispatch of guns to Virginia was not passed until 10 August 1753, but the £1 000 for Indian presents was confirmed in a letter to Dinwiddie on June 6. See Minute of August 10, C.O. 324/38/362 and Lords of Trade to Dinwiddie, 6 June 1753. C.O. 5/1367/35.
 5. Lords of Trade to the Secretary of State, 18 July 1753. C.O. 5/1128/295. This information was later confirmed by a June 16 letter from Governor Dinwiddie and passed on to the Secretary of State on August 16. Dinwiddie to the Lords of Trade, 16 June 1753. C.O. 5/1367/43.
 6. Graham, "British Intervention," p. 83.

When Halifax was told of the existence of a large French force on the Ohio, he immediately asked for and was granted an interview with his father-in-law, the Duke of Newcastle, Secretary of State for the Northern Department and member of the Privy Council. Halifax told Newcastle of his extreme apprehension for what was then occurring on the North American frontier - traders "in a great panick," French soldiers armed with heavy cannon occupying British soil, French settlement "to the westward of our present possessions," and finally, the unfulfilled expectations of Indians to receive arms and ammunition along with other British support to fight the common enemy. In direct reference to French intentions to construct a fort at the forks of the Ohio, Halifax concluded that France would "by means of this fort and settlement, if carried into execution complete the object which she has long had in view, of opening a free and safe communication" between Canada and Louisiana, and establish herself so as to cut off the British fur trade and monopolize the friendship of the western Indians.⁷

Newcastle did not move on Halifax's representation immediately but asked the Board of Trade President to put his thoughts on paper so that the Privy Council might be informed as a whole on the North American situation. Four days later, on August 16, Halifax had his report ready and sent it on to Newcastle.⁸ It contained essentially the same views he had put forward to the Duke privately, but with a more clearly defined analysis and a more elaborate explication of Britain's failure to protect both its possessions and its Indian alliances. Halifax explained that from a diplomatic point of view, France had contravened or evaded agreements entered into by both Crowns concerning the disposition of American territory. Whereas most of the disputed lands should have been subject to negotiations then taking place in Paris, France had unilaterally made encroachments on territory "which indisputably belonged to Great Britain." The Board President used as examples the French trading and military activities reportedly occurring

7. Halifax to Newcastle, 12 August 1753. British Museum, "Newcastle Papers," Add. MSS. 32 732, folios 450-453.

8. Representation of the Board of Trade, 16 August 1753. C.O. 5/1367/45. "Proceedings of the French in America ..." British Museum, "Newcastle Papers," Add. MSS. 33 029, folios 96-100.

in Nova Scotia, New York and on the Ohio. In Nova Scotia, he pointed to the building of French strongholds at Beauséjour, Baie Verte and at the mouth of the St. John River "in the very heart of the country and by which [the French] have secured to themselves all the territory lying between the peninsula and the River St. Lawrence." By these acts alone, Halifax concluded, the French were able to influence the neighbouring tribes to commit barbarous acts of hostility against British settlements. In New York, according to Halifax, the French had seized Six Nations land near the Great Lakes at Niagara and Crown Point, where the construction and garrisoning of forts now represented a real peril to British trade and settlement. On the Ohio, the French had lowered British prestige among the western Indians through a systematic and determined effort to establish open communication between the Gulf of Mexico and Canada. The Indians would not resist these French encroachments, Halifax stated, unless they received British assistance. The French, concluded the Board President, were determined to confine the British colonies to as narrow limits as possible on the eastern coastline of America and to use Indian assistance both military and commercial to achieve their goal.

At this point, Halifax did not take the opportunity to recommend any radical departure in policy for the management of Indian affairs or political reorganization of colonial administration. He may have felt that the Council would reach its own conclusions on these matters, given sufficient information. The most important task at this time was to convince the Council that the North American situation presented serious problems that could no longer be ignored.

Armed with Halifax's paper, Newcastle moved quickly to persuade members of Council to act. During the following week, the Secretary circulated the Board President's report among senior government officials and on August 21, the whole North American situation was discussed at a Ministerial Council.⁹

9. Minutes of this meeting are in British Museum, "Newcastle Papers," Add. MSS. 32 995, folios 26-30.

At this meeting, Newcastle recommended that orders be sent immediately to the several governors in North America to require "the subjects of any foreign prince, or state" to desist from encroaching on British territory and from committing any act of hostility. Once warned, if they should refuse to withdraw, the governors were to "draw forth the armed forces of the province" and "to repel force by force." The Council endorsed this action. While nothing in the minutes suggests that the broader issues of colonial organization or the management of Indian affairs were discussed, it can be assumed that the Council's commitment to use force in protecting British territory was not unrelated to its concern over Indian military support of British possessions. It was presumed that a strong show of force would convince the natives that Britain would no longer tolerate French encroachments on British lands and that their most advantageous future lay in remaining loyal to the English Crown. The Earl of Holderness, Secretary of the Southern Department, was ordered to forward the Council's instructions to the American governors as soon as possible.

On 28 August 1753 Holderness dispatched a circular letter to all British North American provinces, informing them of the ministry's determination to resist further French advancement on British soil in North America.¹⁰ The policy of repelling "force by force" was outlined, but colonial officials were warned against being perceived as the aggressors in any confrontation with the enemy. Perhaps the most significant addition to the ministry's resolution contained in Holderness's letter concerned intercolonial co-operation. The Secretary of State wrote:

And whereas it may be greatly conducive to His Majesty's service, that all his Provinces in America should be aiding and assisting each other, in case of any invasion, I have it particularly in charge from His Majesty to acquaint you . . . that you should keep an exact correspondence with all His Majesty's Governors on the Continent.¹¹

Furthermore, Holderness ordered, the governors were to call their respective assemblies together at the first sign of hostilities "and lay before them, the necessity of a mutual assistance and engage them to grant such supplies as the exigency of affairs may require."¹² By this command, the British colonies

10. Holderness to the Governors of North America, 28 August 1753. O'Callaghan, N.Y.C.D., VI:794-795.

11. Ibid., p. 794.

12. Ibid., pp. 794-795.

in North America were asked for the first time to provide concrete financial support and mutual aid should any of their number be threatened by a foreign aggressor. Although no fundamental administrative or constitutional changes were implied in these orders that would affect long-term colonial-imperial relationships, it did signal the intention of the British government to take a more direct role in the activities of its established colonies in North America. Indian affairs would not long escape the influence of this new imperial thrust.

When the circular letters went out to North America in early September, Governor Dinwiddie, who had inquired specifically about the formulation of a British strategy for the Ohio, was provided with more detailed instructions than his colleagues in the other provinces. Holdernessee assured Dinwiddie that the cannons and gunpowder which the governor had requested the previous June were now on their way and that he was to employ these supplies at forts to be erected "within the King's own territory."¹³ If the French interfered in any way with this plan, Dinwiddie was to interpret it as a situation where he must "repel force by force." Further, should any foreign power be discovered building its own forts in this area and should it, upon request, refuse to leave, force might again be used to effect a withdrawal.

Soon after the Privy Council had authorized the August 28 Circular Letter, more disturbing news arrived from New York, this time relating directly to the deterioration of British-Indian relations in North America. Governor Clinton had sent a transcript of the Albany Conference proceedings of the previous June, and the prospect of a complete break in British relations with the Six Nations Confederacy now became evident to imperial officials in London. Upon receiving Clinton's report, Halifax and the Board of Trade forwarded it immediately to the Privy Council, stating in a covering letter that "this affair appears to us to be of a very serious nature and may be attended with very bad consequences."¹⁴ The Board recommended immediate action. The governor of New York, it stated, should be ordered to hold an interview with the Six Nations in conjunction with commissioners

13. Holdernessee to Dinwiddie c. September 1753, as quoted in Richard L. Morton, Colonial Virginia, 2 vols. (Chapel Hill, 1960), II:637-638.

14. Lords of Trade to the Earl of Holdernessee, 18 September 1753. O'Callaghan, N.Y.C.D., VI:799.

appointed from "the other Neighbouring Governments whose security and interest depends upon and is connected with them." These directives would be sent out in the form of instructions to the newly appointed governor of New York, Sir Danvers Osborn. The other British governors in America would be ordered from London to co-operate in the enterprise.¹⁵

All of the Board of Trade recommendations and the concomitant draft instructions for Osborn were approved by the Privy Council on 18 September 1753. In broad terms, the New York governor was told: to do what he could immediately to repair the damage which had occurred to Anglo-Iroquois relations; to call another conference of Six Nations representatives at a suitable location the following summer; and finally, to investigate Indian complaints about land frauds with a view to ensuring, in future, a better control of land sales in his province.¹⁶

More specifically, all future surrenders of Indian lands were to be made solely "in His Majesty's name and the public charge." No further private purchases were to be tolerated. In ordering these measures, the Privy Council made it clear that, when necessary, it was prepared to intervene significantly in the administrative affairs of its colonies.¹⁷

The reports from New York warning of a complete collapse of Anglo-Iroquois relations had provided Lord Halifax with an opportunity to demonstrate his knowledge of matters affecting North American Indian affairs and the functioning of the colonial establishment. His conviction that a new, more closely controlled policy for dealing with British-Indian relations was needed could be seen in the details of Osborn's Instructions and the circular letter sent to the other American governors. Imperial participation in the initiation, co-ordination and application of North American policy affecting Indian affairs would now become the rule rather than the exception. Faced with a past history of inept colonial administration of these matters and a growing crisis on the British colonial frontier, British authorities in London had little choice but to act in what they believed to be the best interests of those at home and abroad.

15. O'Callaghan, N.Y.C.D., VI:799.

16. Lords of Trade to Sir Danvers Osborn, 18 September 1753. Ibid., pp. 800-801.

17. A circular letter was sent to other selected governors in America recommending their participation in the conference to be called under the terms of Osborn's Instructions. "Lords of Trade to the Governors in America," Circular Letter, 18 September 1753. Ibid., p. 802.

Colonial Attempts to Protect Frontier Interests

During the latter part of 1753, before the circular letters on French encroachments and Indian affairs reached North America, New York, Pennsylvania and Virginia worked continuously to restore good relations with the Six Nations and other Indian groups. In September and October, Pennsylvania officials met with representatives from the Iroquois, Delawares, Shawnees, Miamis and Wyandots at Carlisle.

During the meetings, colonials steered discussions toward matters of trade and away from issues of frontier defence and Indian lands. As a result, Indians reportedly left the Carlisle Conference somewhat unsure of Pennsylvania's commitment to their interests.¹⁸ In New York, William Johnson met a delegation of Mohawks in July of 1753 at Mount Johnson and in September he conferred with a number of Confederacy chiefs at Onondaga.¹⁹ Both meetings were attempts to assuage Iroquois anger following Clinton's confrontation with Hendrick at Albany over Indian lands and colonial defence. Nothing conclusive emerged from either encounter. The Iroquois admitted they were confused and undecided about what they should do next, and Johnson was unable to provide concrete assurances that the issues separating the Confederacy and New York would be settled quickly and to the Six Nations' satisfaction.

Virginia was the only British colony during this period to embark on an aggressive campaign to win over Indian support and to protect its possessions on the frontier. Governor Dinwiddie, an active proponent of colonial westward expansion, resolved to force the French out of the Ohio River region and by so doing secure the Ohio tribes to the British interest.²⁰ As soon as he had received Holdernes's instructions to oppose the construction of French forts on British territories, Dinwiddie began organizing a military expedition into the Ohio.²¹ He resolved that the first step would be to give formal notice to the French that when western

18. Proceedings of the Carlisle Conference are in Samuel Hazard, Pennsylvania Archives (Philadelphia, 1852-1856), V:670-684.

19. A record of what transpired at these two meetings is contained in O'Callaghan, N.Y.C.D., VI:808-815.

20. Tootle, "Anglo-Indian Relations," p. 196.

21. Morton, Colonial Virginia, II:637-638.

activities constituted an invasion of the domain of the British Crown, the French must either withdraw or face the consequences. The governor chose as his messenger a young major in the Virginia militia, George Washington.

With a small regiment of volunteers, Washington travelled to the Ohio during October, November and December of 1753. He held several meetings with local tribes as he passed successively through Pennsylvania and its western frontier counties. At Logstown, he convened a brief conference with the Mingo half-king and his followers, asking for an Indian escort to assist in provisioning his men during the remainder of his journey.²² The Indian response to Washington's request was not encouraging. The recent French invasion of the region had caused a great deal of apprehension among the Ohio tribes and they feared giving open support to any British enterprise which the French might interpret as hostile. Word had already reached Logstown that three Indian nations, the Chippewas, Ottawas and Adirondacks, had declared war on the British.²³ When Washington departed Logstown in early December, only three Indians in addition to the Mingo half-king had volunteered to accompany him to the Ohio.²⁴

Washington reached the French sub-post Venago on 4 December 1753 without incident and was immediately informed by Captain Joncaire, the officer-in-charge, that it was their "absolute Design to take Possession of the Ohio."²⁵

22. It is more than likely that Washington's real desire for having these Indians along was to protect his party against possible attacks from French-allied Indians. Washington's journey into the Ohio is documented in the printed diaries the major kept of his travels during this period. See John C. Fitzpatrick, ed., The Diaries of George Washington, 1748-1799 (Boston, 1925), I:50-51.

23. Ibid., pp. 51-52.

24. Christopher Gist had met Washington at Logstown and had acted as an interpreter for the major's discussions with the Indians. Gist described the three Indians who finally agreed to follow Washington into the Ohio as "two old men and one young warrior". Darlington, Gist's Journals, p. 81. Cited in Tootle, "Anglo-Indian Relations," p. 198 footnote 31. The Mingo half-king attempted to explain away the poor response to Washington's request for aid as a deliberate move to keep the Indian escort small so as not to "give the French Suspicions of some bad Design."

25. Fitzpatrick, Diaries of Washington, I:54-55.

From Venago, Washington travelled to Fort Le Boeuf to confront the French commanding officer on the Ohio, Le Gardier St. Pierre. Upon his arrival, Washington showed St. Pierre the letter from Dinwiddie and demanded to know if he and his forces were prepared to withdraw completely from British soil. The French commander told Washington that he rejected all British claims to the Ohio country, declared that the area belonged to France, and threatened to seize any British traders found on the frontier.²⁶ His mission completed, the British major left Le Boeuf and headed back towards Virginia, arriving in Williamsburg a month later.

The situation for the British on the Ohio was clearly deteriorating. St. Pierre's formal denial of British claims to the area signalled French determination to seize and hold the midwestern part of the continent. The French had not only refused to vacate their Ohio strongholds, but they had served notice that henceforth no Englishman would be permitted to trade or travel in the territory. The Ohio Indians, out of fear and respect of French arms, were falling away from the British interest in large numbers. Concern for physical survival now superseded any advantage the British could offer in lower prices for trade goods or promises they might tender for future military aid. Only if the French threat were removed could the Ohio tribes consider re-establishing close ties with British trade and commercial interests.

Washington's report of his meeting with St. Pierre made Virginia Governor Dinwiddie even more determined to substantiate his colony's claim to Ohio lands. First, Dinwiddie dispatched a detachment of Virginia regulars under Captain William Trent, with orders to march directly to the Ohio and to engage themselves in protecting the Ohio Company's efforts to construct a fort at the forks of the Ohio River.²⁷ Then, on 21 January 1754, only five days after his return from the west, the governor ordered Washington to raise and train one hundred militia

26. Fitzpatrick, Diaries of Washington, I:54-55.

27. Tootle, "Anglo-Indian Relations," pp. 199, 200.

and to return to the Ohio to assist Trent and the Company in completing the British post.²⁸ Finally, Dinwiddie sent a long communication to a southern tribe of Indians, the Catawbias, warning them of French designs in the north and west and asking them to send warriors to the Monongahela the following spring to support Virginia troops against the French and their Indian allies.²⁹

Washington encountered considerable difficulty in attracting sufficient numbers of men for his mission.³⁰ Before his troops were ready to march, French forces struck the unfinished Ohio Company fort on the Ohio, and Trent's garrison of some forty-one men surrendered without a fight. The French commander of the attack, Pierre Claude de Contrecoeur, took possession of the British post, renamed it Fort Du Quesne³¹ and immediately began reinforcing it.

Trent's retreating forces met up with Washington's long-delayed entourage near Wills' Creek in late April of 1754. They held a Council of War and both groups decided to take refuge at the Ohio Company's other fort near Redstone. It was the most logical embarkation point from which the Virginia forces might launch a counter-offensive against the now French-held fort at the Ohio forks.

By now, reports had reached Washington that Maryland and North Carolina had pledged assistance in the form of men and provisions to aid Virginia in its struggle for the Ohio. Washington used these promises to assure anxious representatives of the Ohio tribes that reinforcements would soon arrive to protect them "against your treacherous enemy, the French."³² By early June, the British commander

28. Morton, Colonial Virginia, II:642. Dinwiddie also wrote letters to the governors of South Carolina, Pennsylvania, New York, Maryland, New Jersey, and Massachusetts, containing details of Washington's report of his meeting with St.-Pierre. Robert A. Brock, Virginia (Colony) Lieutenant-governor, 1751-1758 (Dinwiddie Papers) (Richmond, 1883-84), III:61-75.

29. Dinwiddie to the Catawbias, 29 January 1754. Brock, Dinwiddie Papers, III:60-61.

30. Those living near the Virginia frontier were now reluctant to leave their families unprotected to possible French and Indian assaults. Morton, Colonial Virginia, II:645.

31. Ibid., pp. 646-647.

32. Darlington, Diaries of Washington, I:82-85.

was confident his mission against the French would be successful. Buoyed by the promise of intercolonial assistance from the neighbouring provinces, Washington began constructing a large fortification on the Pennsylvania frontier at Great Meadows.³³ He believed that by mid-summer his forces would "dispossess the French" from lands legitimately belonging to Great Britain.³⁴

The Albany Conference of 1754

While Virginia forces roamed about the colonial frontiers of Pennsylvania and the Ohio River, New York and a majority of the remaining British colonies began preparations for the Anglo-Iroquois Conference as ordered by the 18 September 1753 Instructions to Sir Danvers Osborn and the circular letter to the other American governors of the same date. New York Governor Osborn's sudden death within three days of his arrival in North America left the bulk of the planning to his acting replacement, James De Lancey.³⁵ De Lancey, eager to prove himself equal to the task of governor, moved quickly on the Secretary of State's orders. By late December of 1753, he was able to assure the home government that all arrangements had been completed for a joint Indian/intercolonial conference to take place at Albany in mid-June of the coming year. In the interim, no further grants were to be made of lands which the Six Nations might claim as their own, and appropriate steps were taken to ensure a sufficient supply of presents for distribution to all the tribes who would participate.³⁶

33. Near present-day Unionstown, Pennsylvania.

34. Darlington, Diaries of Washington, I:94-95.

35. Osborn committed suicide on 12 October 1753. Thomas Pownall to the Lords of Trade, 14 October 1753 and Lt-governor De Lancey to the Lords of Trade, 15 October 1753. O'Callaghan, N.Y.C.D., VI:802-804.

36. De Lancey to the Lords of Trade, 24 December 1753. Ibid., pp. 817-818. By early April of 1754, a quantity of British merchandise, including guns and ammunition, arrived at New York for the gift-giving ceremonies which occurred at every Anglo-Indian conference. Acknowledged in De Lancey to Lords of Trade, 22 April 1754. Ibid., pp. 833-835.

On 19 June 1754, commissioners from New York, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maryland and Pennsylvania assembled at the Albany town hall to settle upon a joint plan of action for the re-establishment of good relations between the colonies and the Six Nations Confederacy.³⁷ The objective of the conference, as stated in Osborn's Instructions, was the unification of all the British colonies under one general treaty with the Iroquois.

As soon as the provincial commissioners had presented their formal credentials, De Lancey read publicly the Board of Trade's circular letter of September 18.³⁸ Each of the colonial delegations then appointed one of their number to a commission for the drafting of proposals for presentation to the Indians in the name of all the colonies.³⁹ This group met daily until June 27, at which time a sketch of the main provisions was agreed upon and signed.⁴⁰ On June 29, De Lancey, who acted as the conference chairman, delivered a speech in the presence of colonial and Indian representatives, outlining the colonial propositions for friendship with the Six Nations tribes.

In an apparent attempt to de-emphasize the less-than-cordial relationship which had developed between the two sides during the previous ten years, De Lancey asked that the Covenant Chain which had "remained firm and unbroken from the beginning" be brightened and strengthened.⁴¹ He requested that the Indians remember their "ancient treaties" with his province when they had acknowledged

37. Although Virginia and the Carolinas did not send delegates, these colonies asked to be considered part of any agreement which might be reached at the conference. For details of the specific commissions given to each provincial delegation from their respective resident governments, see O'Callaghan, Documentary History of New York, II:317 ff.

38. Proceedings of the Albany Conference are documented in O'Callaghan, N.Y.C.D., VI:853 ff.

39. Ibid., p. 858.

40. Ibid., p. 864.

41. Ibid., p. 862.

the British king as their ally and protector. He pointed out how French penetration of the Ohio and other encroachments in their country now threatened to "interrupt and destroy all Trade and intercourse between the British and the several Indian nations on the continent . . ." ⁴² The governor ended his address by inquiring whether the new French strongholds in the north and west were erected with Iroquois approbation and consent. ⁴³

Under the circumstances, it seems peculiar that the conference delegates remained silent on matters which they certainly should have known to be of the greatest concern to the Six Nations: land and military defence. One might have expected De Lancey himself, with several years of experience on the New York Council and privy to most dealings between his province and the Iroquois, to have recommended those items for inclusion in the speech. The omissions, however, were not lost on the Iroquois delegation.

The Confederacy response was given by the Mohawk chief, Hendrick, by now a veteran of Anglo-Iroquois diplomacy. Both the tone and the substance of his remarks betrayed his displeasure.

Hendrick began by chastising the British for their long-time neglect of Iroquois concerns and for allowing the Covenant Chain to be broken the previous year. He believed that for some of his fellow tribesmen, rapprochement with the British was too late: they had already been drawn into the French camp. And he warned that relations between the British and entire nations of the Confederacy had deteriorated to the point where there was now growing suspicion of anyone who would elect to talk with the English. Hendrick denied, however, rumours that the Iroquois had consented to the building of French forts on the frontier. He saw the greatest threat to his people coming not merely from French occupation of land on the frontier, but rather from both France and England - who now seemed determined to take Iroquois territory as their own. "The Governor of Virginia and the Governor of Canada are both quarelling about lands which belong to us," Hendrick told his audience. And he added "such a quarrel may end in our

42. O'Callaghan, N.Y.C.D., VI:862-863.

43. Ibid., p. 863.

destruction."⁴⁴ The chief concluded his speech with a warning that unless the British were prepared to actively defend their own as well as Six Nations' interests, the French might easily come and defeat them both.⁴⁵ As a gesture of goodwill, Hendrick stated that his people were willing to renew the Covenant Chain. As a post-script to Hendrick's address, the chief's brother Abraham asked for the reinstatement of Johnson as Commissioner of "Indian Affairs to the King."⁴⁶

The commissioners had not anticipated Hendrick's stinging remonstrance to their initial offering. Early the following morning, on July 3, the same men who had drafted De Lancey's speech were hastily recalled to draw up a second communication - this one to answer Hendrick's accusations of neglect for their mutual safety and the illegal British occupation of Indian lands. By late afternoon the colonial response was ready, and in the early evening it was conveyed to the Indians in another De Lancey speech.

The New York governor signalled a more conciliatory approach by opening his address with an apology for past British neglect of Indian affairs. He then turned to the issue of colonial expansion into the west. He reminded the Six Nations of their former willingness to "put this land under the King our Father." Far from keeping and benefiting from the land himself, De Lancey argued, "[the King] is now taking care to preserve it for you."⁴⁷ The governor then attempted to explain the subtleties of sovereignty and title to the territories and how Iroquois rights to the soil had been preserved under the British Crown. De Lancey stated that although the land was under the king's government, "yet the property or power of selling it to any of his Majestys subjects having authority from him, we always consider as vested in [the Indians]."⁴⁸ He pointed out that although

44. O'Callaghan, N.Y.C.D., VI:869-870.

45. Ibid., p. 870. In this context, Hendrick also made disparaging allusions to the continuing British custom of trading with French-allied Indians, especially at Albany.

46. Ibid.

47. Ibid., p. 872.

48. De Lancey did not elaborate on what he meant by the land being "under the King's government." Presumably, he meant the authority to administer the land under instructions from the Crown. This is not entirely clear.

the British had constructed roads into the Ohio and had sent traders there to participate directly in the commerce of the region, there was never any intent to dispossess the tribes of their lands. The French, on the other hand, De Lancey argued, "have been marching troops into that Country" and were now a greater threat to Iroquois lands than the British had ever been. To reinforce his argument, De Lancey had Conrad Weiser state the opinion that while the British were interested in the protection and welfare of the Indians, the French thought only of territorial gain at Indian expense.⁴⁹ To the Iroquois charge that the British were sorely lacking in military preparation, De Lancey gave assurances that from that time forward, the Indians could count on the British to meet those responsibilities. He cautioned, however, that as the colonies were now committed to rectifying their own "defenceless state," the British would expect the Confederacy to "take care to keep your people from going over to the French."⁵⁰

After delivering the long address on behalf of all of the participating colonies, De Lancey concluded with some remarks in his capacity as governor of New York. He answered the Iroquois demand that Johnson be reinstated as Indian Affairs Commissioner by stating that Johnson himself continued to decline the post. He asked that the Six Nations give the Albany Commissioners who had been appointed to succeed Johnson a further year's trial.⁵¹

The Six Nations appeared to be satisfied with the explanations and commitments conveyed by De Lancey. Hendrick, who again spoke for the Confederacy, confirmed renewal of the Covenant Chain. He went on to express the particular pleasure of the Iroquois at the governor's assurances that his people retained the right to keep or sell Iroquois lands and at the intercolonial commitment to protect these from all encroachments. In a rather surprising move, Hendrick also agreed to go along with De Lancey's request that Indian affairs be conducted by the

49. "Albany Proceedings." O'Callaghan, N.Y.C.D., VI:872-873.

50. Ibid., p. 873.

51. Ibid., p. 874.

Albany Commissioners for one more year. However, he also made it clear that it was absolutely vital to the continuation of good relations between the colonies and the Confederacy that the British take immediate steps to correct "the defenseless state of your Frontiers ... and of the Country of the Six Nations."⁵² Hendrick concluded his address by asking what had been done concerning the complaints his people had lodged the previous year about allegedly fraudulent patent claims to Mohawk lands on the upper Hudson.

Hendrick's reference to complaints about the situation on the upper Hudson, an issue which certainly contributed to the unpleasant confrontation between the Mohawks and Clinton in July of 1753, was unexpected but nevertheless taken seriously by Conference officials. Between July 5 and 8, De Lancey, several of the commissioners, and those present from the New York Council met with a number of the patentees whom the Mohawks had accused of unlawfully extending their holdings.⁵³ In two cases, De Lancey was able to secure informal assurances from settlers or their representatives of a compromise that satisfied both the colonists and the Indians. The governor also pledged to investigate the remaining complaints once he returned home.

In a final meeting with the Iroquois, De Lancey expressed the hope that he had given satisfactory answers to all the Indian grievances. Hendrick replied that the Six Nations were pleased "that all things [had] been so amicably settled."⁵⁴

On an official level, exchanges between De Lancey and Hendrick appeared to indicate that the real issues which had strained the historic alliance between the British and the Six Nations Confederacy had at last been resolved. There also seemed to be a new infusion of optimism on both sides that past indiscretions,

52. O'Callaghan, N.Y.C.D., VI:875-876.

53. Ibid., pp. 879-880. These were "some Germans" who had come into conflict with the Indian, Teady Magin, and Messrs. William Livingston and William Alexander, heirs to a large patent given to the late Philip Livingston. In the latter case, the devisees claimed land upon which the main Mohawk castle was situated on the Upper Hudson.

54. Ibid., p. 882.

especially those relating to land, would be forgotten and would not be repeated. However, there may be some justification for suspecting that the problems associated with British expansion into Indian lands were made worse by less formal proceedings at the Albany Conference. Two particular events give substance to this conclusion.

The first of these took place while other delegates were still meeting in formal session and involved a land transaction between Conference representatives from Pennsylvania and several Iroquois chiefs. With the assistance of Conrad Weiser, the Pennsylvanians negotiated a "deed" to all the territory west of the Susquehanna, south of the western branch of the river. This involved a considerable area of land whose western boundary would give Pennsylvania rights to territories as far north as Lake Erie and westward beyond the Ohio River. The western boundary was at first a point of bitter contention between the Pennsylvania negotiators and the Indians. Hendrick led an Iroquois faction which insisted that the westernmost boundary of the tract should be the Allegheny Mountains. Weiser was able to turn this argument against the Hendrick group by accusing them of planning to sell the Ohio to the French and to retain jurisdiction over the land for themselves. Hendrick denied the accusation vigorously but conceded defeat once it was clear that a majority of the other Six Nations chiefs present were prepared to acquiesce to the Pennsylvania demands. The Indians agreed that the tract could "reach beyond the Ohio and to Lake Erie wherever it will." The purchase price was £400 down with another £400 to be paid when the settlement of the region actually occurred.⁵⁵

The other "unofficial" transaction occurred shortly after the formal conference sessions ended and carried with it even greater potential for future problems than did the Pennsylvania purchase. It involved several Connecticut land speculators, who - through the auspices of Joseph Lydius, an allegedly unscrupulous former business

55. Colonial Records of Pennsylvania (Harrisburg, 1851-53), VI:119. Wallace, Conrad Weiser, pp. 358-359. A discussion of the Susquehanna transaction is contained in Tootle, "Anglo-Indian Relations," pp. 216-217. See also O'Callaghan, N.Y.C.D., VI:877.

partner of William Johnson - garnered a "deed" to land situated in northern Pennsylvania. Lydius established his headquarters in a makeshift tavern near the Albany Conference site. As Hendrick and several other chiefs were leaving the conference, Lydius invited them to share some hospitality. It is alleged that after several hours the chiefs became inebriated, and Lydius had them sign away their rights to an area known as the Wyoming Valley.⁵⁶ Reportedly, Hendrick later attempted to retract his actions, but it was too late. Lydius and his employers declared the "deed" as valid, with every intention of proceeding on their claim. If not fraudulent, this transaction was certainly unethical and would remain a source of friction between the British and the Six Nations for years to come.⁵⁷

The most important element in British-Indian relations and a central focus throughout the Albany Conference proceedings was the question of land. The conference demonstrated that frontier lands had become a vital preoccupation with colonials, imperial officials and Indian leaders alike. The Board of Trade, whose orders had initially prompted the calling of the conference, had told New York officials to:

examine into the complaints (the Indians) have made of being defrauded of their lands, to take all proper and legal methods to redress their complaints, and to gratify them by reasonable purchases, or in such other manner, as you shall find most proper and agreeable to them, for such lands as have been unwarrantably taken from them, and for such others as they may have a desire to dispose of, and we recommend it to you to be particularly careful for the future that you do not make grants to any persons whatsoever of lands purchased by them of the Indians upon their own accounts, ... but when the Indians are disposed to sell any of their lands, the purchase might be made in His Majesty's name and at the public charge.⁵⁸

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56. The Wyoming Valley is located in the northernmost part of Pennsylvania, near the modern-day city of Wilkes-Barre. Tootle, "Anglo-Indian Relations," p. 232, footnote 67. An account of the Lydius Connecticut speculator "conspiracy" is contained in Flexner, Mohawk Baronet, pp. 120-121. Extracts from the "Deed of Land from Indians to Some People of Connecticut" are contained in Sullivan, Papers of Johnson, I:405.
57. The Connecticut speculators had sometime earlier formed themselves into the Susquehanna (Land) Company for the purpose of promoting mass settlement on the northern Pennsylvania frontier. The Connecticut government had laid claim to the land but had never secured a formal release of it from the Six Nations. The government-appointed commissioners to the Albany Conference included one Roger Walcott, Junior who also happened to be an officer of the Susquehanna Company. C.J. Hoadly, Public Records of the Colony of Connecticut, 1636-1776, 15 vol. (Hartford, 1850-90), X:267-268.
58. Lords of Trade to Sir Danvers Osborn, 18 September 1753. O'Callaghan, N.Y.C.D., VI:854-855.

These instructions reflected not only the desire of imperial officials to see that appropriate steps be taken by the colonies to redress Indian complaints over alleged fraudulent land dealings occurring in the past, but also a concern for the establishment of acceptable procedures to ensure that the problem would not recur. By insisting that no further "private" purchases of Indian land should be condoned, the Board of Trade was really asking Crown officials in the colonies to take full responsibility for all future land transactions between Indians and provincials. While it allowed considerable latitude on how the Indians might be compensated, emphasis was on the establishment of a regulated and fair procedure that would be understood and accepted by both buyer and seller. With few exceptions, it was a concept that appeared to be welcomed by all parties attending the conference.

On June 27, Canandago, who spoke for the Lower-castle Mohawks, complained to the conference delegates that almost all their lands had been spoken for despite the fact that they had never sold a fraction of what the settlers were claiming. The chief made it clear that it was not so much that the land no longer belonged to his tribe that angered his people, as it was the underhanded way in which it was taken. "We don't complain," stated Canandago, "of those who have honestly bought the land they possess, or (of) those to whom we have given (it) away, but some have taken more than we have given them."⁵⁹ The chief then asked De Lancey to intervene on their behalf. Later, the Skaaticook and Stockbridge Indians from Massachusetts told the Conference how settlers had slowly moved into their area and quietly dispossessed them of their lands. Their spokesman argued that only when the "King" purchased those lands could they be said to belong to the British. He concluded that he hoped "our Fathers" will ensure that Indians are paid for lands that are taken.⁶⁰

In general, the colonial participants condemned the private purchase of Indian lands as a principal cause of uneasiness and discontent among the various tribes. In a final meeting held on 9 July 1754, where commissioners discussed recommendations to be made to their respective home governments, the practice of voiding, by

59. "Council Held at Albany," 27 June 1754. O'Callaghan, N.Y.C.D., VI:865-866.

60. Meeting of the Commissioners in the Court House at Albany, 8 July 1754. Ibid., pp. 881-882.

statute, private purchases of lands from Indians was applauded. As to land-speculating companies, who were invariably the worst offenders in the unlawful taking of Indian lands, the commissioners agreed that:

the granting or patenting of vast Tracts of Land to private persons, or companies without conditions of speedy settlement, has tended to prevent the strengthening the Frontiers of the particular Colony where such Tracts lye, and been prejudicial to the rest.⁶¹

In order to curb such practices, it was recommended that those Indians in alliance or friendship with the British should be protected from unlawful encroachments on their lands. In future, all lands to be patented, whether by a company or otherwise, should be purchased through the government of the colony wherein such lands were located. But the commissioners went even further than the mere principle of public purchase. In order to protect the Indians as a community from those members who would be unscrupulous or indiscreet among them, the colonial delegates suggested that only those Crown purchases made from the Indians as a body in their public council should be recognized as valid.⁶² Any complaints of fraudulent land claims should also be "speedily" investigated and redressed. The commissioners then added "That the bounds of (those) Colonies which extend to the South Sea (Pacific) be contracted and limited by the Alleghenny or Apalachian mountains...."⁶³ The commissioners apparently recognized the confusion, misunderstandings and conflicts which had arisen from the actions of several colonies in putting forward unsubstantiated claims to western lands. Often, these claims had conflicted with either those of other colonies or of the Indians, emphasizing the questionable competence and lack of planning that had characterized British westward expansion. The written qualification which followed the limiting of colonial boundaries, however, demonstrated that future British settlement should not necessarily be confined to the east of the line drawn down the Appalachian chain. The conference delegates agreed that "measures be taken for settling from time to time, Colonies of His Majesty's Protestant subjects, westward of said Mountains in convenient Cantons to be assigned for that purpose."⁶⁴ In view of the other recommendations

61. Meeting of Commissioners, 9 July 1754. O'Callaghan, N.Y.C.D., VI:888.

62. Ibid. It was also agreed that those who received grants out of legitimate purchases and who failed to settle the lands in a reasonable amount of time would forfeit their patents.

63. Ibid.

64. Ibid.

concerning Indian lands, this could only be done through an orderly and regulated fashion of land conveyance. Benjamin Franklin, one of the Pennsylvania delegates, suggested that the most practical method of settling these territories would be the development of new communities in conjunction with the desires of the Indian occupants beyond the mountains. In this way, there could be established an orderly system of trade, and military installations could be placed there to make the region a barrier against the French.⁶⁵ However, if British western expansion were to proceed, it had to be orderly and by Indian consent and approval.

Once they had settled upon the means and methods of governing land transactions between Indians and colonials, the commissioners turned to the question of how the process might be made to work. Perhaps the most significant suggestion made in this context involved the appointment of an overseer or overseers of Indian interests. The delegates recommended that those Indians in formal alliance or friendship with the British should henceforth be constantly kept "under some wise directions or superintendency." Some person or persons, they argued, should be appointed to reside continuously with each Indian nation. They should have no personal stake in the peltry trade and should report all proceedings to their superintendents. Along with monitoring land transactions, these agents or superintendents might also work to regain the friendship of those tribes who had recently defected to the French and enforce the rules of a better-regulated fur trade that henceforth was to serve public rather than private interests.⁶⁶

65. Jared Sparks, ed., The Works of Benjamin Franklin; Containing Several Political and Historical Tracts (Boston, 1840), III:69 ff. For a discussion of the Franklin plan see John A. Schutz, Thomas Pownall, British Defender of American Liberty; A Study of Anglo-American Relations in the Eighteenth Century (Glendale, Calif., 1951) pp. 48 ff. See also C.W. Alvord, The Mississippi Valley in British Politics (Cleveland, 1917), I:90-91. Thomas Pownall, an unofficial Conference delegate and brother of John Pownall, Permanent Secretary to the Board of Trade also contributed some ideas concerning colonial expansion and defence. In his "Considerations towards a General Plan of Measures for the Colonies," he argued that the Indians should be "encouraged" to develop a sense of property in land. This sense or idea of property would ultimately persuade them of the necessity of a union of "power" and action with the British. If their affairs, especially those involving land, treaties, and trade, were regularized and directed towards a common interest or "communion" with those of the colonies, the Indians would, Pownall believed, act in concert as trusted allies. British colonial expansion was to be a co-operative, joint-planning process. See "Mr. Pownall's Considerations ..." O'Callaghan, N.Y.C.D., VI:893-896.

66. "At a Meeting at Albany," 9 July 1754. Ibid., p. 888.

No mention was made, however, of whether the agents or superintendents would be in the employ of the separate colonial governments, some form of colonial collective or the home government in London.

The lack of regulation and supervision of Anglo-Indian land transactions created problems which had always frustrated a full and lasting accord between Indians and the British colonial establishment. But these difficulties had also been part of a larger, more complex problem of unplanned and unco-ordinated political, commercial and military activities that had characterized British colonial enterprise in North America since its inception. The British colonies had never agreed - nor had they ever been asked to agree - on a co-ordinated approach to such matters as military defence, economic development or Indian affairs. Historically, intercolonial co-operation had been sporadic and haphazard at best. When it existed, it functioned only to meet a specific exigency, usually of a military nature, and ended when the problem had passed. This lack of co-operation or co-ordination of policies in British North America, especially in the face of a growing threat from France to the west and north of the British provinces, by 1754 had become a greater concern to colonial officials than ever before. Greater numbers of colonials were now willing to look seriously at the problems of British colonial organization, and a few of these viewed the Albany Conference as an opportunity to make their concerns known.

When Governor Shirley of Massachusetts received his copy of the Board of Trade September 18 circular concerning Indian affairs and Holdernessee's missive calling for closer co-operation between colonies on matters of frontier defence, he interpreted them as products of discussions between Lord Halifax at the Board and Holdernessee, the Secretary of State.⁶⁷ Shirley favoured a more co-operative approach to the problems of Indian affairs and colonial defence and was able to use these London directives as a pretext for furthering his ideas on that subject.

67. Graham, "British Intervention," p. 128.

On his own initiative, the governor invited representatives from the two charter colonies of Connecticut and Rhode Island to participate in the Albany Conference discussions.⁶⁸ From the arguments Shirley used to persuade these provinces to attend, it is clear that what he had in mind was the construction of a political scheme for the better management of Indian affairs and for colonial participation in a joint project of military defence.⁶⁹ The governor had recommended to his Assembly that it send representatives to Albany with full authority:

to concert Measures with those who shall be sent from the other Governments, for concerting a General League of Friendships between [the] Indians and the English, and to agree on the behalf of this Government, with the others, upon the reasonable Quota of Men and Money to be found by them for the service; as also to lay a foundation at that Meeting, for a General Union between all His Majesty's colonies upon this continent for their mutual Defence and Protection against an Enemy."⁷⁰

He argued that if the other governments were prepared to foster such a scheme as his, it might have "a considerable Effect towards beginning the General Union which it is His Majesty's pleasure that all his colonies should Enter into."⁷¹

The notion of establishing some form of political co-operation among the colonies to orchestrate measures for Indian affairs management and colonial defence had enjoyed strong advocacy from a number of quarters since 1751. In that year, New York Councillor Archibald Kennedy, a respected authority on matters of colonial politics and administration, published a pamphlet calling for confederation

68. The Board of Trade had not suggested calling for delegates from either of these colonies but once Shirley had tendered an invitation, the other provinces supported the idea. Gipson, British Empire, V:113, footnote 2.

69. One historian speculates that Shirley shaped his ideas on these matters according to talks he had with Lord Halifax in England during 1752-53 where the subject of an inter-colonial union of the British North American provinces had been discussed at some length. Graham, "British Intervention," p. 129.

70. "Address to the Assembly," Charles Lincoln, ed., The Correspondence of William Shirley, 1731-1760 (New York, 1912), II:59. In January of 1754, Shirley had written to the Board of Trade concerning French encroachments on British territory and the need for "a union among all the colonies for their mutual defence against the common enemy." Shirley to the Board of Trade, 5 January 1754. C.O. 5/918/289. See also Shirley to Secretary of State, 7 January 1754. Lincoln, Correspondence of Shirley, II:18-23.

71. "Address to the Assembly," Lincoln, Correspondence of Shirley, II: 59.

of the colonies, the establishment of a "barrier" colony on the Ohio and the adoption of a uniform Indian policy among all the British provinces.⁷² Kennedy also urged the creation of a "superintendency of Indian Affairs" an imperial post to be financed out of duties collected in London on Indian trade goods and furs. Benjamin Franklin of Pennsylvania, who had arranged for the publication of the Kennedy pamphlet, appended his own "Plan of Union" to the printed document. Franklin's ideas were similar to Kennedy's; both men called for some form of political union of the colonies and imperial control of colonial Indian and military affairs. Then, during the summer of 1751, Cadwallader Colden of New York, inspired by the Kennedy-Franklin proposals, prepared his own plan for inter-colonial co-operation in matters of provincial defence strategy and Indian affairs administration. He, too, called for the appointment of a royal Superintendency of Indian Affairs, a position whose authority would transcend the usual political fray and at the same time would provide assistance to individual provinces in shaping their policies towards a unified whole.⁷³

The authority given to their Albany Conference delegates by several of the participating colonies reflected a sustained interest among the provincial governments in the political schemes of Governor Shirley and those who shared his views. Connecticut's representatives were empowered to participate in a full discussion to concert "proper measures for the general defence and safety of his Majesty's subjects . . . and the Indians in alliance with them, against the French and Indians."⁷⁴

72. (Archibald Kennedy), "The Importance of Gaining and Preserving the Friendship of the Indians to the British Interest, Considered" (New York, 1751). The pamphlet was published anonymously with an accompanying letter, also anonymous, by Benjamin Franklin in which the latter expressed general agreement with Kennedy's ideas. For a discussion on the significance of the pamphlet and Franklin's contribution to it, see Inouye, "Sir William Johnson," pp. 193-194, and Lawrence C. Wroth, An American Bookshelf, 1755 (Philadelphia, 1934), pp. 12-13 (Appendix I).

73. Colden's plan was forwarded to the Board of Trade by Governor Clinton of New York on 1 October 1751. "The Present state of Indian Affairs, with the British and French colonies in North America with some observations thereon for securing the Fidelity of the Indians to the Crown of Great Britain and, promoting trade among them." 8 August 1751, O'Callaghan, N.Y. C.D., VI:738-747.

74. Massachusetts Historical Collection (third series), V:9-10. Cited in Gipson, British Empire, V:115.

Maryland asked its commissioners "to observe well what propositions shall or may be made concerning [a] general scheme."⁷⁵ Predictably, the Massachusetts Assembly went furthest by authorizing its representatives to "enter into articles of Union and Confederation with the [other] Governments for the general defence of his Majesty's subjects and interests in North America, as well in time of peace as of war."⁷⁶

On June 24, five days after the Albany Conference had officially opened, the question was raised as to "whether a Union of all the Colonies is not at present absolutely necessary for their security and defence." When the motion was put to a vote, "it passed in the affirmative unanimously."⁷⁷ A committee was established "to prepare and receive Plans or Schemes for the Union of the Colonies, and to digest them into one general plan for the inspection of this Board."⁷⁸

Between June 25 and July 10, the Committee for the Plan of Union met, received submissions and debated the particulars of each measure proposed.⁷⁹ On July 10, all the commissioners, along with the New York Council, met and approved by unanimous consent an outline for the "Plan of a Proposed Union of the several Colonies ... for their mutual defence and security, and for extending the British settlements in North America."⁸⁰ By its provisions, all of the continental British colonies, with the exception of the "buffer" provinces of Nova Scotia and Georgia,

75. Gipson, British Empire, V:116.

76. Ibid., p. 114.

77. Conference Proceedings, 24 June 1754. O'Callaghan, N.Y.C.D., pp. 859-860.

78. Ibid., p. 860. The committee had representatives from Massachusetts Bay, New Hampshire, Connecticut, Rhode Island, Pennsylvania, and Maryland.

79. Historian L.H. Gipson documents four complete plans submitted to the Committee: Franklin's "Short Hints toward a Scheme for Uniting the Northern Colonies"; Richard Peters' "Plan for a General Union of the British Colonies of North America"; Thomas Hutchinson's "Plan of a Proposed Union of the Several Colonies of Massachusetts-Bay, New-Hampshire, Connecticut, Rhode Island, New York, and New Jersey"; and Thomas Pownall's "Considerations towards a General Plan of Measures for the Colonies." Gipson, British Empire, V:126,131.

80. Conference Proceedings, 10 July 1754. O'Callaghan, N.Y.C.D., VI:889-891.

and the "Lower Countrys"⁸¹ on the Delaware, would join in political union under the aegis of an Act of the British Parliament by virtue of which "one General Govern't may be formed in America."⁸²

Each colony, while retaining its own constitution, would send Assembly-appointed representatives to a "Grand Council," to be presided over by a Crown-appointed President General.⁸³ The President General was to have overall authority for negotiating "all Indian Treaties in which the general interest or welfare of the Colonys may be concerned; and make peace or declare War with the Indian Nations." He would also make laws to regulate the Indian trade, arrange all purchases of Indian lands in the name of the Crown "of lands not [now] within the bounds of particular colonies" and finally, supervise the placement of new settlements on such lands. The Council as a whole was to have authority to raise and pay soldiers for the defence of any of the colonies. The necessary funds were to be supplied by contributions made by the provinces to a general treasury.⁸⁴

The Albany "Plan of Union" appeared to provide solutions to the problems of instituting and co-ordinating a uniform policy for Indian affairs and of providing for the joint defence of the British colonial frontier. The Plan also demonstrated that the provinces, or at least those delegates representing the provinces, were willing to defer some of their rights and responsibilities for the administration of these items to imperial authority. This was particularly significant at a time when colonial assemblies were becoming increasingly jealous of whatever authority they had gained over provincial expenditures and the administration of their respective civil and military affairs.

81. Later to become the State of Delaware.

82. "Proceedings," 10 July 1754. O'Callaghan, N.Y.C.D., VI:889.

83. The President General was to be appointed by the king and paid for out of His Majesty's treasury.

84. Ibid., pp. 889-890.

Finally, with respect to the immediate problem of French encroachments on British soil, the conference delegates agreed in a "Representation" to the home government, that "speedy and effectual measures be taken to secure the Colonies from the slavery they are [now] threatened with."⁸⁵ William Johnson had told the Conference that, first and foremost, the aid of the Six Nations must be secured for the impending open conflict with the French. Garrisons, he stated, must be placed among the Indians for their protection, and supplies of arms and ammunition must be given the Iroquois to make them more effective fighters for the British cause.⁸⁶ Thomas Pownall had offered his advice that the British had to strengthen their post at Oswego, thereby taking command of all the Great Lakes. This would effectively cut communications between Louisiana and Canada while at the same time allying the neighbouring Indians through the military protection of their lands and trade. While the "Representation" omitted specific suggestions of military strategy, those made by Johnson and Pownall were appended to the Conference proceedings that would later be sent to London.

When the Conference ended, the commissioners were asked to take the various Albany proposals back to their respective constituents. The Conference secretary, Peter Wraxall, was ordered to send a copy of the Plan of Union and the roll call vote on each measure to the colonial governors. Also, the Plan of Union and a record of the Conference proceedings were to be transmitted to the Board of Trade for its approval or comments. By 22 July 1754 all of these arrangements had been completed.⁸⁷

85. "Representation," 9 July 1754. O'Callaghan, N.Y.C.D., VI:888.

86. "Colonel Johnson's Suggestions for defeating the designs of the French," July 1754. Ibid., pp. 897-899.

87. De Lancey to the Lords of Trade, 22 July 1754. Ibid., pp. 850-852. Sometime later, Governor Shirley sent his own comments on the Albany proceedings to the Secretary of State along with a personal endorsement of the measures agreed upon there. Shirley to Secretary Robinson, 24 December 1754. Ibid., pp. 930-932.

Board of Trade Reactions to the Albany Conference and
Imperial Measures Proposed

News of the Conference proceedings did not arrive at the Board of Trade office until early October and were not officially considered until 24 October 1754.⁸⁸ However, a full six weeks prior to the commencement of the Albany meeting, much of what ultimately became the concern of delegates at New York was being discussed by government officials in London. Letters from Shirley of Massachusetts and Dinwiddie of Virginia concerning French encroachments on British soil and their desire to see some form of intercolonial co-operation develop to resist the French threat, had prompted Lord Halifax to offer the Secretary of State, Sir Thomas Robinson, his opinion on American defence. During April of 1754, Halifax prepared a paper on the extent of the French advance in North America, based on conversations the Board President had had with Shirley in the spring of 1753.⁸⁹ In his report, Halifax emphasized the French intention of confining the British colonies to the Atlantic seaboard and the former's progress in erecting a "barrier" of forts within the continental interior. Then, on April 30, Halifax forwarded another paper to the Secretary of State, outlining some proposed measures to counter the French threat.⁹⁰ In this second document, Halifax recommended that the British build strongholds of their own on rivers draining into the St. Lawrence and the Mississippi above existing French ones. And where French posts were on British territory, Halifax proposed that the British erect theirs so as to cut off French communications.⁹¹ British forts were to be built "to the northward of the Isthmus of Chignecto, one at St. Johns,⁹² one at the head of the Kennebec (River), and one at Crown Point. One at Niagara, one upon the Mobile (River)."⁹³

88. Great Britain Board of Trade, Journal of the Commissioners for Trade and Plantations from January 1754 to December 1758, Preserved in the Public Record Office, London (H.M. Stationery Office, 1920-1938) 10:70.

89. "Proceedings of the French in America - delivered to Sr. Thos. Robinson by the Earl of Halifax, April 1754." C.O. 5/6/96ff.

90. "Proposal for building Forts and etc. upon the Ohio and other Rivers in North America," 30 April 1754. C.O. 5/6/101-5.

91. Halifax's concept here was that all lands east of the Appalachian divide would be indisputably British.

92. Probably the mouth of the St. John River.

93. "Proposal for building..." C.O. 5/6/102.

Each British post would be designed to be larger than its French counterpart. Further, it was suggested that the American governors be instructed to urge their respective assemblies to make financial provision for building and maintaining the posts. If absolutely necessary, troops could be sent from England.

As an integral part of the defence strategy, the Board President recommended far-reaching changes in the administration of Indian affairs. North America, stated Halifax, should be divided into two districts, with two "commissary-generals" appointed to manage both trade and treaty relations and to disburse all Indian presents. Junior commissaries or agents would be stationed at each of the British outposts and would have exclusive power to license traders and to settle disputes between the traders and their Indian clients.⁹⁴ All trade would be confined to the post. Administrative expenditures would be met from a "general fund," supported by all the colonies under a formula enacted by the British Parliament.⁹⁵

By this scheme, Halifax hoped that the fast-developing crisis in North America might be defused "without the appearance of hostility, and (the British) being considered as aggressors." The friendship of the Indians would be "preserved and the trade with them put under proper regulations." If any future "repture" should occur with France, the battle could easily be carried into the enemy's settlements.⁹⁶

During May, Secretary Robinson and other members of the Cabinet were preoccupied with preparations for the opening of a new session of Parliament. Halifax's plan was thus set aside until the details of a complete domestic government program for the upcoming year could be worked out. On June 13, however,

94. C.O. 5/6/104. Their decisions would be subject to review only by the governor and council of the colony in which the controversy occurred.

95. This would replace the uneven system of fluctuating annual allotments voted by colonial assemblies.

96. A detailed copy of Halifax's "Proposal" can also be found in the British Museum, "Newcastle Papers," Add. MSS. 33 029, folios 109ff. Newcastle, who had been recently elevated to head of the Treasury and consequently assumed the role of First Minister, read and approved Halifax's "Proposal." Newcastle to H. Walpole, 14 May 1754. British Museum, "Newcastle Papers," Add. MSS. 32 735, folios 268-272.

a Council was called specifically to consider the problems of American defence and the implications of French encroachments on British territories.⁹⁷

Minutes of the June 13 meeting of the king's ministers demonstrate that the government was now prepared to make British defence of its American colonies an important priority. Shirley's idea of intercolonial co-operation for a defence strategy was lauded, and a resolution was passed to the effect that:

immediate directions shall be given for promoting [a] Plan of a General Concert between His Majesty's Colonies in order to prevent or remove any Encroachments upon the Dominions of Great Britain.⁹⁸

At the same time, the Board of Trade was to be given orders "to prepare forthwith such a plan of Concert as may be proper for the purpose above mentioned to be sent to the several Govr's of H. Myty's Colonies in N.A."⁹⁹ The Council offered no comment on Halifax's specific proposals concerning the building of forts or the administration of Indian affairs. It may have presumed that the Board would include these items as part of the general plan the ministers had asked it to draft for their later approval. Whatever the case, Halifax received orders the following day to prepare the plan.¹⁰⁰

97. A partial list of papers distributed for consideration by Privy Councillors prior to the June 13 meeting is contained in the British Museum, "Newcastle Papers," Add. MSS. 32 995, folios 268-275. The list includes: Letter from the Lords of Trade of 29 March 1754 concerning details of French settlement on the St. John's River; Governor Dinwiddie's account of Major Washington's first journey to the Ohio; a letter from Governor Shirley concerning the necessity of a proper union of the American colonies for their general defence; the two Halifax papers sent to Secretary Robinson.

98. Minute of Council, Newcastle House, 13 June 1754. British Museum, "Newcastle Papers," Add. MSS. 32 995, folio 266.

99. Ibid.

100. Secretary Robinson to the Board of Trade, 14 June 1754. C.O. 323/13/213.

Meanwhile, the ministry had received requests from Governor Dinwiddie in Virginia for funds to support his province's military operations on the Ohio.¹⁰¹ The governor had told Secretary of State Robinson that Virginia, with the aid of troops from New York and South Carolina, would build forts on the Monongahela and on the Ohio itself in an effort to cut French communications between Canada and Louisiana.¹⁰² As a consequence of this, the Privy Council met once again on June 19 and resolved to allow Dinwiddie to use £5 000 from revenue accumulated in the Tobacco Levy account to outfit his troops.¹⁰³ These funds were to be employed to "supplement" resources raised by the Virginia Assembly on its own account.

The Privy Council was again recalled to discuss American affairs on June 26, when it was learned at the Board of Trade office that William Trent's party and the fort it had been sent to complete on the Monongahela had fallen into French hands.¹⁰⁴ At this meeting, the ministers decided to double the allowable amount from the Tobacco Levy to £10 000 and to have 3 000 stands of arms shipped overseas.¹⁰⁵ Also discussed at this meeting were the relative merits of making Governor Sharpe of Maryland temporary commander-in-chief of all the colonial forces until some officer could be appropriately commissioned and sent from England.¹⁰⁶ Britain was now moving steadily toward a state of open warfare with France on the colonial frontiers of North America.

101. The request was made via John Hanbury, provincial agent for Virginia. See Hanbury to Newcastle, 14 June 1754. British Museum, "Newcastle Papers," Add. MSS. 32 735, folio 462.

102. Dinwiddie to Robinson, 26 April 1754. Brock, Dinwiddie Papers, II:134.

103. Minute of Council, Newcastle House, 19 June 1754. British Museum, "Newcastle Papers," Add. MSS. 32 995, folio 276.

104. Board of Trade to Robinson, 25 June 1754. C.O. 5/1128/326.

105. No minute of Council exists for the June 26 gathering, but the substance of what took place is contained in a letter sent to H. Walpole by the Duke of Newcastle on 29 June 1754. British Museum, "Newcastle Papers," Add. MSS. 32 735 folio 597.

106. Ibid.

The Board of Trade "Plan of a General Concert," ordered by the Privy Council at its June 13 meeting, was not completed until August 9. On that date, Board members approved a series of recommendations not unlike those contained in Halifax's two papers of the previous April. Briefly, the Board proposed that a series of forts should be built on the colonial frontiers and paid for out of compulsory colonial subscriptions.¹⁰⁷ When the money had been raised, it would be put at the disposal of a commander-in-chief nominated by the king. The commander would exercise total control over all forts and troops and would have full responsibility for British military strategy on the American continent. With respect to these responsibilities, he would also have overall control of Indian affairs. Under his authority as "Commissary-General of Indian Affairs," local agents would be appointed for the "management of Indian services." Any expenditure required in conjunction with this task, such as the supply of arms and presents, would also be furnished by colonial subscription. If the colonies agreed to this plan, promises would be made for the recruitment and supply of additional troops from England if such were judged necessary. However, if no agreement could be reached, the Board suggested that the plan should go ahead as written under the full authority of an Act of the British Parliament.

This August 9 Board plan, while incorporating much of what had been previously discussed at the Board and in Council, placed the solutions to current American problems in a singularly military context. The plan reflected a growing preoccupation among government officials in London with the danger France now posed to Britain on the American frontier. As mentioned previously, the Privy Council request for a plan of action or concert and the Board's response were made prior to the arrival of recommendations from Albany.

107. "Representation to the King with plan of General Concert," O'Callaghan, N.Y.C.D., VI:901-903. Each colony's contribution was to be calculated on the basis of population and wealth rather than need. An explanation of the measures suggested by the Board's plan and what was to be sent to the colonial governors as a result of it is contained ibid., pp. 903-906 "Plan for a General Co-operation of the North American Colonies."

Halifax did not forward a copy of the Board plan to the Privy Council directly upon its completion. Presumably, he was waiting for news from the Albany commissioners.¹⁰⁸ However, before De Lancey's dispatch on the Albany proceedings arrived in London, news from the Ohio frontier of a devastating and humiliating defeat of the Virginia forces under Washington reached the home government. Washington had been forced to surrender to a small French army under the command of Captain de Villiers on 4 July 1754 at the British post, Fort Necessity.¹⁰⁹ The French had used the captured Ohio Company post at the forks of the Ohio to launch their successful attack on the British colonial forces.¹¹⁰ By this single act of aggression, the French now held virtual control of the entire mid-western interior of the American continent.

Washington's defeat at Fort Necessity confirmed the worst. Virginia's efforts had been piecemeal, tardy and precipitate; its soldiers, deficiently armed, badly led and poorly trained. The Ohio Indians, although nominally pledged to the British, had abandoned Washington's troops at a critical juncture in the campaign. The Indians saw little benefit in becoming part of a doomed garrison in a besieged fortress.¹¹¹ For Britain and her colonies, these were drastic times which called for drastic measures.

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108. Halifax did send a copy of the Board Plan privately to the Duke of Newcastle on August 15. Halifax to Newcastle, 15 August 1754 with enclosures. British Museum, "Newcastle Papers," Add. MSS. 32 736, folios 243-252.
109. An account of Washington's surrender was published in the Virginia Gazette on 19 July 1754. A copy of the Gazette story arrived in London on 3 September and the London Evening Post reprinted it in total that same day. Cited in Graham, "British Intervention," p. 160.
110. The French had renamed the Ohio Company post Fort DuQuesne shortly after its capture in the spring of 1754. A typical reaction of someone in the home government to the news of Washington's defeat can be found in a letter written to the Duke of Newcastle by Chancellor Hardwicke in September of 1754. Hardwicke complained to Newcastle that the colonials did not have the sense to help themselves and that officials like Governor Dinwiddie of Virginia made matters worse by blaming others for their own incompetence. Hardwicke concluded by reminding Newcastle of the obvious: that British colonies in North America had allowed the French to "bound us on this side of the Appalachian Mountains." Hardwicke to Newcastle, 28 September 1754. British Museum, "Newcastle Papers," Add. MSS. 32 736, folio 436.
111. Morton, Colonial Virginia, II:654-655.

The First Minister, the Duke of Newcastle, wrote immediately to his fellow Privy Councillors and a few influential London bankers asking their opinion on North American affairs.¹¹² By September 11, Newcastle had concluded that at least £100 000 would be required out of government supply for American defence and that some way had to be found for the colonies to co-operate for their mutual support and protection.¹¹³ The king's son, H.R.H. the Duke of Cumberland, was consulted on matters of military strategy, while others close to the Cabinet Council were asked for their opinions on what alterations to the civil or military colonial establishment would be most effective to meet the crisis. The king himself told Newcastle that he wanted French aggression dealt with quickly and effectively. His Majesty also made it clear that he was not interested in long-term political or constitutional schemes for settling current difficulties in America. He apparently saw the American frontier problem as an essentially military one, calling for astute military leadership and strategies. Encouragement, for instance, which Britain might give the colonies for developing a co-operative political system of their own to confront military emergencies, in the king's opinion, might result in a "confusing" and "dangerous" experiment with little chance of success.¹¹⁴ Halifax's schemes for alteration in the civil authority of the colonies and many of the recommendations formulated at Albany, were clearly not solutions which the king, and hence his government, would view as appropriate for settling scores with France in North America during the current crisis.

112. Graham, "British Intervention," pp. 164-165.

113. Ibid.

114. Ibid., p. 171.

On 25 September 1754, a Ministerial Council sat to reassess the American situation. The Duke of Cumberland had met with the Secretary of State, Sir Thomas Robinson, and others throughout September and had devised a military strategy for reclaiming and defending British territory in North America.¹¹⁵ Cumberland's plan had been accepted by the king and became the focus of Cabinet discussions on September 25.¹¹⁶ Briefly, what the ministry settled upon at that meeting was the dispatch of a major military force from Great Britain. These troops would be under the command of a commissioned "General Officer" or "Commander-in-Chief" who would take with him two Irish regiments of foot and be assisted by an addition of four hundred Virginia militia.¹¹⁷ Operations would begin in early spring of 1755. The British forces would first drive the French out of the Ohio, would proceed from there to demolish the French fortress at Crown Point on the New York frontier, and would finally make attempts against the enemy strongholds dotting the Nova Scotia landscape on the Isthmus of Chignecto. It was an ambitious and singularly one-dimensional approach to Anglo-French problems in North America. No mention was made of the potential role which Indians might play in the ultimate success or failure of Cumberland's scheme, nor were there any recorded suggestions as to what contribution the colonies themselves might make, save for the raising of Virginia troops to bring British forces to full complement. The consummate military mind of His Royal Highness, the Duke of Cumberland, saw no obstacles in the path to British success on American battlefields.

115. Sir Thomas Robinson to the Duke of Newcastle, 22 September 1754. British Museum, "Newcastle Papers," Add. MSS. 32 736, folio 563.

116. Newcastle to Mr. Murray, 28 September 1754. *Ibid.*, folio 591.

117. The full establishment of Irish regiments was normally seven hundred men per unit. The two which were proposed for North America had previously been reduced to five hundred men each. It was thought that these forces could be brought up to full complement by the addition of two hundred Virginia militia, raised to supplement the common ranks of each Irish regiment.

The following day, 26 September 1754, the inner Cabinet met with the king and received formal approval for the Cumberland plan.¹¹⁸ By the end of the month, General Edward Braddock, a long-time veteran of European campaigns, was selected as the "General Officer" to prosecute the scheme for "retaking" British possessions on the Ohio River, the New York frontier and the Nova Scotia peninsula.

The Privy Council spent the early part of October arranging for the administrative and financial details which would expedite the Braddock mission. On October 9 the Council met to consider "the most frugal and expeditious Method of carrying into execution the Plan."¹¹⁹ Their Lordships, however, also took this opportunity to revive discussions concerning the military as opposed to the civilian management of Indian affairs. They advised the king that "Two the properest Persons to be found (should) be sent, One to the Southern, the Other to the Northern Indians, to engage Them to take a part in the present Expedition." These two would, presumably, organize those Indians who had remained loyal to the British into an active and effective fighting force.

Secretary of State Robinson had been given the task of outlining the proposed British plan for the colonies, including what assistance would be expected from the individual provinces and the colonial establishment as a whole. On October 22, a draft memorandum was completed¹²⁰ and circulated to Privy Council members. On October 26 it was approved in the form of a circular letter to all the American governors.¹²¹

118. Newcastle to Mr. Murray, 28 September 1754. British Museum, "Newcastle Papers," Add. MSS. 32 736, folio 592.

119. Minute of Council, 9 October 1754. British Museum, "Newcastle Papers," Add. MSS. 32 995, folios 328-329.

120. "Memorandum with Regard to the Intended embarkation for No. America 22 October 1754 from Sir Thomas Robinson." Cited in Pargellis, Military Affairs, pp. 34-36.

121. "Secretary Robinson to the Governors in North America," 26 October 1754. O'Callaghan, N.Y.C.D., VI:915-916.

Robinson had been given very little guidance by his Cabinet colleagues as to what role the colonies were expected to play in the overall scheme, and the October 26 Circular reflected a general lack of certainty on various crucial points. Robinson informed the governors that they should expect the arrival of two Irish regiments under the commands of Sir Peter Halkett and Colonel Dunbar.¹²² Virginia was to contribute some four hundred troops to bring these units up to full complement. In addition, the colonies would be expected to raise an additional three thousand troops to serve under Massachusetts Governor Shirley and a British officer, Sir William Pepperell. The transportation, victualling and quartering of the soldiers were to be supplied by each province as the troops arrived within its borders.¹²³ It was pointed out, however, that "such other articles... of a more General concern... should be supplied by a common fund to be established for the benefit of all the colonies collectively in No. America."¹²⁴ Unfortunately, no further details were provided as to how or on what basis this money was to be collected. The only guidance Robinson gave was that the arrangement was to function as a temporary device "until such time as a plan of General Union of H.H. Northern colonies for their common defence, can be perfected."¹²⁵ From discussions that had taken place in Council, but of which the colonies would not be informed, it might be safely assumed that the General Union referred to would be a military rather than a political one. Perhaps more importantly, the circular makes no reference to the future management - either civil or military - of Indian affairs. Robinson had incorporated the October 9 Privy Council provision for choosing "two the properest persons" to assist in the military organization of Indians in his October 22 draft memorandum, but for some inexplicable reason had omitted it in the approved October 26 Circular. The information that was to be sent to the colonies was at best vague, and at worst gravely deficient.

122. The 44th and 48th Regiments of Foot.

123. Clothing, arms and pay for the regular troops were to be financed from London.

124. Circular Letter, 26 October 1754. O'Callaghan, N.Y.C.D., VI:915.

125. Ibid., p. 916.

On October 29, three days after the Robinson Circular was dispatched to North America, the Board of Trade submitted to Council its representation on the proceedings at Albany.¹²⁶ The Board had received De Lancey's report in early October but did not officially consider its contents until a formal meeting of the Commissioners on the 24th.¹²⁷ Predictably, Lord Halifax and his Board colleagues did not articulate a position on the portion of the Conference report dealing with the proposed "Plan of Union" of all the American colonies. The king had already made it clear that he did not wish to entertain any "experimentation" with potentially "dangerous" and "confusing" political and constitutional schemes. The ministry had also committed itself to accepting Cumberland's purely military approach to the resolution of difficulties with the French in North America. The Albany plan for a confederation of the colonies would not be popular at Court. In its October 29 missive, the Board of Trade allowed only that they would not advise the king on the Albany Plan of Union until "it shall be considered by [the] respective [colonial] Assemblies."¹²⁸ However, on questions of Indian affairs management and frontier defence, the Board was resolute: "delay may prove not only prejudicial but fatal to Your Majesty's interest and the security of the Colonies..."¹²⁹ From the Albany Conference records, the Board concluded that the sole reason the delegates had proposed their Plan of Union was to strengthen the defence of the colonial frontiers and to improve the management of British relations with the Indians. While the suggested Albany Plan of Union could not for the present be acted upon, the Board believed that several other steps could be taken to accomplish those same ends.

126. "Representation to the King on the Proceedings at the Congress at Albany," 29 October 1754. O'Callaghan, *N.Y.C.D.*, VI:916-920.

127. The De Lancey report of the Albany Conference arrived at the Board office on October 9 and a copy was sent privately to the Duke of Newcastle on October 12. Secretary Robinson was not privy to its contents until the Board forwarded its opinion to the Privy Council on the 29th. British Museum, "Newcastle Papers," Add. MSS. 33 030, folio 344. Robinson to Newcastle, 12 October 1754. *Ibid.*, Add. MSS. 32 737, folio 135.

128. "Representation to the King ..." O'Callaghan, *N.Y.C.D.*, VI:917.

129. *Ibid.*

Firstly, the Board recommended that Indian affairs must henceforth be under one "general Administration," directed to the "general interest" and "supported at the general expence of the whole." This would clear up several problems associated with the management of Indian affairs by private interests such as the Albany Commissioners. Such mismanagement of Indian affairs, the Board implied, had been severely "prejudicial" to British colonial activities on the frontiers to the point where the situation could become "fatal." Secondly, Indian grievances concerning the fraudulent taking of their lands had to be redressed. With respect to this issue, the Board advised that the lieutenant-governor of New York be sent orders "to inquire into and give effectual satisfaction to the Indians in respect to the Complaint they have made concerning their lands."¹³⁰ Further, it was recommended that "Colonel Johnson should be appointed Colonel over the Six Nations, in the same manner and with the same allowance as... in the last war."¹³¹ Johnson would also be in charge of the dispensation and application of all presents to the Indians and of "all other services not already provided for by the laws of New York." Although no specific mention is made as to whether Johnson would be a royal or provincial official, it would appear from the context within which the propositions were made that he would be responsible either directly or indirectly to the imperial Crown.¹³²

130. O'Callaghan, N.Y.C.D., VI:918.

131. Ibid., p. 919. That De Lancey would be charged with the task of sorting out Six Nations land problems and that Johnson would assume the military leadership of the tribes demonstrates that the Board of Trade was still reluctant to incorporate the entire management of Indian affairs, both civil and military, into one office.

132. Historians have long debated the source of the Board's October 29 recommendation that Indian relations, or at least Indian military relations, should be under the royal superintendency of William Johnson. Some believe that it stemmed not from the Albany proceedings but rather from a report submitted to London by Albany Council official Peter Wraxall in early May of 1754. Wraxall, who became Secretary to the Albany Conference while it met and later Secretary to William Johnson, had outlined a brief history of Indian relations in New York. In his report, Wraxall argued for the appointment of a royal official to be responsible for Indian affairs, with a salary paid from London and not from the provincial capitals. This action was made necessary, according to Wraxall, by the past history of conflicts of interest which developed over issues of trade and land when provincial officials alone directed Indian affairs. If the British colonies were to survive the French challenge, he argued, Indian grievances needed to be redressed by some third party or parties, whose authority would be independent of the colonial political arena. Charles H. McIlwain was the chief proponent of the thesis crediting Wraxall's report with originating the concept of a royal

Finally, with respect to future protection of the frontiers, the Board recommended that since the Six Nations were no longer in themselves a guaranteed barrier against French incursions in the Great Lakes region, the erection of at least one fort on Lake Ontario had now become necessary. The Board advised that this project should be started immediately.¹³³ As with the other proposals, no precise plan for how the work would be financed was offered, although it left open the possibility for contributions from the royal treasury.

The measures put forward in the Board's October 29 representation picked up the same basic theme articulated in Lord Halifax's earlier submissions of April 30 and August 9. Less ambitious in scope than the two previous schemes, the October 29 paper retained the basic principle of combining a co-operative approach to the management of Indian affairs with a strengthening of British North American frontiers. Lost, however, was the notion of constructing a general military or political concert among all the British colonies to defeat the French in their designs on the Ohio and in upper New York. The imperial Crown would have a great deal more significant contribution to make towards the security of its North American interests, but the nature of that contribution was as yet imprecise.

superintendency of Indian affairs. Other historians such as John R. Alden have argued that the concept of an imperial superintendent of Indian affairs grew naturally out of earlier proposals put forward by such men as former New York Governor George Clinton and Massachusetts Governor William Shirley during the late 1740's and early 1750's. Alden has also stated that Johnson, Thomas Pownall and others had actively lobbied for the creation of the position and Johnson's appointment at the Albany Conference. See Charles H. McIlwain, Peter Wraaxall's an abridgement of the Indian Affairs contained in Four Folio Volumes Transacted in the Colony of New York from the year 1678 to the year 1751 (Cambridge, 1915), Harvard Historical Studies XXI; John R. Alden, "The Albany Congress and the Creation of the Indian Superintendencies," Mississippi Historical Review XXVII (1940):193-210.

133. "Representation to the King..." O'Callaghan, N.Y.C.D., VI:920.

The details of Cumberland's military strategy which the ministry had accepted on September 29 were not settled until the middle of November, when Braddock met with His Royal Highness for a thorough briefing on American affairs.¹³⁴ Cumberland subsequently penned Braddock's military orders himself and sent these on to the king at St. James, where they were approved on 25 November 1754.

Braddock's instructions on Indian affairs reflect the evolution of what Halifax had earlier outlined as the role of Indian commissioners or superintendents. The concept had obviously changed with the developing military crisis. In the plan of 30 April 1754, a chief commissioner was to exercise control over deputy commissioners or agents appointed to reside in British forts; the chief commissioner, in turn, would have been directly responsible to the Secretary of State in London. In August, Halifax had decided that the chief commissioner would become the commander-in-chief as well, a new appointment which mirrored the Board of Trade's recognition that the immediate problem of colonial security was related to the long-term question of managing Indian affairs. At the council meeting of October 9, it was decided that "two persons" were needed to persuade the Indians to participate in Cumberland's military plan approved on September 26. When the Board of Trade forwarded its remarks on the Albany Conference proceedings on October 29, William Johnson was recommended for the position of "Colonel of the Six Nations," an interim measure until another post could be established. Neither the person nor the position would have responsibility or authority in civil matters. When Braddock's instructions were approved on November 25, the military function of Johnson's role was stressed even more. Braddock was told that Johnson's responsibility would be to enlist Indian support for the British army and that he, as commander-in-chief, would "keep a good correspondence with the said Indian tribes." The job of finding someone capable of fulfilling the same function among the southern tribes was left entirely to Braddock.¹³⁵ Not only had the position of Indian Superintendent become purely military, but it had been made subordinate to the chief military officer in North America. Whether these measures would be truly effective would be determined in North America - not in the council offices and board rooms of London.

134. "Sketch of Operations in North America, November 16 1754" (Cumberland), British Museum, "Newcastle Papers," Add. MSS. 33 029, folio 144. Cited in Pargellis, Military Affairs, pp. 45-58.

135. "Instructions to Edward Braddock, Major General of Our Forces and... General and Commander, of all and singular Troops, and Forces, that are now in North America..." St. James, 25 November 1754. C.O. 5/211/134.

Provincial Response to the Albany Conference and Preparations for War

When the Albany Conference closed, colonial delegates returned to their separate provinces to give an account of the meeting. It should be recalled that while all the Albany representatives possessed the authority to re-establish friendly relations with the Six Nations Indians, few had been given full rights to negotiate the establishment of a co-operative colonial confederacy - especially one that might exercise fiscal and administrative responsibility transcending the powers of their respective colonial governments. Historian L.H. Gipson observed that "in those days of constructive enthusiasm at Albany," the delegates "momentarily lost sight of the intense particularism of most British colonials."¹³⁶ As reports on the measures adopted at Albany filtered back to the colonies, opposition to them mounted, especially in the representative Assemblies.

In Pennsylvania, although Governor James Hamilton stated that the Plan of Union was of the "utmost Consequence to the Welfare of the Colonies in general," the Quaker-dominated House of Representatives spurned it on the basis of moral principle.¹³⁷ The religious establishment in Pennsylvania was not prepared to sanction or contribute funds to a military alliance, even a defensive one, over which it had only partial control. When Governor Hamilton's successor, Robert Morris Hunter, assumed office in late 1754, he made no effort to revive discussion on the plan. Before the year was out, the Albany scheme was a dead issue in Pennsylvania.

In Virginia, not even Governor Dinwiddie urged favourable consideration of the Plan. The position taken by the Albany Conference concerning the trans-Appalachian territorial claims of his province was in fundamental opposition to the whole programme of extending Virginia's political authority into the Ohio.¹³⁸ The temporary prohibition to British settlement across the mountain divide was anathema to Virginia.

^{136.} Gipson, British Empire, V:143-144.

^{137.} Ibid., p. 144. Benjamin Franklin, one of the chief architects of the Plan was especially indignant at his province's repudiation of it. He claimed later that the House tabled consideration of the Plan in his absence. See A.H. Smyth, ed., The Writings of Benjamin Franklin, 10 vol. (New York, 1905-07), I:389.

^{138.} Gipson, British Empire, V:145.

The New Jersey Assembly saw the Plan as an unwarranted interference in the fundamental rights of its constitution, and the Assemblies of the charter colonies of Rhode Island and Connecticut rejected the plan outright for much the same reason.¹³⁹ In Maryland and South Carolina, the Albany Plan seemed to have been completely ignored. Even New York, the birthplace of the Plan, and whose Executive Council had monitored the step-by-step development of the scheme, did not push for public acceptance of the measures.¹⁴⁰ Only in Massachusetts did the Plan receive extensive consideration at all levels of government. Its Albany delegates had been given the widest possible latitude for negotiating some form of co-operative intercolonial programme. When the Massachusetts representatives returned home, the Assembly immediately appointed a committee to study the Albany proposals. However, by December of 1754 the Assembly committee had come to the conclusion that although the plan had much to recommend it, yet "it would be attended with such manifest inconveniences as would very impede if not totally prevent the main design aimed at."¹⁴¹ Apparently, the committee found that "the great and extraordinary" powers to be exercised by the new civil government as outlined by the Plan, would be "inconsistent with the fundamental rights of (the) Colonies, and would be destructive to our happy Constitution."¹⁴²

The Albany Plan of Union failed to achieve necessary endorsement among the various potential confederates for a variety of political, constitutional and financial reasons. While a better co-ordinated method of frontier defence and a more co-operative approach to Indian affairs management were perceived as desirable goals, none of the colonial communities were prepared to sacrifice any of their constitutional rights or their independent financial integrities to achieve them. If a common front of British resistance against French aggression in North America were to be achieved at all, it would have to come via measures adopted and implemented by the imperial authorities in London.

139. Gipson, British Empire, V:146-147.

140. Ibid., p. 147.

141. Massachusetts Archives, IV:169. Cited in Gipson, British Empire, V:151-152.

142. Assembly Journal, 26 and 28 December 1754. Cited ibid., p. 155.

British Military Preparations and the New Superintendency

While the Albany Plan of Union foundered in the legislatures and executive councils of the provinces, continued uneasiness along the colonial frontiers made military strategy and colonial defence issues that could not be ignored. In Massachusetts, Governor Shirley embarked on a plan to raise 2 000 men to assist Governor Lawrence of Nova Scotia in mounting an attack on the French at Beauséjour. Shirley had been encouraged in these endeavours by a letter from Secretary of State Robinson which urged a similar co-operative effort between the two governors to rid the Kennebec district of Maine of French encroachments.¹⁴³ When the Secretary of State's circular letter of 26 October 1754 arrived at Boston, Shirley took this as further proof of the Crown's intent to have the colonies act aggressively against the French strongholds located near the north-eastern seaboard colonies. During December of 1754, Colonel Moncton, commander of the British garrison at Fort Lawrence, conferred with Shirley at Boston on how the Beauséjour campaign might be organized.¹⁴⁴ At the same time, Shirley "bombarded" the home government in Britain with letters on the importance of attacking the French in Nova Scotia and on the need for Britain to supply sufficient arms for a major assault.¹⁴⁵ On 3 February 1755, Shirley's efforts appeared to bear fruit: a meeting of the Ministerial Council in London empowered the governor to raise the required forces from his province, and arms for 2 000 men were ordered shipped to Boston from the Ordnance Board.¹⁴⁶ No mention was made, however, of who would finance or co-ordinate the campaign. Secretary Robinson merely communicated orders to Lawrence that he should consult General Braddock before attempting anything of a military nature.¹⁴⁷

¹⁴³. Robinson to Shirley and Lawrence, 5 July 1754. Akins, Documents of Nova Scotia, pp. 383-384. Actually, Robinson was rather ambiguous in his advice to the governors. While encouraging their Zeal and Vigour, he reminded them they were "to act, in defence of the just Rights and Possessions of His Majesty's Crown." Ibid., p. 383.

¹⁴⁴. Shirley to Lawrence, 14 December 1754. Ibid., p. 380.

¹⁴⁵. Graham, "British Intervention," p. 240.

¹⁴⁶. Council Minute 3 February 1755. British Museum, "Newcastle Papers," Add. MSS. 32 996, folio 19.

¹⁴⁷. Robinson to Lawrence, 10 March 1755. C.O. 5/211/176. Robinson also wrote Braddock, telling him that the use and disposition of the force then being raised by Lawrence and Shirley would be left to the general's discretion "in conformity to the plans and instructions which you carried from hence." Robinson to Braddock, 10 February 1755. C.O. 5/211/168.

In Virginia, Governor Dinwiddie acted vigorously to assist in the implementation of a programme that had become by now an unofficial British war effort. During the winter of 1754-55 he organized men and supplies for the coming year's campaign. He authorized the construction of a new British stronghold, Fort Cumberland, at Wills' Creek on the Ohio frontier and ordered the building of a better supply road into the area. Plans were also made by the province to raise eight hundred volunteers for two Virginia companies.¹⁴⁸

In New York, orders were given to reinforce several of the frontier posts, to guard against "any attempt, or perfidious Schemes" which might be attempted by the French and their Indian allies in "Open Violation of the Treaty [of Aix-la-Chapelle] subsisting between that Crown and Us."¹⁴⁹ In order to bolster the New York forces, acting Governor De Lancey created several new military commissions - a move designed to attract additional volunteers into the militia.¹⁵⁰ De Lancey also appealed to the Board of Trade and to Secretary Robinson to authorize the building of at least two additional British posts near the French-held fort at Crown Point. At the same time, the acting governor asked the home government to direct the other northern colonies to contribute men and money towards New York's defence.¹⁵¹ Neither the Board of Trade nor the Secretary responded directly to De Lancey's requests, ostensibly preferring to leave the detailed military planning to Braddock.

Braddock arrived in Williamsburg, Virginia in late February of 1755 and immediately began preparations for the coming campaign. He called a conference of the five northern colonial governors for Alexandria, Maryland to plan overall strategy and to co-ordinate the several operations already underway for the summer of 1755.¹⁵² From Braddock's orders and from the discussions which took place at

148. Morton, Colonial Virginia, pp. 661-664. Cited in Tootle, "Anglo-Indian Relations," p. 234.

149. "Orders to Jacob Van Slyck, Commanding Officer in Schenectady" 10 August 1754. Sullivan, Papers of Johnson, I:413. See also Johnson to James De Lancey, 8 September 1754 re methods of defending Fort Oswego and Johnson's efforts to maintain the efficiency of the militia. O'Callaghan, Documentary History of New York, II:642-644.

150. Goldsbroow Banyar to Johnson, 30 November 1754. Sullivan, Papers of Johnson, I:423-425.

151. Delancey to Sir Thomas Robinson, 15 December 1754. O'Callaghan, N.Y.C.D. VI:922-924. De Lancey to the Board of Trade, 15 December 1754. Ibid., pp. 925-929.

152. Minutes of the Alexandria meeting of 14, 15 April 1755 are printed in O'Callaghan, Documentary History of New York, II:378-379.

Alexandria, the British plan emerged. Johnson was given a general's commission to lead an Indian and militia force up the Lake George-Lake Champlain route to attack Crown Point. Shirley would attempt to destroy French control of the Great Lakes region by capturing Fort Niagara. Braddock, accompanied by an army built around the two Irish regiments he brought from Britain, would eliminate Fort Duquesne on the Ohio. After breaking French control of the Ohio region, Braddock would move northward to assist Shirley's assault on Niagara.¹⁵³

It was at Alexandria that Braddock learned for the first time of the efforts by Shirley and Lawrence to raise extra troops from New England for an attack on Beauséjour. The general approved of this plan and gave full support to its execution. When the arms that had been promised from Britain arrived, Colonel Lawrence or his designate was to proceed at once with his men to Chignecto and to secure the Nova Scotia peninsula to British control.

Braddock also took the opportunity afforded by the Alexandria meeting to issue publicly Johnson's formal appointment as sole Superintendent over the affairs of the Six Nations and their allies.¹⁵⁴ The summary duties associated with the position were outlined to the conference participants by the general: treating with the "Northern Tribes," reporting upon their activities, attaching the Indians to the British interest, and distributing all presents. Johnson was to receive £ 2 000 for general expenses associated with Indian diplomacy, and if that sum was found to be insufficient, Governor Shirley would extend unlimited credit to cover any deficit.¹⁵⁵ Administratively, Johnson was given full freedom to hire whomever he chose to assist him in his work, and anyone else who professed to represent British authority in Indian affairs without Johnson's prior approval was forbidden to do so.¹⁵⁶

153. Peckham, Colonial Wars, p. 140; Flexner, Mohawk Baronet, p. 124.

154. "Commission from Edward Braddock," 15 April 1755. Sullivan, Papers of Johnson, I:465-466.

155. Alexandria Conference Proceedings, O'Callaghan, Documentary History of New York, II:379. Johnson received £800 at the conference and the £1 200 remaining in the Superintendency account was placed in the care of De Lancey.

156. Ibid. Johnson, upon receipt of his commission, immediately hired former Albany town official and Albany Conference scribe, Peter Wraxall, as his secretary. Johnson to Wraxall, 15 April 1755. Sullivan, Papers of Johnson, I:467-468.

The fact that Johnson had not received his appointment directly from the Crown left in question the full extent of his authority. His relationship to those around him, military and civil officials alike, was a virtual paroxysm of ambiguities. Funding of the Superintendency was initially an imperial responsibility, but the onus for any long-term expenditure (i.e., beyond the £2 000 established by Braddock) became a provincial matter. As a general of His Majesty's forces, Johnson became a military subordinate of Braddock. Yet, several of the civilian governors also enjoyed a military capacity as provincial commanders-in-chief in their respective provinces, and Johnson's authority relative to these officers was left unclear. Perhaps most importantly, Johnson's capacity as Superintendent for dealing with such items as Indian trade and Indian lands never received formal consideration. To further complicate matters, both acting Governor De Lancey of New York and Governor Shirley of Massachusetts issued Johnson similar yet separate commissions and instructions for the position, by virtue of the civil powers they held within their respective provinces.¹⁵⁷ The indefinite nature and undetermined extent of Johnson's authority put him in an unenviable and awkward position from the beginning. It was a situation ill-designed for the creation of a harmonious and productive relationship between the Superintendent and other military and civil personnel in North America.

The plan for British military operations settled upon at Alexandria confirmed the desire among colonial executive personnel to co-operate in the execution of the "unofficial" British North American campaign of 1755. Troops were to be enlisted under the auspices of provincial authorities in New York, New Hampshire, Connecticut, Massachusetts and Rhode Island¹⁵⁸ to serve under

157. Commission to Johnson from Governor Shirley, 16 April 1755. O'Callaghan, Documentary History of New York, II:651-653. Commission to Johnson from Governor DeLancey, 16 April 1755. Ibid., pp. 653-654. Instructions to Johnson from Governor Shirley, 16 April 1755. Sullivan, Papers of Johnson, I:468-472. Instructions to Johnson from Governor DeLancey, 16 April 1755. Ibid., pp. 472-475. A Johnson biographer, Frank T. Inouye, has concluded that neither Halifax at the Board of Trade nor Johnson himself wanted the Superintendency to be subordinate to any other Crown-appointed official in the colonies. Inouye supports this argument with a letter written to Johnson by a Richard Shuckburgh who had been in England during the early months of 1755. Shuckburgh told Johnson that Halifax had confided that Johnson was to have Indian affairs "entirely in his hands." Shuckburgh to Johnson, 28 March 1755. Sullivan, Papers of Johnson, I:464-465. Cited in Inouye, "Sir William Johnson," p. 255.

158. Shirley to Johnson, 26 March 1755. Sullivan, Papers of Johnson, I:461-462. These arrangements were made by Shirley for Johnson and confirmed at Alexandria.

Johnson in his Crown Point expedition. Governor Lawrence's emissary, Colonel Monkton, was given official authorization to complete his recruiting activities at Boston for the Nova Scotia campaign.¹⁵⁹ William Johnson had pledged to raise two or three hundred Indians from the Six Nations, while Governor Shirley and General Braddock were to share the services of some 3 000 militia from enlistments in Massachusetts and New England. As to money, along with that already provided by the Crown to Braddock to secure men and supplies, New York and Massachusetts voted large allowances for military use by the colonial armies.¹⁶⁰ Although the sum of these efforts fell somewhat short of the political and military co-operation envisioned in the Albany Plan of Union, what had been accomplished in a few short months towards the common defence of the British colonies appeared as a promising sign for the future.

As always, the role chosen by the Indians - especially the Six Nations - would be a crucial element in the British military strategy. Immediately following the Alexandria Conference, Johnson travelled directly to his home in the Mohawk Valley to plan the Crown Point expedition and to recruit Indian assistance for his, Shirley's and Braddock's campaigns.¹⁶¹ Two major difficulties faced the new Superintendent-General in procuring Indian aid and support: money and Indian morale. No financial provision had been made with respect to Indian recruitment, and Johnson was uncertain as to how this expense would be met.¹⁶² Washington's defeat at Fort Necessity and the ever-increasing strength of the French on the Ohio and in the Great Lakes region had left the Indians pessimistic

159. Graham, "British Intervention," p. 241.

160. De Lancey to the Lands of Trade, 18 March 1755. O'Callaghan, N.Y.C.D., VI:940-941. Shirley to Secretary Robinson, 20 June 1755.

161. Tootle, "Anglo-Indian Relations," p. 236.

162. Ibid., p. 237. Johnson knew the British would have to supply such necessities as guns, powder, and other provisions if the Indians chose to abandon their families and participate in a potentially hazardous campaign against the French. Johnson also knew that the cost of these supplies, not to mention the price for ensuring that the Iroquois castles would be protected during the absence of Six Nations warriors, would be high. Johnson to James De Lancey, 16 May 1755; Johnson to Shirley, 16 May 1755. Sullivan, Papers of Johnson, I:500-501, 504-505.

about British chances of military success against the enemy.¹⁶³ There was as yet no concrete demonstration of British resolve to assume the initiative on any of the North American frontiers. While preparations were underway in several colonies, not a single British army had taken to the field. Against every scrap of evidence to the contrary, the Indians - especially the Six Nations - had to be convinced that their future best interests lay with the British.

Johnson's responses to the lack of money and low Indian morale were predictable. On 16 May 1755, he sent a memorandum to the governors of the northern colonies of Connecticut, Rhode Island, New York, New Hampshire, Maryland and Massachusetts, pleading that they establish a separate contingency fund in each province to subsidize Indian diplomacy and recruitment.¹⁶⁴ It would have been inappropriate and cumbersome for him to have applied directly to London for money, and no single province would have agreed to underwrite the entire expense. At the same time that the appeal went out to the governors for financial contributions, Johnson sent word to the Mohawks of a conference to discuss British military protection of their homes and families.¹⁶⁵ Johnson calculated that if the Mohawks could be convinced of British concern for their well-being, they and their confederates might be persuaded to participate actively in the British military offensive.

The response to Johnson's appeal for funds was, if not prodigious, at least encouraging. Governor Shirley sent word that the Massachusetts Assembly had voted to pay its proportionate share of expenses incurred in Indian recruitment and promised to advance enough funds so that Johnson would not be out of pocket at so crucial a time.¹⁶⁶ Johnson's second initiative, his effort to convince the Mohawks that Britain would ensure their safety, was even more productive. At a meeting attended by several representatives of the tribe, Johnson promised that at least two new forts would be erected on the northern New York frontier and that the Mohawk castles would be protected, whatever the cost might be. In return, the Mohawks promised their continued allegiance to Britain and, although they

163. Johnson to De Lancey, 16 May 1755. Sullivan, Papers of Johnson, I:500-502. Johnson to Shirley, 17 March 1755. O'Callaghan, N.Y.C.D., VI:946-947. Johnson had learned from one Daniel Claus, a frequent traveller among the Lower Mohawks, that some of the Six Nations were still contemplating having talks with the French. This rumour was confirmed by Thomas Butler, who was stationed at Oswego. Daniel Claus to Johnson, 7 May 1755. Thomas Butler to Johnson, 14 May 1755. Sullivan, Papers of Johnson, I:489-490, 495-496.

164. "Memorandums to the Several Governments," 16 May 1755. Sullivan, Papers of Johnson, I:503-504.

165. Johnson to Shirley, 16 May 1755. Ibid., p. 507.

166. Tootle, "Anglo-Indian Relations," p. 238.

demurred from pledging active support in the planned summer offensive, they agreed not to succumb to French entreaties for talks at Montreal.¹⁶⁷ A suggestion made at the conference, that all the Confederacy tribes be called together to discuss the upcoming British campaigns, was heartily endorsed by the Mohawks, who promised to assist Johnson in conveying invitations to the other Indian nations.¹⁶⁸

On the eve of the conference, at which the entire Confederacy would be asked for its support, Johnson was confident of success.¹⁶⁹ There were still unanswered questions concerning funds for military supplies and recruitment, but the Superintendent now believed that this problem was one of logistics - a temporary snag that would find satisfactory resolution once the Indians had made a strong commitment to assist British regular and colonial forces. The Superintendent nevertheless viewed the June-July session with the Six Nations as the most important meeting in which the British had participated. Timing was the crucial factor and Iroquois support had to be secured.

The conference at Mount Johnson opened in the third week of June 1755 with more than one thousand Indians from nine different nations in attendance.¹⁷⁰ Johnson wasted no time in outlining the essential points he wanted the Indians to consider. In his inaugural address on June 21, the Superintendent told the assembled throng that their Father, the King of England, had sent "a great Warrior" to regain those lands unwarrantedly seized by the French on the Ohio and to "protect you and his other subjects within his Dominions from [further] insults

167. Proceedings of the Mohawk Conference at Mount Johnson of 15 May to 21 June 1755 are printed in Sullivan, Papers of Johnson, I:625-642. It was De Lancey who had given Johnson the pre-conference assurance that two new strongholds would be erected on his province's northern frontier. The New York Assembly had voted the required funds for these projects in March of 1755. Ibid., p. 631. De Lancey to the Lords of Trade, 18 March 1755. O'Callaghan, N.Y.C.D., VI:940-941.

168. Two Johnson associates and four Mohawk guides were also sent southward to invite the Indians inhabiting the Susquehanna district to attend the conference. "Indian Proceedings," 17 May 1755. Sullivan, Papers of Johnson, I:631.

169. Johnson to Shirley, 19 June 1755. Sullivan, Papers of Johnson, I:614-617. See also Johnson to Goldsbrow Banyar, 14 June 1755. Ibid., pp. 588-591. Johnson told Baynar that he was sure he could get three to four hundred Mohawks to join his expedition against Crown Point.

170. Delegates to the conference included representatives from all the Six Nations, the Delawares, and two lesser tribes from Maryland, the Schanadarigoenes and the Tiederigroenes. Ibid., IX:189. Cited in Tootle, "Anglo-Indian Relations," p. 244, footnote 19.

and encroachments of the French."¹⁷¹ Johnson stressed the long-time covenant existing between the British on one side and the Six Nations and their allies on the other. This beneficent relationship was contrasted with the "jealousies and mistrust" continually kindled amongst the Iroquois by their common enemy, the French. In short, Britain had recognized the French threat to their common interests and was about to engage in an all-out struggle to end the constant vilification by the enemy of those shared interests. Britain was preparing resolute and determined action to counter French insults and encroachments. It begged the question: what were the Iroquois, who also had a stake in these affairs, prepared to contribute to the cause? On June 23, when Johnson continued his opening address, he asked the obvious: would the Six Nations join him in his expedition against Crown Point?¹⁷² To demonstrate that the king supported his request for Iroquois assistance, Johnson publicly read out a message from General Braddock exhorting the Six Nations to "immediately take up the Hatchet against the French and their Indians . . . which will be very agreeable to our Father the King."¹⁷³

The Indian response, spoken by the Onondaga sachem, Kaghswughtioni, was favourable to the British request. The chief assured Johnson that the historical allegiance sworn between their respective forefathers would continue and that the Iroquois would comply with what Johnson and Braddock asked of them.¹⁷⁴

The Mohawk chief, Hendrick, indicated that his nation heartily concurred in the Confederacy decision to help Johnson in his expedition against Crown Point and added that his nation would also assist Governor Shirley in the Niagara campaign.¹⁷⁵ Hendrick told Johnson that the Mingo half-king had already joined Braddock in the latter's march towards the Ohio and assured the Superintendent that any outstanding reluctance among his people to assist the British would be overcome with the first British victory in the field.¹⁷⁶

171. "Conference between Major-General Johnson and the Indians," O'Callaghan, *N.Y.C.D.*, VI:964-965. The entire conference proceedings are printed *ibid.*, pp. 964-989.

172. *Ibid.*, p. 973.

173. *Ibid.* Johnson told the assembled warriors "My war kettle is on the Fire, my Canoe is ready to put in the water, my Gun is loaded, my sword (is) by my side, and my Ax is sharpened. I desire and expect you will now take up the Hatchet and join us, your Brethren against all Enemies."

174. *Ibid.*, pp. 978-979.

175. *Ibid.*, p. 983.

176. *Ibid.* Cited in Tootle, "Anglo-Indian Relations," p. 246.

Johnson's elation at the ease with which the Iroquois were apparently persuaded to commit themselves to active service was somewhat tempered by the re-emergence at the conference of problems associated with Indian lands. Confederacy support, it soon became clear, would have a price. Hendrick told Johnson in front of the assembled tribal representatives that the British must "not be suffered to buy any more of our land."¹⁷⁷ The Six Nations demanded a moratorium on the sale of "Indian lands" and a return of two tracts already alienated from the tribes. One parcel which the Iroquois wanted back involved the territory lying west of the Susquehanna, negotiated from them by the Pennsylvania Proprietary at the 1754 Albany Conference. The chiefs had accepted payment for half the tract but had now decided they would not sell the other half and wanted settlement prohibited on the entire purchase. The second purchase involved lands Hendrick alleged were "stolen" from his people by "the Devil" Lydius, also at Albany in 1754. The Mohawk chief declared that the Iroquois would never ratify the transaction nor allow settlement on the lands.¹⁷⁸ The Oneida headmen added their complaints to those of the Mohawks by stating that German immigrants had recently settled illegally on lands near the northern New York frontier. The Oneidas wanted it understood that as this was the region through which Shirley would have to pass on his way to Niagara, it would be by their permission, if granted, and not that of the German settlers, that the British forces would be allowed to proceed.¹⁷⁹

Johnson responded to the Iroquois complaints by assuring the Six Nations representatives that the king was well aware of the problems and had already sent James De Lancey orders requiring him to see that justice be done with respect to unlawful settlement in New York. As to the Lydius episode, Johnson voiced his agreement with the Indian allegation that a deed had been secured under dubious circumstances and assured the tribesmen that nobody would attempt to settle lands "upon such unfair purchases."¹⁸⁰ Finally, with respect to the purchase made by the

177. "Conference between" O'Callaghan, N.Y.C.D., VI:983.

178. Ibid., p. 984.

179. Ibid., p. 985.

180. Ibid., p. 987.

Pennsylvania Proprietary, the Superintendent suggested that as the transaction appeared to be an open and legitimate one, the Iroquois should consider fulfilling their side of the bargain. By so doing, Johnson pointed out, the Iroquois would demonstrate their reasonableness in co-operating with those whose propositions were just, open and honest. The chiefs appeared satisfied with Johnson's answer and left the conference to make the necessary arrangements at home for their participation in the British military effort.¹⁸¹

Johnson was extremely gratified by the outcome of the conference and was convinced the Iroquois would honour their pledge to assist the British forces.

A week after the conference ended, the Superintendent conveyed the good news to Governor De Lancey:

Last Saturday my Conferences with the Indians ended. I have only time at Present to Advise you that they made a Unanimous Declaration that they would stand by their Brethern the English and would in no shape assist the French. In this I have abundant reason to believe them sincere and that the whole confederacy are at present more warmly disposed toward our interest than they have been for these 40 years past. I believe many more will join me than the Legislature have made provision for....¹⁸²

181. O'Callaghan, N.Y.C.D., VI:988-989.

182. Johnson to De Lancey, 10 July 1755. Sullivan, Papers of Johnson, I:706-707.

PART III

LAST EFFORTS TO ACHIEVE PEACEFAILURE OF ANGLO-FRENCH NEGOTIATIONS, 1755-1756Anglo-French Negotiations and the Concept of an Indian Barrier State.

While frantic preparations were underway both in London and abroad for a concerted British-Indian assault on French strongholds in North America, negotiations for a peaceful settlement of the issues which had separated France and Britain since Aix-la-Chapelle continued in Paris. One problem which appeared to reduce the possibility of any comprehensive and acceptable scheme emerging from the Paris Commission was the relative scope of its mandate. While the Commission had the potential for resolving British-French conflicts in Nova Scotia and the West Indies, it could not formally consider the contentious issues associated with ownership, use and occupation of the Great Lakes and Ohio regions. By late 1754, military activities underway in both France and Britain made it apparent that unless some avenue were found to resolve the problem of boundaries for the North American interior, open war between the two states was inevitable.¹

In September of 1754, the Duke of Newcastle wrote Lord Albermarle, the British ambassador in Paris, asking him to report on how the French were reacting to British preparations for a military confrontation in North America.² When Albermarle broached the subject of unresolved difficulties between France and Britain over the Ohio, Rouillé, Louis XV's Foreign Minister, allowed that it was a pity the matter could not be settled peaceably before his country was also compelled to send more troops. Rouillé told Albermarle that while he personally believed that the Ohio was indeed French territory, his Court might

1. The French court confirmed the extent of British military preparations from the London newspapers! Henry Fox, British Secretary of War had published an advertisement in the London Gazette on 8 October 1754, ordering officers of the 50th and 51st Regiments to embark on transports then on the Thames, if in England, or at Cork, if in Ireland. The advertisement went on to explain that the purpose of the embarkation was to travel to America in company with the 44th and 48th Regiments. Another notice appearing in the London Evening Post on October 8 and 10 gave full particulars on the strength of the British naval convoy which was to accompany the transports to North America. Graham, "British Intervention," pp. 195-196.

2. Duke of Newcastle to Lord Albermarle, 12 September 1754. British Museum, "Newcastle Papers," Add. MSS. 32 850, folio 301.

be prepared to consider the Ohio as part of some general settlement of all the American issues, and that perhaps the Paris Commission should be allowed to place the entire problem on its agenda.³ As a sign that France desired peace and not war, it dispatched a chargé d'affaires, the Duc de Mirepoix, to London with instructions to find "the means" by which some compromise might be reached with Britain over the Ohio.⁴

In early January of 1755, de Mirepoix arrived in London and was referred to Secretary of State Robinson for discussions on the possibility of a comprehensive American settlement.⁵ On January 15 de Mirepoix gave Robinson a written list of proposals for consideration by the British Court.⁶ There were four main points contained in de Mirepoix's submission: all colonial governors, French and British, were to be sent orders forbidding them to embark on any new military enterprise or hostility; both sides would repair to their territorial positions prior to the last war; any final settlement for the Ohio region would be worked out in Paris by the joint Commission; finally, the British were to explain why they had sent ships and troops to North America during the previous few months.⁷ In response to de Mirepoix's "points," Secretary Robinson engaged the chargé d'affaires in a discussion on the "national" rights of their respective countries to territory in and around the Ohio region.⁸ He lectured de Mirepoix on the history of routes

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3. The substance of the French response to Albermarle's questioning was reported in a series of letters sent by the ambassador to Sir Thomas Robinson throughout the autumn of 1754. See Albermarle to Robinson, 18 September; 16, 23 October; 13, 27 November 1754. British Museum, "Newcastle Papers," Add. MSS. 33 027, folios 276-283.
 4. It should be noted, however, that on the same day the French Court decided to send de Mirepoix to London, 9 December 1754, orders were also transmitted to Brest and Rockfort to prepare shipping to carry reinforcements to North America. Graham, "British Intervention," pp. 251-252.
 5. Ibid.
 6. Mirepoix to Rouillé, 16 January 1755. Printed in Pease, Boundary Disputes, p. 86.
 7. "Memorial from Duc de Mirepoix delivered by his secretary, M. Boutet to Sir Thomas Robinson, 15 January 1755." British Museum, "Papers of Sir Thomas Robinson," Add. MSS. 35 593, folio 102.
 8. By "national rights," Robinson meant rights obtained through discovery, continuous use and occupation.

used by the French between Canada and Louisiana and pointed out that the Ohio-Allegheny corridor was of very recent origin. The Secretary of State, using contemporary British and French maps of North America, demonstrated the difference in cartographic details of the region used by the two countries in interpreting Ohio landmarks. Robinson hypothesized that when the French had thought they were using the Allegheny-Ohio route, they were actually travelling along one of three more westerly pathways, and that these had formed the main communication links between the two wings of French North America.⁹ Robinson then went on to state that British settlement, through a grant to the Ohio Company of Virginia, gave Britain a stronger claim of possessory rights to the disputed region than France. The Duc de Mirepoix declined formal comment on Robinson's presentation, pleading that his instructions did not permit him to treat but merely to exchange information.¹⁰

Robinson outlined de Mirepoix's "points" to a Privy Council meeting the following day, January 16. Several of the king's ministers had been optimistic, when de Mirepoix arrived in London, that the French Court did indeed want some workable compromise which would allow both countries an honourable retreat from war. They were disturbed at de Mirepoix's insistence upon a cease-fire before a settlement of claims could be agreed upon for the Ohio, and that a final accord had to be negotiated in Paris. Besides, the British Court had always taken the position that an Ohio settlement would have to be placed in the context of a much wider accord covering all the North American disputes separating the two Crowns. Despite several reservations, the Privy Council decided to respond to de Mirepoix's submission with a proposition which, if accepted by the French Court, would establish a framework for the disposition of boundaries between France and Britain on the Ohio, the Great Lakes and Nova Scotia. Briefly, the British proposal was that both countries would return to their respective geographic positions as of the signing of the Treaty of Utrecht. French and British settlements near Fort Duquesne would be broken up. Forts on the Ohio, at Niagara and

9. Mirepoix to Rouillé, 16 January 1755. Pease, Boundary Disputes, pp. 86-95.

10. Hathaway, "Indian Barrier State," p. 87.

Crown Point, as well as those recently built on the St. John River and the Isthmus of Chignecto, would be abandoned and destroyed. Details of the French and British withdrawal from their present positions would be a matter for direct negotiations between the two courts and not the Paris Commission. Finally, France was to be assured that the recent British dispatch of troops to North America was for the express purpose of protecting His Majesty's subjects and not for giving offence.¹¹

The French chargé d'affaires, upon receiving the British counter-proposal to his list of "points," gave every indication that it would receive serious consideration from his superiors in Paris. In anticipation of what he believed the British position would be, de Mirepoix had written Foreign Minister Rouillé, to promote favourable consideration of any proposal that the British might make for an evacuation of the Ohio.¹²

The official French response to the British counter-proposal, which arrived in London on 6 February 1755, lacked de Mirepoix's enthusiasm for the British position. The separate points it contained appeared to have been drafted to encourage and at the same time to frustrate any further direct negotiations between de Mirepoix and Robinson.¹³ The French rejected Britain's offer to use the Treaty of Utrecht as a basis for settling limits between the two Crowns on the Ohio. However, new instructions to Mirepoix which accompanied the project indicated that as France was anxious to reach an agreement on this important matter, the French might consider a restoration of territory on the Ohio to a state it "ought to" have been prior to 1744. De Mirepoix was also told that he was to have the British submit their position in writing to the Paris Commission, but these instructions allowed that the chargé d'affaires "would be permitted" to find the means of amicably ending the dispute with the British ministry.

11. Minute of Council, 16 January 1755. British Museum, "Newcastle Papers," Add. MSS. 32 996, folio 5. Robinson delivered the Privy Council proposition or counter-proposal to de Mirepoix on 22 January 1755. Pease, Boundary Disputes, p. 92.

12. Duc de Mirepoix to Rouillé, 16 January 1755. Pease, Boundary Disputes, p. 92.

13. Rouillé to de Mirepoix, 3 February 1755. Ibid., pp. 102-108.

In spite of apparent ambiguities in the French response, the overall thrust of the French approach to further negotiations should have been patently clear. France wanted a pragmatic settlement that would leave her with a presence on the Ohio without having to concede anything on the Great Lakes or in Nova Scotia. Settlement of boundaries in these latter regions would be left to commissioners in Paris, whose powers would continue to be limited to the interpretation of wording in treaties. Utrecht would remain a major, but not necessarily the sole, authority in such an exercise.

Several ministers in the British Court, Secretary of State Robinson and First Minister Newcastle being the principals, were sufficiently anxious to have a peaceful settlement of Anglo-French disputes that they seized upon the French proviso for de Mirepoix "to find the means" of ending the Ohio controversy as a pretext for continuing negotiations through the French chargé d'affaires. Even before the substance of the French response was known to the British ministry, Robinson and Newcastle had promoted consideration of schemes designed to tempt the French into a comprehensive settlement of all outstanding issues in North America. Among the most notable suggestions submitted during this period was one from Sir William Baker, a confidant of the Duke of Newcastle and a powerful figure in London financial circles.¹⁴ Baker proposed a plan for the division of territories between France and Britain in all the disputed North American regions. The guiding principles of the scheme appear to have been equity and expedience rather than historical, treaty or national rights.¹⁵ Baker suggested that the French should abandon all pretensions to lands on any river falling into the Atlantic or any tributary of such rivers between Florida and Cape Breton. The same would apply to all rivers flowing into Hudson's Bay. The main boundary between New France and New England would be a line drawn from the head of the Bay of Chaleur to Lac St. Pierre. Cape Breton and all territories north of the heads of rivers flowing into the Bay of Fundy to the St. Lawrence would go to France. In New York, Crown

14. Baker was also an alderman and a merchant, whose firm had extensive dealings in the British trans-Atlantic mercantile trade with North America and the West Indies.

15. Baker's "A project for the proper separation of the British and French dominions in North America" (n.d.) is printed in Pease, Boundary Disputes, pp. 84-85.

Point and Lake Champlain would be British, as well as all lands to the south of Lakes Erie and Ontario. The French would have the region north of these lakes and would be allowed to maintain a fort on the west side of the Niagara River. France and Britain would both have rights to navigation on Lakes Erie and Ontario, but any future settlement along the shores of these lakes would confine the French to the north and the British to the south. Finally, and most importantly, the project called for the complete evacuation of the Ohio by both sides. No settlement or fortification would be allowed on either side of the Ohio River or on any of its tributaries. The entire region would be returned to the Indians, while traders from all the colonies would be permitted free and open passage throughout this neutral, unsettled hinterland. In brief, Baker's plan allowed for the continued, exclusive possession of lands where each country had established a long-term interest through use or settlement, while at the same time separating the two empires pragmatically where a potential danger of conflict existed.

Secretary Robinson found Baker's plan so compelling that he informally discussed some of its main points with de Mirepoix before Rouillé's response to the first British project arrived in London. By 6 February 1755, when the two men met to discuss Rouillé's letter and de Mirepoix's new instructions, they had agreed that the entire region from the Allegheny Mountains in the east to the Wabash River in the west ought to be a "neutral" zone. Robinson insisted that negotiations begin at once on all the disputed American boundaries so that the governors in North America could be given precise instructions as to where future trade and settlement would be permitted by their respective sovereigns. Robinson's enthusiasm for immediate action was not shared by the cautious de Mirepoix. The French chargé d'affaires had to remind the Secretary that his "full powers" to negotiate permitted him only to arrange the conditions on which an armistice on the Ohio could be notified to the governors; it was not for him to work out the precise details of the Anglo-French division of territories. De Mirepoix merely echoed the sentiments expressed by his superior, Rouillé, that discussions in London could lead only to a provisional armistice, while a definitive agreement based on the "rights" of each country to specific lands had to be settled in Paris.¹⁶

16. Mirepoix to Rouillé, 10 February 1755. Cited in Graham, "British Intervention," pp. 270-271.

Undaunted by de Mirepoix's reluctance to engage in substantive negotiations for a final agreement, Robinson asked the Privy Council on 7 February 1755 for permission to continue talks with the French chargé d'affaires. It was granted. Robinson was empowered to propose an immediate evacuation of the Ohio and a complete demolition of all "Forts and Settlements in those Parts; so that the said Country, from the Back of His Majesty's Colonies to the Lakes, and as far as the river Oubash may be left in the state It was by the Treaty of Utrecht."¹⁷ Two days later, at another Council meeting, Robinson was directed to propose to de Mirepoix that orders be sent to the respective officers and governors of both sides for an immediate evacuation of the disputed area. This area would henceforth be known as "neutral country," wherein each country would have liberty to trade, but the land itself was to be possessed by the natives only. A suspension of arms in "all" areas would prevail until the various outstanding disputes could be settled amicably.¹⁸

On the evening of February 9 and the following day, Robinson's staff worked to refine and expand the Privy Council suggestions into a series of specific points to be presented to de Mirepoix. On the evening of February 10, the Council met again to examine and discuss the new plan on a point-by-point basis. It concluded that:

the River Ohio with the Countries on Each Side of the sd River from the Allegheny Mountains to the Lake of Ontario, the River Niagara, The Lake of Erie, and the River Oubash, or St. Jerome, be forthwith evacuated; and all Forts, and Establishments, which have been made¹⁹ within The District, so describ'd since The Treaty of Utrecht be demolish'd.

Within the evacuated territory, France and Britain would have rights to trade and peaceable passage. Both countries would also be allowed freedom to navigate on Lakes Erie and Ontario and on the Niagara River. French strongholds on the western side of the Niagara River and Crown Point were to be demolished.

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17. Minute of Council, 7 February 1755. British Museum, "Newcastle Papers," Add. MSS. 32 996, folio 25. See also Pease, Boundary Disputes, p. 109.
 18. Cabinet Minute, 9 February 1755. Pease, Boundary Disputes, pp. 109-110. See also Hathaway, "Indian Barrier State," pp. 92-93.
 19. Cabinet Minute, 10 February 1755. Pease, Boundary Disputes, pp. 110-111.

Finally, a neutral area would exist between the St. Lawrence and the Atlantic, the western boundary of which was to be a line drawn due north from the Penobscot River in New England to the St. Lawrence. The eastern boundary of this zone, to be determined later, would exclude Nova Scotia from the provision.²⁰

This latest scheme, like the previous ones proposed by the British Cabinet, tied the settlement of disputes over the Ohio to recommendations for resolving Anglo-French difficulties in other parts of North America. However, there now existed the subtle, yet no-less-important hint at a compromise in the British position. Solution of the Ohio problem and the evacuation of the mid-western portion of the continent was a purely pragmatic approach to a long-standing conflict involving national rights and national honour. Nova Scotia and the resolution of difficulties there were excluded from what needed to be done for the Ohio, specifically prevention of an all-out, costly war between two empires. The Privy Council was now content to make only passing reference to the Treaty of Utrecht as a guide for future deliberations to resolve the difficulties which remained after some agreement on the Ohio was reached. Secretary Robinson and his colleagues were optimistic that the compromises offered would receive favourable consideration in France.

The British position adopted at the Council meeting of February 10 was not entirely altruism and good fellowship. Along with a sincere desire to prevent a rupture between the two Crowns over North America, the measures suggested by the Council suited a developing British imperial strategy for the interior of the American continent. It should be recalled that delegates to the Albany Conference unanimously endorsed a proposal for the temporary prohibition of settlement beyond the Appalachian or Allegheny Mountains. The Board of Trade and the Secretary of State had also received numerous reports of complaints by the Six Nations Confederacy concerning illegal occupation of lands now destined to be unoccupied and "neutral." A project recently submitted by Thomas Pownall, brother of the Permanent Secretary to the Board of Trade and a close friend

20. Pease, Boundary Disputes, pp. 110-111. See also "Heads agreed to at Newcastle House," British Museum, "Newcastle Papers," Add. MSS. 32 996, folio 29.

of Lord Halifax, supported both the Albany Conference resolution and Sir William Baker's suggestion for creating a neutral buffer zone or Indian colony between France and Britain west of the Appalachian chain. The Privy Council measures proposed for the Ohio country would thus serve two important purposes: to quiet Six Nations unrest over alleged unlawful occupation of their traditional hunting grounds and, ostensibly, to prevent a costly war between France and Britain in the interior of the North American continent.

Talks between de Mirepoix and Robinson continued during the period February 10 to 20 on the general principles for a settlement adopted by the British Cabinet. In the meantime, Lord Halifax was given a copy of the Cabinet "project" for his comment. It was the first opportunity for a Board of Trade member to provide a detailed critique of the British negotiating position.

In general, Halifax objected to the indefinite nature of the several American boundaries suggested by Robinson and the Privy Council for separating the territories apportioned to each Crown. More specifically, the Board of Trade President dissented from the Council's opinion concerning the limits of the so-called neutral zone or colony to be established between the Appalachians and the Ohio. Halifax pointed out how a line drawn between the mountains and any part of Lake Ontario would exclude from the colonies a number of old British settlements, yield up a third of Pennsylvania and undetermined portions of New York and Virginia, and finally, encroach considerably on several recent Crown grants to western lands.²¹ Also, if the region west of the British settlements were declared neutral, what of the Six Nations? Halifax suggested that any agreement concerning lands in the northwestern continental interior should be accompanied by a "protective" clause covering Britain's relations with the Iroquois. France must be forbidden to disrupt the long-standing friendship between the Confederacy and the British and must acknowledge the fact that the Iroquois were subject to the dominion of Great Britain as were "other natives of America

21. Lord Halifax's Observations on Sir Thomas Robinson's Paper of Points, February 1755. Pease, *Boundary Disputes*, pp. 111-114. See also British Museum, "Newcastle Papers," Add. MSS. 33 029, folios 167-171. Halifax also held that France should not only agree to abandon Crown Point on the New York frontier, but should promise not to construct any further strongholds in that region. As to Nova Scotia, he considered that any "concession" offered by the British (i.e., to establish a neutral area between the St. Lawrence and British settlements on the Bay of Fundy), had to be met by "concessions" of equal importance from France in other parts of North America.

who are friends to the same."²² Halifax thus had no objection to the principle of constructing a neutral buffer zone between France and Britain in North America; he merely took issue with the Privy Council's definition of its limits and the fact that specific provision for keeping the Indian occupants tied directly to Britain had been somehow omitted.

As a result of the Board of Trade President's remarks, Robinson sought consultation with Privy Council member and Chancellor, Lord Hardwicke, to discuss any possible alterations to the British project which might overcome Halifax's objections. It was important, as well, to iron out any difficulties in the plan prior to formal presentation to de Mirepoix. On 16 February 1755, Robinson met with Lord Hardwicke and the two men traced out the suggested "neutral zone" boundaries on the most recent government-approved map of the North American continent.²³ The map confirmed the substance of Halifax's objections to the placement of the eastern boundary of the neutral zone along the Appalachian watershed. If the mountains were to define the limits of present and future British settlement, western portions of New York, Pennsylvania and Virginia might be lost forever either to the French or the Indians. The Appalachians were too "irregular" and too "broad," Robinson and Hardwicke concluded, for a proper and equitable definition of how far settlement could and, in fact, already did extend. The two men agreed to suggest as an alternative limit to British settlement a line drawn from the centre of Lake Erie southward, leaving the upper waters of the Ohio and the southeastern shores of Lake Erie

22. Pease, Boundary Disputes, pp. 11-114. This was a simplified version of the Article XV provision in the Treaty of Utrecht.

23. Hardwicke to Newcastle, 16 February 1755. Pease, Boundary Disputes, p. 115. See also British Museum, "Newcastle Papers," Add. MSS. 32 852, folio 505. The map which Hardwicke and Robinson consulted was one by British cartographer Dr. John Mitchell. A copy has been retained by the Public Record Office, London and is catalogued at PRO/MR 634. A handwritten note in the margin of the map indicates that the cartographic work was undertaken with the approbation and at the request of the Board of Trade and Plantations. Its final form was approved and copies released on 13 February 1755. Dr. Mitchell was a former resident of Virginia and had the contemporary reputation for knowing as much about the geography of the continental western interior of North America as anyone alive at the time. A reproduction of the Public Record Office copy of the Mitchell map is printed in United States Geographical Survey Bulletin No. 817 (Washington, D.C., 1932), plate 5.

and the Niagara River in British possession. This line excluded from the neutral territory both the Virginia settlements on the Ohio and lands which comprised Crown charters issued to Pennsylvania and New York.²⁴

Robinson circulated details of his discussions with Halifax and Hardwicke to fellow Privy Councillors, and at a meeting of the inner Cabinet on February 20 the revised boundary agreed upon between the Lord Chancellor and Robinson was formally accepted as British policy. At the same time, the Cabinet approved a suggestion for defining the western boundary of the neutral zone: it would run from the western end of Lake Erie, southward along the Wabash River to the Ohio. The area between this line and the one proposed for the limits to British settlement would comprise the full extent of the neutral territory that was to be evacuated by all Europeans except for purposes of trade. Forts recently built within the territory were to be demolished and all French strongholds on the Niagara River and Lake Champlain were to be abandoned and destroyed.²⁵ Such was the British proposal for a neutral Indian barrier state within the interior of the North American continent.

Before Secretary of State Robinson had an opportunity to present de Mirepoix with the full British project, Rouillé's comments on the general principle of a neutral zone arrived from Paris.²⁶ The French minister's letter made it apparent that the two sides were still very far apart. Rouillé told de Mirepoix that France had claim to all lands beyond the Appalachian divide and that the creation of a neutral zone beyond the mountains would be seen as a major concession by the French Court. Therefore, His Most Christian Majesty, while prepared to vacate all lands between the mountains and the Ohio, nevertheless would insist on retaining control of the region between the Wabash and the Ohio River. Forts Venago and French Creek would continue to exist, as before, under French control. Anticipating a British appeal to Article VX of the Treaty of Utrecht whereby Britain claimed

24. Pease, Boundary Disputes, p. 115. It should also be noted here that the new line would give Britain the French forts Duquesne, Venago and French Creek.

25. Cabinet Minute, 20 February 1755. Pease, Boundary Disputes, pp. 135-138. The original is in the British Museum, "Newcastle Papers" Add. MSS. 32 996, folios 34-36. Lord Halifax attended this meeting. It should also be noted that the Cabinet reconfirmed, at this point, the principle that there should be free passage on the Great Lakes and the Niagara River for both France and Britain and open trade with the Indians for the two Crowns.

26. Rouillé to de Mirepoix, 19 February 1755. Ibid., pp. 116.

dominion over the Six Nations, Rouillé disallowed the equation of Indian nations with specific areas and therefore the right of the British to trade with the Iroquois in the neutral zone. It was, he pointed out, against the principles of international law to allow people of one nation to trade within the territory of another without the latter nation's consent. Finally, for "conceding" the neutral zone between the Ohio and the mountains, Rouillé stated, the French court would ask for the demolition of the British forts at Minas, Beaubassin and Chignecto in Nova Scotia and Oswego on Lake Ontario. These were strongholds that had either been built or reinforced since Aix-la-Chapelle and must be destroyed. The French position offered very little by way of compromise to the British Court. Portions of Rouillé's dispatch, British officials believed, bordered on insult.²⁷

Between February 23 and March 7, de Mirepoix had several meetings with Newcastle and Robinson. However, at this point even the most optimistic of British officials who had lobbied for a peaceful settlement lost hope. The British ministry continued to insist that its western colonial settlement boundary be placed beyond the Appalachian mountains so as to retain the several old British settlements west of the divide. Britain was not prepared to withdraw to the east of the watershed. It was apparent that the French had no intentions of removing themselves from the area between the Ohio and the Wabash or of giving up Fort Duquesne. Nor was France willing to settle the Ohio question in the context of a universal convention which would realistically take into account the disputed areas in Nova Scotia and the Great Lakes. Perhaps as a final act of desperation, Robinson forwarded de Mirepoix the complete unaltered British programme as endorsed by the British Cabinet on February 20.²⁸

Talks continued between Robinson and the French chargé d'affaires during the following three months, with little or no prospect for a break in the negotiations deadlock.

27. "Project for a Preliminary Convention," 19 February 1755. Pease, Boundary Disputes, pp. 126-130. See also Graham, "British Intervention," pp. 290-291. Rouillé also stipulated, with respect to the neutral zone, that neither country trade in the area for a period of two years.

28. Newcastle Memorandum, 7 March 1755. Pease, Boundary Disputes, pp. 154-155.

Without any further instructions from Rouillé, de Mirepoix had little room to manoeuvre; he had to insist that an armistice on the Ohio must precede a wider settlement. Even if the British did agree to an armistice first and a resolution of claims later, de Mirepoix could not guarantee that an accord could be negotiated on the basis of the British "project." The two sides were solidly and irresolvably at odds. On April 13, Rouillé instructed de Mirepoix to refrain from any further explanation of the French proposals.²⁹ He was to remain passive and wait for further overtures from the British. On the morning of 22 July 1755, the French chargé d'affaires quietly boarded a vessel and sailed back to France without taking his formal leave in London. Upon receipt of this information, Sir Thomas Robinson sent off a short note to Ruvigny de Cosné, Albermarle's successor³⁰ and de Mirepoix's British counterpart in Paris, directing him to return to London immediately, without giving further notice to the French Court. All negotiations were now stopped and France and Britain found themselves on the brink of war.

A basic knowledge of the British position in 1755 is important to a full understanding of future British policy for lands beyond the Appalachian divide. Negotiations with the French during the winter of 1754-55 and in the spring of 1755 helped establish the basic concept of a regulated western frontier for the British American seaboard colonies. While Britain would not accept the mountains as a permanent limit to colonial expansion, officials at the Board of Trade and the Privy Council were prepared to endorse the establishment of a frontier settlement line running somewhat west of the Appalachian chain. They came to realize that by giving over the territories west of the line to exclusive Indian use and occupation, save for purposes of trade, several positive ends could be served. Besides creating an Indian buffer state or zone between two imperial antagonists, European evacuation of western lands would answer the now urgent problems created by non-Indian encroachment on lands claimed by the Six Nations Confederacy and their allies. Because a similar, more restrictive measure to halt western settlement had already come from colonial representatives at Albany in July of 1754, government officials in London were assured that some sympathy for the concept of a regulated frontier existed in North America. An

29. Rouillé to de Mirepoix, 13 April 1755. Pease, Boundary Disputes, pp. 207-210.

30. British Ambassador Lord Albermarle had died in Paris the previous December.

imperial strategy favouring the creation of an Indian colony or state in the American interior would, as a result, not be viewed as a harsh principle unilaterally imposed by an unenlightened, self-serving home government. The idea of a protected Indian country, lying beyond the reaches of a regulated colonial frontier, was a concept that would persist beyond the crisis which spawned it.

British Military Disaster and the Beginning of the Seven Years' War

In the spring of 1755, with negotiations deadlocked between France and Britain over the means to a comprehensive North American settlement, events on the colonial frontiers pushed the two nations closer to open war. Throughout June of 1755, Braddock and his army of twenty-five hundred soldiers, including two full battalions of British regulars, groped their way through the harsh western interior to the Ohio. When they arrived at the forks of the Monongahela on July 9, a French force of some three hundred regulars and six hundred Indians emerged from the forest and administered to the British one of the most devastating defeats in English military history. General Braddock and several hundred of his men were killed and the remainder of the British expeditionary force, confused and demoralized, staggered back to Fort Cumberland.³¹

Contemporary observers and recent historians alike have cited Braddock's inability to maintain good relations with the allied Indians of the Ohio as a prime factor in the British defeat on the Monongahela.³² George Croghan, on Superintendent Johnson's advice, had obtained a pledge from several tribes of the Ohio and western Pennsylvania to fight alongside Braddock.³³ However, within a few

31. Charles Hamilton, Braddock's Defeat (Norman, Okla., 1959), pp. 42-43, 46-47; Peckham, Colonial Wars, pp. 144-148. For a comprehensive review of events leading up to Braddock's defeat see Gipson, British Empire, VI:chap. 4. For an account of the strategic conduct of the battle, see S.M. Pargellis, "Braddock's Defeat," American Historical Review XLI(1936):251-259.

32. Charles Thomson, in a 1759 review of British-Indian affairs, concluded that Braddock's "haughty manner ... lost the Friendship of many [Indians] who had hitherto been steady in our Interest." Charles Thomson, "Enquiry into the Causes of the Alienation of the Delawares and Shawnees" (London: Printed for J. Wilkie, 1759), p. 81. Cited in Tootle, "Anglo-Indian Relations," p. 255, footnote 38. Tootle states that it was "The absence of a sufficient number of Indian allies" which "proved fatal to Braddock's expedition." Ibid.

33. Johnson to Croghan, 23 April 1755. Sullivan, Papers of Johnson, I:475-476.

days of their arrival at Braddock's camp, the Indians began complaining of being ill-treated by the soldiers as well as by the general himself. Braddock apparently refused to consult with the Indian leadership concerning battle strategy and specific deployment of the Indian contingent. He also refused to answer several requests concerning protection for Indian families who had accompanied the warriors to the British encampment. Many of the Indians were insulted and most of them abandoned the British within a week.³⁴ By the time Braddock marched towards Fort Duquesne, only eight Indians remained in the general's service.³⁵ When the enemy attacked, the French claimed among their numbers warriors from traditionally British-allied tribes, the Mingoes and Shawnees, and undoubtedly these included several who had quit Braddock's army just a short time before.³⁶ Thus Braddock not only contributed to his own defeat, but catalysed the event which the British had most feared on the Ohio frontier: full-scale loss of the western tribes to the French camp.

Meanwhile, in other parts of North America, the two operations which, along with the Ohio project, officially completed the British military offensive for the summer of 1755 ran into considerable difficulty. Superintendent Johnson, who was to lead an Indian force against Crown Point, and Governor Shirley, who was to make a combined Indian-militia assault on Fort Niagara, began to quarrel over Indian recruitment. Shirley demanded that he be apportioned one thousand warriors out of Johnson's army for the Niagara campaign. The Superintendent-General refused to act on these orders and struggled to keep the whole of his Indian forces intact. An acrimonious exchange of threats and accusations between the two men ensued.³⁷ When Johnson convened his nine-nation Indian conference

34. Tootle, "Anglo-Indian Relations," p. 253.

35. Wainwright, George Croghan, p. 89. One of the eight was the newly appointed Mingo half-king, Scarrouady.

36. The French also had large contingents from their traditional allies, the Ottawas, Chippewas, and Potawatomies from the Great Lakes region. See Tootle, "Anglo-Indian Relations," p. 254 footnote 36.

37. John A. Schutz, William Shirley, King's Governor of Massachusetts (Chapel Hill, Virginia, 1961), p. 201.

at Mount Johnson in July 1755, Shirley sent Joseph Lydius to enlist individual Indians to serve in the Massachusetts governor's army. The presence of Lydius at Mount Johnson during this delicate negotiating period threatened to undermine all attempts by Johnson to entice active Mohawk support for the British war effort in general.³⁸ It was Lydius, as several of the chiefs attending the Conference complained, who had "stolen" their lands at Albany the previous summer. When Johnson expelled Lydius from the Conference at the insistence of the Indians, Shirley was incensed and immediately fired off a protest to Johnson, reminding him that the superintendency was under his official jurisdiction as a commander of His Majesty's forces.³⁹

By late July of 1755, relations between the two men had grown even more strained. Braddock's death placed Shirley at the head of all British forces in America⁴⁰ and Johnson's continued refusal to place substantial numbers of his Indian recruits at Shirley's disposal only served to make the Massachusetts governor angry and indignant. When the governor arrived at Fort Oswego on his way to Niagara in early August of 1755, he had succeeded in attracting a mere sixty Iroquois warriors into his service.⁴¹ It was reported that the French had stationed some twelve hundred regulars along with a large Indian contingent at Fort Frontenac, about fifty miles from Shirley's base camp at Oswego. Lacking crucial Indian support to accompany his army of New England militia in a frontal assault on Niagara, Shirley was forced to remain at Oswego until better prospects for victory would allow him to proceed. As autumn approached with no sign of Indian reinforcements joining his army, Shirley began talking of laying a "foundation" this year for a campaign to begin the next.⁴² Worse yet, the long delay in mobilizing forces had added to the growing weakness of the governor's army, whose number dwindled daily through sickness and desertion. Further,

38. Flexner, Mohawk Baronet, pp. 130, 131.

39. Shirley to Johnson, 17 July 1755. Sullivan, Papers of Johnson, I:733.

40. Schutz, William Shirley, pp. 207-209.

41. Lincoln, Correspondence of Shirley, II:249-250.

42. Schutz, William Shirley, pp. 212-215.

a delay in the arrival of military transports, upon which the British contingent at Oswego had depended heavily for food and other necessary supplies, added to the governor's growing list of problems. By late September the situation was hopeless. Even the few Indians whom Shirley had succeeded in hiring abandoned the governor's base camp for home.⁴³ In October, Shirley cancelled all further plans for an autumn offensive and sent most of his remaining troops to winter quarters at Schenectady and Albany. The governor himself returned to Massachusetts in order to solicit support for a campaign for the coming year and to answer mounting charges by his detractors that the Niagara expedition had failed due to Shirley's own organizational incompetence and lack of military skill.⁴⁴

From Oswego Johnson travelled to Albany, where he spent most of the late summer organizing his army for the planned assault on Crown Point. During this time, his greatest fear was that the news of Braddock's defeat on the Monongahela would prompt the Six Nations to renege on their pledged support to the Crown Point campaign.⁴⁵ By July 30, the Superintendent was so convinced that Indian support would not be forthcoming that he confided to acting New York Governor De Lancey that he was considering aborting the entire project.⁴⁶ However, when Johnson met with several of the Six Nations' chiefs at Albany in August, he found to his surprise that the Confederacy was now more determined than ever to participate in the Crown Point expedition. The Iroquois made it known at the August meeting that their honour demanded revenge on the French for the enemy's devastating defeat of British-allied forces on the Ohio.

When Johnson finally began his march northward in late August of 1755, only a handful of Indians had actually joined his army, but a large contingent of Mohawks under Hendrick was expected to rendezvous with the British

43. Peckham, Colonial Wars, pp. 151-152.

44. Tootle, "Anglo-Indian Relations," p. 261.

45. Johnson to De Lancey, 30 July 1755. Sullivan, Papers of Johnson, I:794-797. Johnson expected that part of the Six Nations would "join against us."

46. Ibid., p. 797. Johnson proposed that he would employ what men he had to protect Albany from any possible French or Indian attacks.

expeditionary force along the way.⁴⁷ After a few days, there was still no sign of Hendrick and the promised Indian reinforcements. Johnson again feared that the Confederacy had reconsidered their position and had ultimately determined not to become involved.

Johnson had good reason for arriving at this conclusion. It had been reported that the Caughnawagas, who were close relatives of the Mohawks from the Montreal area, would comprise a major portion of the French forces garrisoned at Crown Point. The Superintendent believed that the Mohawks would not choose to risk the possibility of fighting their own kin. Family and tribal loyalties would overcome any regard these Indians might have for their responsibility to the British.⁴⁸

Johnson was wrong. When his army arrived at Lake George, Hendrick and the two hundred warriors who had been pledged were there to greet him. The Mohawks and the Caughnawagas had apparently attempted to reach some compromise independent of any counsel given by either the French or the British. When these talks failed, the two groups each decided to join their respective European partners for the impending conflict.⁴⁹

Once Johnson had reached Lake George, there was precious little time available for further planning of the campaign. On 7 September 1755, intelligence arrived at the British encampment of a large French and Indian force in the immediate vicinity.⁵⁰ The Superintendent judged that the French commander, Baron de Dieskau, had been sent to take Fort Edward, a few miles west of his headquarters, and that he would then use the fallen British stronghold to launch an attack on Lake George. Johnson immediately decided to send out an advance party of some one thousand militia and two hundred Indians, under the command of

47. Johnson's army at this point was comprised of two regiments totalling some 1 500 men. Hendrick was expected to supply at least 200 Mohawk warriors to bolster the force. Johnson to the Several Governors, 24 August 1755. Sullivan, Papers of Johnson, I:880-881.

48. Johnson to Thomas Pownall, 25 August 1755. Ibid., pp. 886-887.

49. Tootle, "Anglo-Indian Relations," pp. 266-268.

50. Minutes of Council of War, 7 September 1755. Sullivan, Papers of Johnson, II:16-19. It was estimated at the time that the French army was comprised of a total of some 3 100 men of which approximately 650 were Indians.

Colonel Ephraim Williams and Chief Hendrick. The strategy was to strike a surprise blow at Dieskau's troops and then to retreat back to Lake George for a major confrontation with the enemy. Meanwhile, the French general, aware of the presence and precise location of Johnson's army, altered his plans to engineer a surprise of his own. On the morning of September 8, within earshot of Johnson's Lake George encampment, Dieskau and his men swooped down on the unwary Williams and his Indian reinforcements, catching the British advance unit completely off-guard. The ambush was a success. Williams and Hendrick, at the heads of their respective divisions, were the first to fall. British casualties were high and the remnants of the routed British force scrambled headlong back towards Lake George.⁵¹

Dieskau's army continued the offensive, pursuing the retreating British force to Lake George. Under Johnson's command, the Mohawks and the remainder of the militia rallied at the British camp and succeeded in repelling any further French advance.

That the French failed to completely annihilate their British counterparts and thereby take control of the entire New York frontier was due more to the determination and fighting skill of the British-allied Mohawks than to any other factor. The Caughnawagas, who comprised almost half of Dieskau's advance party, upon arriving at Lake George had refused at the last moment to fight their Mohawk brethren and had abandoned the French commander's forces. Suddenly outnumbered, Dieskau himself was forced to retreat with Johnson's Mohawks in close pursuit. Dieskau was captured and the fighting ceased.⁵² Johnson, by virtue of the singularly fortuitous capture of his counterpart Dieskau, claimed a narrow victory at what has become known as the Battle of Lake George. In reality, the outcome was nothing more than a standoff.

51. Tootle, "Anglo-Indian Relations" pp. 268-269. There is a personal account of the battle by Johnson in Documentary History of New York, II:691-695. Peter Wraxall, Johnson's Secretary, also wrote about the event in an official dispatch to Governor De Lancey on 10 September 1755. See O'Callaghan, N.Y.C.D., VI:1003-1004.

52. Ibid., pp. 269-271.

Of the three official campaigns planned for execution by the British and their allied Indian forces for 1755, none achieved any marked measure of success. In all three episodes - on the Ohio, at Niagara and on the banks of Lake George - British regular and colonial troops had proven themselves incapable of coping with the harsh realities of frontier warfare. Low morale, weak discipline and a nearly total lack of North American fighting experience gave the French an insurmountable advantage in each campaign. But perhaps the most important lesson taught the British during their 1755 confrontations with the French was the absolutely crucial role the Indians could play in the final outcome of any inter-imperial struggle for control of North America. Without gaining assistance from the western tribes, Braddock and his army were doomed before a single shot was fired. Lacking support from the Six Nations Confederacy, Shirley had to abandon the struggle for possession of Niagara and its heavily French and Indian-garrisoned fortress. Finally, if it hadn't been for the presence of a large Mohawk contingent at Lake George, it is probable that Dieskau and his Caughnawaga reinforcements would have completely routed Johnson's entire army and taken control of the strategic New York frontier. The delicate power balance between the two major European combatants had not changed substantially since the previous war. Indian participation in the conflict for control of the interior of North America was as crucial and as potentially decisive at this point as it had ever been. In future, British civil and military leaders would be even more fervent in their attempts to gain and keep vital Indian support.

By the end of 1755, the only bright spot for the British on the American map was Acadia. The campaign there, which had been initially organized and financed in an ad hoc manner by Governors Shirley and Lawrence, proved much more successful than any of the "official" expeditions ordered from Britain. On 4 June 1755, two thousand colonial militia, raised principally in New England, and one hundred and fifty British regulars marched against Fort Beauséjour. A traitor in the French camp⁵³ and the reluctance of the French headquarters

53. Thomas Pinchon, whose letters and writings have survived and are scattered among a variety of Canadian and British repositories, has been credited with being the "French Judas of Beauséjour." For a secondary account of Pinchon's role in the fall of Beauséjour see J.C. Webster, Thomas Pinchon: The Spy of Beauséjour (Sackville, N.B., 1937).

at Louisbourg to send reinforcements to the Chignecto Isthmus virtually gave the enemy stronghold to the British. On 16 June 1755, after a brief siege, the French commander at Beauséjour signed the British articles of capitulation. A few days later, Fort Gasperau, the French fort on the Northumberland Strait side of the isthmus, also fell into British hands. In one short, concerted drive the British forces gained virtual control of the Nova Scotian peninsula, severing all further overland communication between the powerful Fort Louisbourg and the rest of the French empire in North America.⁵⁴

The reduction of the two French forts, located in one of the most strategic positions in North America,⁵⁵ accomplished with a minimum of effort and sacrifice of life, contrasted sharply with the muddled, badly organized campaigns in other parts of the continent. In Great Britain, criticism was directed at H.R.H., the Duke of Cumberland, who had not only authorized the official battle plans for North America, but had chosen and briefed the man who had failed to execute the instructions with success. On the Ohio and in upper New York, the British regulars had failed to achieve their objectives; in Nova Scotia, the provincial militia had succeeded. As one historian has remarked, "The contrast between homespun glory at Beauséjour and red-coated stupidity on the Monongahela was too simple to miss."⁵⁶ However, there was another, perhaps more profound, reason why the British succeeded in Nova Scotia and failed so miserably elsewhere. As mentioned earlier, the lack of unqualified Indian support played a significant role in the inability of both Braddock and Shirley to confront the enemy on equal

54. For a detailed commentary on the Nova Scotia campaign led by Colonel Monkton against Forts Beauséjour and Gaspereau, see Gipson, British Empire, VI:212-242. Several contemporary accounts, written by the participants, have been assembled and published by J.C. Webster in Journals of Beauséjour (Sackville, 1937) and The Forts of Chignecto (Shediac, 1930).

55. In the spring of 1755 Governor Shirley had termed the French positions around the Bay of Fundy "the Key of all the eastern colonies upon the Northern Continent." Shirley to Robinson, 24 March 1755. Lincoln, Correspondence of Shirley, II:149. Later, after the British victory, he told Lord Halifax "I look upon this Blow as the most important one that we were in Expectation of the Issue of." Quoted in Halifax to Newcastle, 27 July 1755, British Museum, "Newcastle Papers," Add. MSS. 32 857, folio 305.

56. Graham, "British Intervention," p. 332.

terms. On Lake George, it was principally the loyalty of the Mohawks which saved Johnson and his forces from disaster. While Cumberland had acknowledged the importance of the Indian factor in his official plan, it wasn't stressed enough. By contrast, in Nova Scotia, where the campaign strategy had originated with and was carried out by provincials, the role played by Indians was almost non-existent. When the French commander Vergor was confronted with the imminent possibility of a British assault on his fort at Beauséjour, it was not the neighbouring Micmac and Malecite Indians to whom he turned for assistance: it was rather the twelve to fifteen hundred Acadians from such places as Shepody, Petitcodiac, Memramcook, Aulac Ouekad (Westcock), Pont à Buot and La Coupe upon whom the French commander had counted to resist the enemy advance.⁵⁷ The Abbé Le Loutre, the French warrior-priest who had been so successful in promoting Indian raids on British communities throughout the province, abandoned Beauséjour a few hours before it fell.⁵⁸ No record appears to exist that would indicate the presence of a large contingent of Indians among either the British or French forces when Vergor capitulated to Nova Scotian Colonel Robert Monkton on 16 June 1755.⁵⁹ Without the combined co-operation of the Indians, whose frontier raids had gained infamy among the provincial inhabitants, and the Acadians, whose ambivalence to the French cause had earned them the label "French Neutrals," the French strongholds of Beauséjour and Gasperau were a poor match for the attacking British forces. The real lesson of 1755 was not so much the significance of employing provincials on North American terrain as it was the importance of neutralizing or allying to the British cause, a potentially harmful Indian component in any confrontation with the enemy French.

57. Gipson, British Empire, VI:229. See also Webster, Journals of Beauséjour, p. 46. Vergor sent out his appeal to the Acadians on June 2 at the first sighting of British transports on the Bay of Fundy. They were ordered to report to Beauséjour under pain of dire punishment.

58. Ibid., p. 231.

59. Governor Lawrence informed Secretary Thomas Robinson that the French had with them some four hundred and fifty Indians and other inhabitants at a blockhouse on the River Missaquash when the British forces landed on the Chegnecto Isthmus. However, by the time Beauséjour surrendered, there were only some three hundred inhabitants inside the fort. No mention is made of Indians being present at this later date. Governor Lawrence to Secretary Robinson, 28 June 1755. Akins, Documents of Nova Scotia, p. 243.

For the British, the remainder of 1755 and early 1756 became a time for reflection and renewed planning. Although neither imperial power had officially declared war, both France and Britain knew that their respective claims in North America would not be resolved by peaceful negotiation. Each court had withdrawn its consular representative to the other, and their diplomats abroad were told in no uncertain terms of the importance of collecting as many allies as possible for an impending global confrontation.⁶⁰

In North America, Governor Shirley, now commander-in-chief of all His Majesty's forces there,⁶¹ called a council of war with the governors of New York, Connecticut, Maryland and Pennsylvania to settle "upon a general plan of service for both the Eastern and Western Colonies next year." On 12 December 1755, the intended council opened proceedings in New York.⁶²

Governor Shirley, by now in possession of the commission and instructions given to Braddock a year earlier, sought to convince his colonial colleagues of the necessity of achieving the broad objectives outlined by the Duke of Cumberland for his predecessor. Shirley would only brook minor alterations to this original campaign strategy. He believed that it was important to organize a second western expedition against Fort Duquesne and that all of the provinces north of Virginia should share the expense.⁶³ In the Great Lakes region, Shirley

60. A first-hand account of the diplomatic wrangling over potential war alliances can be found in the correspondence of Walter Titley, Envoy Extraordinary at Copenhagen. Titley and his French counterpart spent most of 1755 and 1756 attempting to extract a commitment from M. le Baron Bernstorff, Danish Minister of State, to have Denmark align itself with their respective governments should difficulties in North America spread to Europe. Similar manoeuvring was also taking place at this time in Rome, Vienna, Madrid and St. Petersburg. "Titley Papers," 5 March 1755 to 31 January 1756. British Museum, Egerton MSS. 2 694, folios 98 to 165.

61. Shirley to Robinson, 5 November 1755. Lincoln, Correspondence of Shirley, II:315 to 325.

62. Shirley to Robinson, 19 December 1755. Ibid., II:343 ff. Present at the conference, in addition to Shirley, were Governors Hardy of New York, Sharpe of Maryland, Morris of Pennsylvania, and Fitch of Connecticut. Colonels Dunbar and St. Clair of the British regulars originally commanded by Braddock were also in attendance. William Johnson was not invited and was not present. Gipson, British Empire, VI:177. See also Tootle, "Anglo-Indian Relations," p. 281, footnote 1.

63. Gipson, British Empire, VI:177-179. Shirley called for the raising of some three to five thousand provincial troops to accomplish this end.

recommended that Fort Frontenac rather than Niagara be the key British target. The governor reasoned that the French posts west of Frontenac, as far away as Michilimacinac or modern-day Sault Ste. Marie, were wholly supported from Montreal. It followed, therefore, that by dislodging the enemy at Frontenac and thus barring the entrance to Lake Ontario, all the French forts to the west would be cut off from the supplies, men and ammunition needed to sustain them. Once Frontenac fell, an army of another five to ten thousand troops would sweep westward, conquering Forts Niagara and Presqu'Isle. As the two campaigns on the Ohio and in the Great Lakes region proceeded, a third expeditionary force of some six thousand troops would march against Crown Point. By these movements, it was felt, the British would keep the French from concentrating their strength at any single point.⁶⁴

Despite the ambitious scope of the combined operations as envisioned by Shirley, the council of war endorsed the governor's plan in principle.⁶⁵ However, by the time Shirley's recommendations reached Britain, the Cabinet Council had already formulated plans of its own. While the military strategies which would emanate from London did not differ significantly from those put forward by the Massachusetts governor and commander-in-chief in North America, the personnel to be entrusted with their execution would.

Governor Shirley was in difficulty with his superiors in Britain - with the Cabinet Council, with the Board of Trade and with others among the king's closest and most trusted advisors. Shirley's problems in London had as much or more to do with what was perceived as his inept handling or meddling in Indian affairs as with any other single factor. The governor had argued bitterly with Johnson over the disposition and use of Indian recruits for the Niagara and Crown Point expeditions, and by the autumn of 1755, details of the struggle between the two colonial officials had reached Whitehall. On 3 September 1755, on the advice of Thomas Pownall, now lieutenant-governor of New Jersey, Johnson

64. Gipson, British Empire, VII:177-179. A summary of the Shirley recommendations is printed in Lincoln, Correspondence of Shirley, II:343 to 350.

65. Ibid.

wrote a long letter of complaint to the Board of Trade. The Indian Superintendent detailed Shirley's interference in the recruitment of the Six Nations to aid the British forces and speculated that the governor's use of Lydius as his principal agent would have dire effects upon future British-Iroquois relations.⁶⁶ Pownall, who by this time had gained considerable influence in government circles, returned to London in the early winter of 1755 and confirmed the veracity of Johnson's allegations.⁶⁷ In late November of 1755, the Board of Trade officially voiced its concern over the Shirley-Johnson affair by forwarding a copy of the Superintendent's September 3 letter to the newly appointed Secretary of State, Henry Fox.⁶⁸ In a covering note, the Board observed:

As this unhappy misunderstanding between Persons in so high Command may be attended with Consequences very fatal to the Publick Service, We think it Our Duty, altho' We have not received any letter from Mr. Shirley on this Subject, to transmit to you a Copy of the said Letter.⁶⁹

Following the Board of Trade action, events leading up to the ultimate demise of Shirley's career in colonial administration moved very quickly. On 7 January 1756, Lord Halifax transmitted a paper he had written on the failure of the British campaigns of 1755, pointing out the impropriety of Shirley's actions in alienating the Indians from the British cause. The Board President concluded his remarks by stating that "no Harmony nor Union in the Coneduct of our Affairs is to be expected, but by a General to be sent from Home as soon as possible..."⁷⁰

66. Johnson to the Lords of Trade, 3 September 1755. O'Callaghan, Documentary History of New York, II:684-689 and O'Callaghan, N.Y.C.D., VI:993-997.

67. Thomas Pownall's access to government officials was aided by two things: his friendship with Lord Halifax, President of the Board of Trade and the fact that his brother John was now permanent Secretary to the Board. In early December of 1755, prior to Shirley's council of war, the governor's detractors - Johnson, Pownall, De Lancey of New York, Peter Wraxall and Daniel Claus of Johnson's staff - and two members of the New York Council met in a New York hotel room to plan for Shirley's removal as commander-in-chief. Daniel Claus kept minutes of this meeting and Claus's version of what took place is discussed in Pound, Johnson of the Mohawks, pp. 226-229.

68. Henry Fox succeeded Sir Thomas Robinson as Secretary of State for the Southern Department, and thus colonial affairs, in the summer of 1755.

69. PRO, C.O. 5/1129/42-44.

70. "Lord Halifax's Paper," 7 January 1756. British Museum, "Newcastle Papers," Add. MSS. 32 996, folio 352.

At a Cabinet Council of 20 January 1756, with the Duke of Cumberland, captain-general of all His Majesty's forces present, the king's ministers formally decided to replace Shirley as commander in North America with someone from Britain. John Campbell, Earl of Loudoun, was nominated and confirmed in the position.⁷¹

As Shirley's fortunes steadily declined in London, William Johnson's rose dramatically. By the time Secretary of State Fox had officially recalled the governor from further active service, Johnson had already been awarded a baronetcy by royal decree and was being lauded for the extraordinary service he had rendered his king and country.⁷² Parliament voted him a "reward" of £5 000 to continue his work, and members of the King's Council lobbied openly for the bill's quick passage.

It was the first testimony of ministerial support and royal favour that Johnson had received since his appointment to the Superintendency of Indian Affairs. But more importantly, the public accolades, combined with Johnson's difficulties with Governor Shirley, also prompted official reconsideration of Johnson's status and authority in matters affecting the management of British-Indian relations. In early December of 1755 Shirley had revoked Johnson's commission from General Braddock and issued a new one, giving himself partial authority over Indian Affairs and the right to challenge any major change in management policy.⁷³ However, in the same January 7 Board of Trade paper which suggested

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71. Minute of Council, 20 January 1756. British Museum, "Newcastle Papers," Add. MSS. 32 996, folio 352. It wasn't until March 17 that Loudoun's Commission was issued under the Great Seal, but on March 13 Henry Fox wrote Shirley, informing him that he was being temporarily replaced by Colonel Daniel Webb until Loudoun arrived from London. On March 31, Fox sent another letter to Shirley, instructing the governor to "repair to England with all possible expedition, having first deliver'd to Col. Webb all such papers as relate to the King's Service." Shirley did not receive either letter until June, almost three months after they were written. Pargellis, Lord Loudoun, p. 60. Fox to Shirley, 13 March 1756. O'Callaghan, N.Y.C.D., VII:75. Shirley to Fox, 13 June 1756. Lincoln, Correspondence of Shirley, II:461.
72. Johnson's baronetcy was described as a "Degree of Hereditary Dignity between the Degree of a Baron and the Degree of a Knight." The Patent confirming the appointment 27 November 1755, is printed in Sullivan, Papers of Johnson, II:343-350. The patent also carried with it a "reward" of £5 000 for services rendered to the state. London Gazette 18 November 1755, as cited in O'Callaghan, Documentary History of New York, II:410.
73. Shirley to Johnson, 7 December 1755. O'Callaghan, N.Y.C.D., VII:1024-1027.

the need for appointing a new commander-in-chief in North America, Shirley's actions against Johnson were rebuked and Lord Halifax recommended that Johnson be made accountable only to royal authority. This would place the Superintendent outside the jurisdiction of all other American officials save for what he would be required to do to assist the chief military commander in British North America.⁷⁴ On 20 January 1756 the Cabinet Council approved this recommendation in principle, and on February 17 Henry Fox was requested to ask the king to appoint Johnson by commission "with such salary and allowance to be paid by the Commander in Chief of His majt'y's forces in America."⁷⁵ Accordingly, a commission was drawn up naming Johnson "Colonel of Our Faithful Subjects and Allies, the Six Nations of Indians and their Confederates in the Northern Parts of North America" with an annual salary of £600 to be paid out of the military establishment in America.⁷⁶ The same day that Fox wrote the letter to Governor Shirley depriving him of his command, the Southern Secretary informed Johnson of the Parliamentary grant for his services and his royal commission to the Superintendency of Indian Affairs.

Johnson's new appointment from the king was particularly significant because it reflected a growing awareness and concern among imperial officials in London of the importance of proper management of Indian affairs to any future success of their military operations in North America. A sizable portion of the blame for the British military disaster of 1755 could be directly attributed to the ambivalent treatment accorded the Indians by several British officials unfamiliar with and unaccustomed to the former's customs and habits. It was hoped that by granting Johnson's long-sought emancipation from all provincial authority, the mistakes of 1755 would not be repeated.

74. "Lord Halifax's Paper," British Museum, "Newcastle Papers," Add. MSS. 32 996, folio 353. Halifax wrote "(Recommended) that Sir William Johnson have a Commisison from His Majesty appointing Him agent for the Affairs of the six Nations and their Allies and Colonel of the same with proper appointments to be under the Command of the General. " Halifax also suggested that Mr. Atkin of South Carolina be appointed agent for the affairs of the Indians "to the Southward with an appointment and be under the Command of the General." *Ibid.*

75. Lords of Trade to Secretary Fox. O'Callaghan, *N.Y.C.D.*, VII:35.

76. Johnson's commission is printed in Sullivan, *Papers of Johnson*, II:434-435.

While British officials in London took steps to alter colonial civil and military leadership abroad, problems of military strategy and colonial defence continued to mount in North America. The prospects of a successful campaign for 1756, as outlined by Shirley in his December New York Council of War, were quickly eroded in the Councils and Assemblies of the British provinces. Virginia, Maryland and Pennsylvania ultimately withdrew their participation in the planned offences against Fort Duquesne and Crown Point, preferring to devote their resources to the construction of a chain of defensive forts on their western frontiers. The New England colonies, including Massachusetts, while willing to support a Crown Point expedition, declined to contribute to another offensive against French positions on Lake Ontario. It was more important for New Hampshire and Maine to check the French advance south and east of Montreal than to strengthen the New York frontier around the Great Lakes. Finally, unable to obtain sufficient numbers of volunteers to replace the depleted four regiments remaining under his direct command, Shirley had to abandon all hope of a second Lake Ontario expedition by the early spring of 1756.⁷⁷

Meanwhile, the situation developing between the British and several key Indian tribes was even more desperate. British military failure on the Ohio had led to a rapid deterioration in relations between the British and several western nations, the principal ones being the Delawares and Shawnees. Reports reached New York in the autumn of 1755 that western Indians had begun raiding the out-settlements of Pennsylvania and Virginia. Even more disturbing were the rumours that the Delawares and Shawnees had begun negotiations with several powerful "southern tribes" for the purpose of uniting in a general war against the British.⁷⁸ Johnson's agent among the Senecas supported these rumours and reported that the Superintendent's influence with two of the Six Nations, the Senecas and Cayugas, had declined considerably.⁷⁹ The Susquehannas of

77. Tootle, "Anglo-Indian Relations," p. 282. Shirley to Fox, 8 March 1756. Lincoln, Correspondence of Shirley, II:415-416. Gipson, British Empire, VI:185.

78. Governor Robert Morris to Shirley, 3 December 1755. Sullivan, Papers of Johnson, II:368-269.

79. Myndert Wempel to Johnson, 22 November 1755. Ibid., II:325. Wempel told Johnson that the Senecas had complained about the lack of presents they had received from the British as compared with the large quantities the French had pledged for their friendship.

Pennsylvania and the eastern Ohio region complained of British neglect,⁸⁰ while the Tuscaroras implored Johnson to protect them against the French.⁸¹

Johnson's task was an enormous one. He had to somehow put a stop to Indian raids threatening the western frontiers of Pennsylvania and Virginia and at the same time convince the Iroquois and their allies that British military strength would ultimately prevail over the French despite the 1755 debacles. On 9 and 26 December 1755, Johnson took the first steps towards shoring up British-Indian relations by calling conferences with four of the Six Nations tribes. On each occasion, Johnson requested that the Iroquois intercede with their dependent tribes, the Delawares and Shawnees, and compel them to terminate their hostilities against isolated British frontier communities. Both times, Confederacy spokesmen promised to comply with Johnson's request and to use "all arguments in our power" to prevent their "cousins" from continuing the raids. The Superintendent was cautioned, however, that their mission might be more productive if British colonial governors would assist them by providing gifts to the errant tribes, as they were sure that "there is nothing [that] draws them from us but the large presents which the French make them."⁸²

During late January of 1756, the question of loyalty among the Six Nations themselves to the British re-surfaced as rumours arrived at Johnson's headquarters, Fort Johnson, of meetings between the French and Confederacy delegates at Niagara. The Iroquois had also received first-hand reports of continued western-Indian insurgency, as hundreds of Mingoes and Susquehannas poured over the mountains from Pennsylvania seeking Iroquois protection from Delaware and Shawnee hostilities. The French had taken good advantage of the confusion and doubts then existing in the minds of Confederacy leaders by promising to take Oswego from the British the following summer. The French commander

80. Morris to Shirley, 3 December 1755. Sullivan, Papers of Johnson, II:370-371.

81. "Indian Proceedings," 4 December 1755. Ibid., p. 384.

82. Record of the proceedings of the two Indian conferences of December 7 and 26 are printed ibid., IX:328-329, 332-334.

at Niagara had apparently boasted to the Senecas that French forces would gain control of New York as easily as they had the Ohio and that all that was desired of the Iroquois was that they stay away from Oswego during the impending conflict.⁸³

Johnson responded by calling another Indian conference at Fort Johnson for February of 1756. On February 2 the proceedings began with four of the Six Nations represented, along with delegates from several of the displaced tribes from Pennsylvania.⁸⁴ Johnson opened the conference by promising to have a fort on the Susquehanna built at British expense to protect Indian families in the region from Delaware and Shawnee raids. He also pledged that sufficient supplies, arms and ammunition would be provided to defend the outpost against any forthcoming French attacks. The Susquehanna tribes appeared satisfied with Johnson's commitment and promised to continue their support of the British. At the same time, the Six Nations delegates present renewed the Covenant Chain and promised, once again, to confront the Delawares and Shawnees about their recent behavior towards the British and their Indian allies.⁸⁵ Between February 11 and 16, several representatives of the two remaining Six Nations tribes, the Cayugas and Senecas, arrived at Fort Johnson to dispel rumours that they were conspiring to co-operate with the French in an assault against Oswego. They pledged to aid their fellow Iroquois tribesmen in support of the British war effort.

On 17 February 1756, when the Susquehanna River Indians had left Fort Johnson, the Superintendent began a meeting with delegates of all of the Six Nations together to plan joint British-Indian strategy for the upcoming campaign season. Iroquois representatives appeared receptive to a Johnson proposal for a unified defence of Fort Oswego in upper New York. In return, the British would assist

83. "Extract from Indian Proceedings, The Seneca Message" (n.d.). Sullivan, Papers of Johnson, IX:343-344.

84. Representatives came from the Mohawks, Tuscaroras, Oneidas and Onondagas of the Six Nations, along with members of the Skaniadaradighronos, Chugnuts and Mahickanders, all from the Susquehanna River region. Proceedings of the conference held between 2 and 16 February 1756 at Fort Johnson are printed ibid., IX:347 to 352.

85. Ibid., IX:348-349.

the Iroquois in eliminating French encroachments on Indian lands.⁸⁶ The Covenant Chain between the Confederacy and the British was again renewed, and new commitments were made by the Six Nations Council to intercede with the Delawares and Shawnees in the west. No promise was made, however, as to how many warriors the Confederacy was prepared to make available during 1756. Ostensibly, this point was to be settled later in the year at Oswego, where the Six Nations were to meet once again with Johnson concerning the defence of British frontier installations. The closing speech by an Iroquois spokesman reflects the general nature of Six Nations support for the British without assurances to specific courses of action:

We are now ready to return home, as all affairs, for which we came here, are settled to our satisfaction ... we shall finish, with assuring you, we will strictly act upon ~~everything~~⁸⁷ agreed upon at this meeting, and hope you will do the same.

The most important specific pledge which Johnson was able to extract from the Six Nations during the two February 1756 conferences concerned Confederacy assistance in putting down Delaware and Shawnee aggression on the western frontiers of Virginia and Pennsylvania. The Delawares and Shawnees, who had earlier been conquered by the Six Nations and driven westward from parts of New York, the Delaware River and Maryland, had never really accepted the subsequent dominance of their Iroquois overlords. These tribes resented the designation "women" which the Iroquois had applied to them and consequently threatened rebellion against Six Nations' hegemony throughout the 1740's and 1750's. Also, the Lydius-Iroquois land fraud during the Albany Conference of 1754 and the subsequent influx of Connecticut settlers into their Wyoming Valley lands added strength to the feeling of alienation and isolation among Delaware and Shawnee leaders - from both the British and the Iroquois Confederacy. By 1755, when British forces suffered defeat on the Monongahela, these tribes were ready for rebellion. The British military loss of the Ohio meant that the

86. No mention was made of which particular French encroachments the Iroquois saw as the most important from which the "enemy" should be removed. Minutes of this conference are contained in Sullivan, Papers of Johnson, IX:352-383.

87. Ibid., IX:383.

possibility of a quick return of their lands in and around Pennsylvannia had vanished completely. Bereft of property, continually insulted and abused by the Iroquois, the Delawares and Shawnees by late 1755 welcomed the opportunity to join the French against their long-time tormentors, the British and pro-British Iroquois.⁸⁸

Braddock's defeat on the Monongahela also coincided with the growth of a strong and independent-minded leadership of the Delawares and Shawnees under the self-proclaimed "King" of those nations, Teedyuscung.⁸⁹ The mystic Delaware chieftain appealed successfully to the nationalistic pride of the subject Delawares and used his influence to mobilize his people into an effective fighting force. During the winter of 1755-56, he formed a league of warriors from among the Delawares, Shawnees, and several lesser tribes and declared his independence from the Iroquois and British by leading hostile and vicious raids against British frontier settlements. The usually pacific Council and Assembly of Pennsylvania responded by voting a military appropriation of £2 000 to defend its borders.⁹⁰ By the end of 1755, the provincial Assembly increased this sum to £60 000 for the erection of a string of forts along Pennsylvania's western frontier and for the provision of gifts to assure the loyalty of the remaining British-allied tribe, the Iroquois-related Mingoes.⁹¹

Delaware and Shawnee raids which continued throughout the early spring of 1756 had two immediate and important effects upon the British war effort. Firstly, the frontier hostilities prompted Pennsylvania to abandon all pretence of joining a concerted pan-colonial offensive against French strongholds on the Ohio. Following Pennsylvania's lead, Virginia channelled its military and financial resources into the construction of a line of forts to protect its own

88. Tootle, "Anglo-Indian Relations," pp. 284-285.

89. The most comprehensive study of the life of Teedyuscung is by F.C. Wallace, King of the Delawares, Teedyuscung, 1700-1763 (Philadelphia, 1949).

90. Tootle, "Anglo-Indian Relations," pp. 285-286.

91. Colonial Records of Pennsylvania, VI:743. Gipson, British Empire, VI:48.

western settlements.⁹² Ambitious plans for the capture of French forts in the Ohio and Great Lakes regions were put aside as these two colonies elected to follow a policy of full military retrenchment. Secondly, Indian hostilities along Pennsylvania's frontier prompted that colony to take an independent course in provincial-Indian relations potentially detrimental to the entire British-Indian alliance. In April of 1756, after dispatching two unsuccessful deputations from Philadelphia to settle Pennsylvania-Indian differences peaceably,⁹³ Governor Morris unilaterally declared war on the Delawares and all other tribes who had threatened his colony's borders.⁹⁴ Johnson, who had not been consulted, was shaken at what he considered a rash and premature response by Pennsylvania officials. The Superintendent had hoped that Morris would have at least waited for the results of Confederacy pressure on their Delaware "cousins" before taking such a drastic step. Johnson felt that Pennsylvania's action could only serve to undermine his own authority over British Indian policy and that the French must necessarily be the sole benefactors of the apparent administrative confusion in the British camp. In a letter to Governor Shirley in late April of 1756, Johnson asked rhetorically, "What will the Delawares and Shawnees think

92. General George Washington, who was put in command of the entire Virginia militia after Braddock's defeat, concentrated his efforts on the distribution of men and supplies along the colony's western frontier during the whole of 1756. Tootle, "Anglo-Indian Relations," pp. 304-305.

93. The first mission was headed by John Shickellany, Six-Nations viceroy for Pennsylvania. He reported to Morris in February of 1756 that the Delawares were irrevocably in the French interest and would not agree to stop their raids on British settlements. Colonial Records of Pennsylvania, VII:46-47. The second Pennsylvania delegation to the Delawares was organized and dispatched in the early spring of 1756. It included among its membership the veteran Indian interpreter Montour and the recently-elected Mingo half-king, Scarrouady. On their return in late March of 1756, the spokesmen for the delegation told Governor Morris and his Council that all the Indians of Pennsylvania, save for a few small, scattered bands residing near British settlements, had gone over to the French. Teedyuscung, whom Scarrouady met, was reported to be urging the Senecas and Oneidas to join him against the British. Ibid., VII:64-67

94. The war proclamation, issued on 14 April 1756 is printed ibid., VII:88-90. Along with the war proclamation, the Pennsylvania Board of Commissioners endorsed a scheme whereby rewards were offered for the scalps of enemy Indians. The scalps of adult male Indians fetched 130 provincial dollars while 50 dollars were paid for those of every Indian woman. Minute of Comm'rs. Premiums for Scalps, 9 April 1756. Hazard, Pennsylvania Archives, II:619.

of such Opposition and contradiction in our Conduct?"⁹⁵ But perhaps more important than the effect of Pennsylvania's action on the Delawares and Shawnees was the potentially harmful impact Morris's actions might have on British-Six Nations relations. Johnson knew that the Iroquois viewed Teedyuscung's professed independence from the Onondaga Council as a familial disagreement, outside the purview of British intervention. The Superintendent voiced his opinion that "These Hostile Measures which Mr. Morris has entered into, is throwing all our Schemes into Confusion, and must naturally give the Six Nations such Impression and the French such advantages to work against us, that I tremble for the consequences."⁹⁶

Concern over Pennsylvania's actions as voiced by Johnson, other colonial officials, and individuals within the province itself forced Governor Morris to reconsider his war declaration. The measure was temporarily rescinded and a proclamation announcing the cessation of all provincial hostilities against the Delawares, Shawnees and their followers was issued. It was understood, however, that unless Johnson or the province secured satisfactory guarantees from the Indians that Teedyuscung's league would stop its frontier aggression immediately, Governor Morris would again call for a resort to arms.

In late April of 1756, leaders of the large Quaker faction in the Pennsylvania Assembly sponsored another Mingo peace mission. Its purpose was to canvass the warring Delawares residing in and around the Wyoming Valley. These pro-British emissaries were to inform the Delawares and their supporters that Pennsylvania was prepared to grant forgiveness for past actions should the wayward tribes heed Iroquois advice for a cessation to the recent frontier hostilities. When the Mingo peace delegation returned from Delaware encampments in early June of 1751, it reported that Teedyuscung had not only agreed to meet

95. Johnson to Shirley, 24 April 1756. Sullivan, Papers of Johnson, II:447.

96. Ibid. The Pennsylvania declaration of war was particularly irritating to Johnson at this time as he had learned from usually reliable Indian sources that the Delawares had privately agreed to cease their hostilities against the British and would once again acknowledge the authority of the Six Nations Council in their affairs. Council Records of Pennsylvania, VII:113-114.

with Pennsylvania officials, but that the chief had expressed pleasure upon hearing that the British were "willing to renew the old good Understanding." Teedyuscung had allegedly promised to commit "no more mischief" and to comply with any instruction which might be forthcoming from the Six Nations.⁹⁷

Governor Morris reacted warmly to the Delaware chief's response. He immediately sent a message to Teedyuscung, inviting him to meet with Pennsylvania officials at Easton to negotiate and ratify the terms of peace. The governor promised the Delaware warriors that they would henceforth receive the benefits of British protection for their families and free and unhampered passage among British frontier posts and settlements.⁹⁸

As Governor Morris made preparations for the impending conference with Teedyuscung and his Delaware League, Johnson journeyed to Onondaga for a meeting with the Six Nations and representatives of the tribes residing in and around the Susquehanna River, including the Delawares and Shawnees. The Superintendent was eager to demonstrate that differences which arose between the British and any Indian nation could be successfully resolved by diplomatic as opposed to purely military means.⁹⁹

When the Onondaga Conference opened, Johnson found the Six Nations representatives in a solemn, almost pessimistic, mood. Rumours had spread along the New York frontier that the French were about to take the British Fort Oswego and a number of other minor military installations in the vicinity of the upper Mohawk castles. Johnson himself was told before the conference opened that several Iroquois had gone to talk with the French at Montreal during the previous

97. Tootle, "Anglo-Indian Relations," p. 296.

98. Ibid.

99. Originally, the plan was to convene a conference of the Six Nations only to plan joint Iroquois-British military strategy for the summer and autumn campaigns of 1756. However, the Iroquois envoys who had been dispatched to intervene in the Pennsylvania-Delaware dispute following the Fort Johnson conference of 1756, returned from their assignment with news that Teedyuscung and his League wished a meeting with Johnson to discuss Indian frontier raids. Johnson felt that any discussion with the Pennsylvania tribes should take place with representatives of the Six Nations in attendance and thus called the joint meeting at Onondaga, the seat of Iroquois inter-tribal government. Ibid., p. 297; Flexner, Mohawk Baronet, p. 164.

spring, and although the allegation was vehemently denied by the Iroquois leadership, a residue of mutual suspicion and anxiety remained as the proceedings opened.¹⁰⁰

During the first two weeks of the conference, Iroquois spokesmen raised several points which had become a source of concern among them since the last meeting with Johnson. Protection for Iroquois families against scattered French and enemy Indian raids, was, according to the Confederacy, no longer assured. During the spring 1756, the French had enjoyed several minor military successes, the most damaging to British and Iroquois security being the fall of Fort Bull¹⁰¹ on April 3. After the demise of Fort Bull, the British could no longer guarantee the safety of the portage between the Mohawk River and Oneida Lake, thus giving the French relatively free access to Iroquois positions from both Montreal and Lake Ontario. The continued lack of any discernable British military activity on the northern frontier by the late spring of 1756 had also troubled the Iroquois - not only as it related to the protection of their families, but also to the security of their lands. An Onondaga chief, during a public meeting on June 28, told Johnson and the assembled conference delegates:

We can not help letting you know, that our Ears are very wide, we have often heard, that our Land is the cause of Quarrel between you and the French and you both tell us the same Story that you mean only to secure it for us.¹⁰²

Just as the conference was about to draw to a close, Teedyuscung and several of his followers appeared at Onondaga.¹⁰³ What followed was a rather strained and uneasy series of meetings in which Johnson appealed to the Iroquois and their Pennsylvania "cousins" to enter into "a strict Union...[to] bind you together and make you strong."¹⁰⁴ When asked why they had chosen to fight against

100. Minutes of the Indian Conference at Onondaga and Fort Johnson, 14 June to 12 July 1756 are printed in O'Callaghan, N.Y.C.D., VII:131-161. They form part of an enclosure in a letter from Johnson to the Lords of Trade, 10 September 1756.

101. A small but important outpost built by Governor Shirley in 1755. The French did not secure the fort into their possession but did kill all the British soldiers occupying it.

102. "Indian Proceedings," O'Callaghan, N.Y.C.D., VII:142.

103. Ibid., pp. 141-142.

104. Ibid., p. 146.

the British, the Delawares and Shawnees replied that they had done so only after they had seen several Six Nations warriors join the French after Braddock's defeat. No direct Iroquois response to this accusation was recorded, but one might easily guess at the embarrassment and anger which Confederacy leaders must have felt as a result of their cousins' statement. The Pennsylvania contingent, however, ended their submission with an apology, stating that they now realized their past mistake and were prepared to assist the British against the French, in association with "our Uncles of the Six Nations."¹⁰⁵

Realizing the awkwardness that had been created by having the main body of Iroquois and Pennsylvania tribes meet together without separate and prior consultation with each group, Johnson recommended that the Delawares and Shawnees accompany him to Fort Johnson, where they could complete their deliberations in a more private manner. A selected few of the Iroquois chiefs and headmen were invited along to witness the deliberations.

Johnson had two main goals to accomplish in his negotiations with the Delawares, Shawnees and their followers. The first was to gain assurances that the Pennsylvania nations would no longer be a threat to the British western frontiers. This object appeared to have been accomplished on 11 July 1756 when Teedyuscung and his Shawnee lieutenant promised to return all British prisoners taken during their recent hostilities, to renew the Covenant Chain, to repudiate all former attachments with the French and to repent of "all past offences."¹⁰⁶

Johnson's second aim was to encourage the re-establishment of friendly relations between the Pennsylvania tribes and the Iroquois Confederacy. In this, the Superintendent was less successful. After assuring Teedyuscung and his followers that he now believed that "all affaires [are] happily settled between us and every Wound healed," Johnson took the bold stroke of removing, without Iroquois approbation, the one important obstacle which he believed separated the two Indian groups: "I do in the name of the Great King of England," Johnson declared,

105. "Indian Proceedings," O'Callaghan, N.Y.C.D., VII:149.

106. Ibid., pp. 156-158.

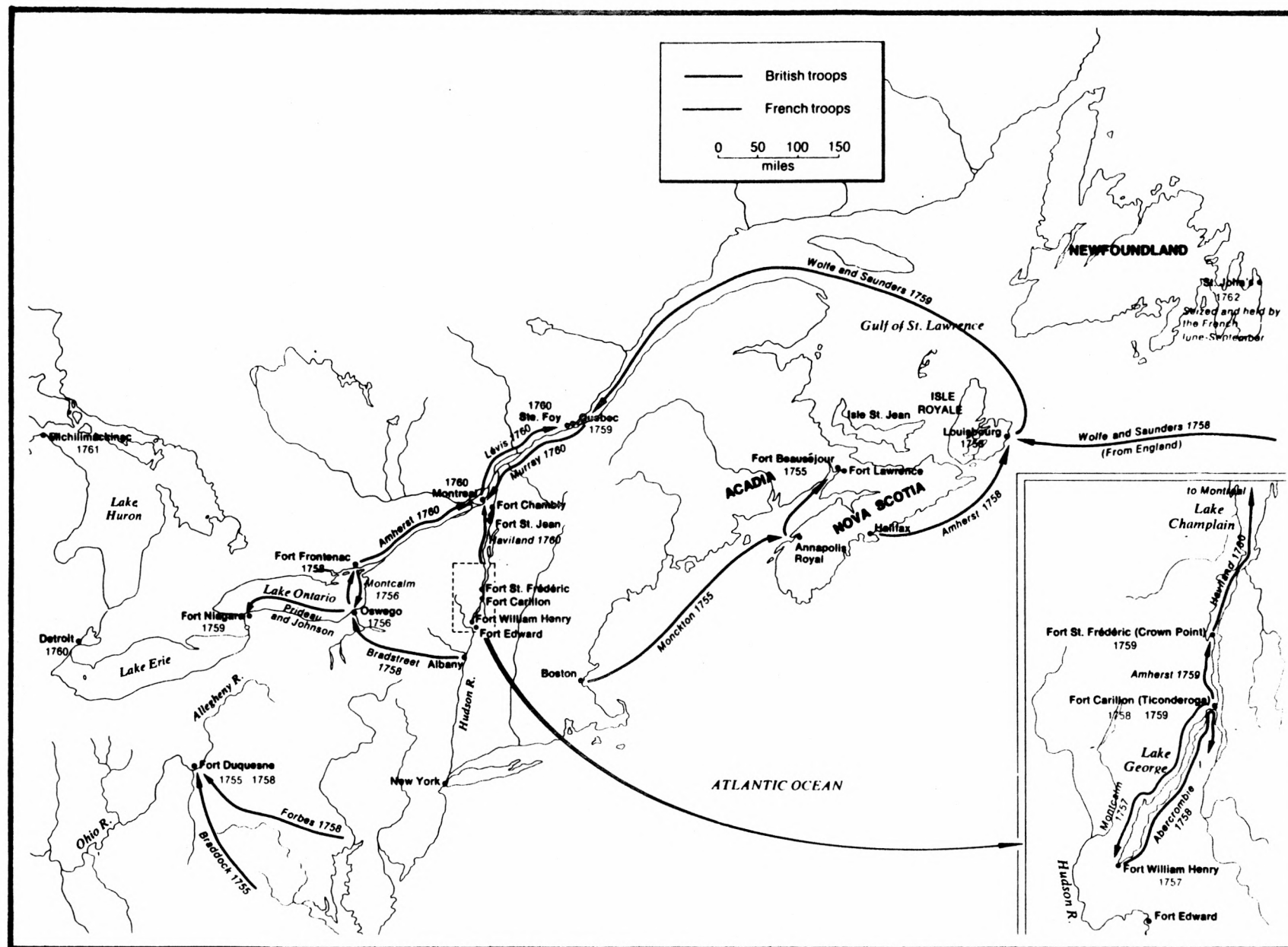
"that henceforward you are to be considered as Men... and no longer as women."¹⁰⁷

Whether Johnson believed that the Iroquois would naturally follow his lead and give their consent to a recognition of the new status he accorded the Delawares and Shawnees, or whether he wanted merely to buy time until the two Indian groups reached agreement themselves, is not clear. However, the issue of Delaware and Shawnee tribal designation and their future relationship with the Six Nations was not resolved at this meeting.

As the conference ceremonies at Mount Johnson concluded, a special packet ship was making its way into New York harbour with urgent messages from London. On 17 May 1756 Lord Holderness, Secretary of State for the Northern Department, acting on behalf of His Britannic Majesty, King George II, issued a public proclamation formally declaring war on France.¹⁰⁸ The skirmishes between Britain and France which had begun on the frontiers of the New World had suddenly become a global conflict. The war that was to last a full seven years and to decide the fate of the French and British Empires around the world was now underway.

107. "Indian Proceedings," O'Callaghan, N.Y.C.D., VII:160

108. H. Fox to Governor Morris, 17 May 1756. Hazard, Pennsylvania Archives, II:659. "His Majesty's Declaration of War against the French King, 1756" enclosed in Fox's letter to Morris is printed ibid., II:735-737.



The Seven Years' War

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PART IV

THE SEVEN YEARS' WAR IN NORTH AMERICA
AND INDIAN INVOLVEMENT IN THE CONFLICT, 1756-1760

French Success in North America and the Demise of the British-Indian Alliance 1756-1757

Upon leaving Mount Johnson, Teedyuscung and his followers returned immediately to Pennsylvania for the planned meeting with Governor Morris and arrived at Easton, the conference site, in late July of 1756.¹ There Teedyuscung showed a somewhat less repentant manner than he had at Fort Johnson a few weeks earlier when under the scrutiny of the Six Nations. The Delaware chief boasted privately that he had been made "King" and spokesman for ten Indian tribes, including all the Six Nations.² He also stated that he was "in the Middle between the French and English, quite disengaged from both Sides" and that "which Side soever he took must stand, and the other fall."³

For the most part, Governor Morris ignored Teedyuscung's unofficial and private claims to power and influence over his fellow tribesmen and focused instead on the renewal of peaceful relations between his colony and the Delaware League. The governor called for the immediate release of all British captives as proof of the Delawares' good will and presented the Indians in attendance with a large gift to cement their friendship.⁴ For his part, the Delaware chief was cordial but evasive in his public responses to Morris. He blamed the recent border raids on the Pennsylvania frontier on the Delawares living near the Ohio and professed to know little about how or why the hostilities had begun.⁵ He also claimed that his people, the Susquehanna Delawares, had had the designation of "women" removed by the Six Nations at the recent conferences at Onondaga and Fort Johnson and that he had been sent to Pennsylvania as a Six Nations

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1. Council Minutes at Easton, 25 to 30 July 1756. Hazard, Pennsylvania Archives, II:722-730.
 2. Ibid., II:725. Besides the Six Nations, Teedyuscung claimed to speak for the Delawares, Shawnees, Mohicans and Munsees.
 3. Ibid., pp. 724-725.
 4. Colonial Records of Pennsylvania, VII:210-213.
 5. Tootle, "Anglo-Indian Relations," p. 302.

representative to treat with Morris on their behalf.⁶ Pennsylvania officials, eager to placate Teedyuscung, took the Delaware chief at his word; they, too, formally declared the Delawares and their followers as "men."⁷ The conference ended amicably, with the Delaware chief promising that he would attempt to attract other tribes into the Covenant Chain and thereby assure peace on Pennsylvania's western frontier.⁸

Governor Morris's cordial treatment of the Delawares, especially his recognition of Teedyuscung as a legitimate representative of ten Indian nations, would have serious repercussions for British-Iroquois relations during the coming months. However, beginning in late July of 1756, the British colonies in North America had more immediate concerns than the sorting out of intertribal jealousies among their potential allies.

While Governor Morris treated with Teedyuscung and his Warrior League at Easton, a band of hostile Indians struck Fort Granville, one of the newly constructed British defence establishments located in central Pennsylvania, on the Juniata River. The fort was destroyed and all its inhabitants were either killed or taken prisoner. Settlers and traders in the surrounding area abandoned their homes and fled eastward.⁹

Meanwhile, on the New York frontier, the French had already begun their 1756 campaign against British fortifications south of Lake Ontario. On the night of 10-11 August 1756, the French general, the Marquis de Montcalm, landed

6. Colonial Records of Pennsylvania, VII:215-220; Wallace, Conrad Weiser, pp. 450-452. Weiser knew that Johnson and not the Six Nations had removed the term "women" from the Delawares and suspected that Teedyuscung was also lying about his alleged authority from the Iroquois.

7. Colonial Records of Pennsylvania, VII:215-220. See also Tootle, "Anglo-Indian Relations," p. 302.

8. On 30 July 1756, just before the meeting concluded, Governor Morris received news from New York that Great Britain was now formally at war with France. Morris posted Secretary of State, Lord Holdernessee's Declaration of War at the conference site. The Pennsylvania Council, officers of the Royal American Regiment, the Indians, and a large number of local residents attended the ceremony. Hazard, Pennsylvania Archives II:729.

9. Tootle, "Anglo-Indian Relations," p. 306; Colonial Records of Pennsylvania, VII:232-234.

with 3 200 regular soldiers and Indians on the shores of Lake Ontario, just two miles from the British fort at Oswego. Populated only by the remnants of Shirley's 1755 Niagara campaign, Oswego was vulnerable to attack and fell after just four days of a well-planned siege by Montcalm. The British garrison commander, Colonel Mercer, was wounded and nearly 1 700 men were taken prisoner. The fort was then totally destroyed.¹⁰

The fall of Oswego, combined with the earlier French victories at Forts Bull and Granville, amounted to a dismal record for the British military forces in North America during 1756. Distracted by Indian hostilities, individual colonies had become increasingly concerned with the security of their respective borders rather than with the larger aim of a co-operative military offensive against the French. Under these conditions, no large-scale expeditions could be expected to emanate from the provinces themselves. The change in military leadership ordered from London in the spring of 1756, and the subsequent late arrival of Shirley's replacement, Lord Loudoun, precluded the possibility of planning a well co-ordinated strategy using British regulars.¹¹ Those who had temporarily filled in as military commanders until Loudoun arrived, Colonel Daniel Webb and General James Abercromby, proved to be overly cautious and indecisive.¹² The result was a situation among the British military forces in North America that could only be described as confused and disorganized.

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10. A first-hand French account of the siege at Oswego is translated and printed in O'Callaghan, Documentary History of New York, I:488-495. A British version of the events leading up to the surrender of Oswego is printed in Pargellis, Military Affairs, "Journal of the Transactions of Oswego from 16 May to 14 of August 1756," pp. 187-221.
 11. Lord Loudoun did not reach North America until 23 July 1756. Gipson, British Empire, VI:193-195, 203-208.
 12. Shirley, who had gathered together some 7 000 provincial troops before being dismissed from his command, warned both Webb and Abercromby of the danger faced by the isolated and poorly garrisoned Fort Oswego. Neither of the governor's successors took any action to reinforce Oswego, preferring to wait for orders from Loudoun. When Loudoun finally arrived and commanded Webb and William Johnson to proceed to Oswego, it was already too late. Webb had barely left Albany and Johnson had only reached German Flats, when news arrived that Oswego had fallen. Shirley to Abercromby, 27 June 1756. Lincoln, Correspondence of Shirley, II:468-477; Gipson, British Empire, VI:193-195; Flexner, Mohawk Baronet, pp. 172-173.

Upon learning of the loss of Oswego, Loudoun immediately sent orders to cancel the planned expedition against Crown Point that had been organized by Shirley before the earl's arrival. Loudoun feared that if British troops should be defeated on Lake George, there would be nothing to prevent the French from invading New York and subsequently all of the British seaboard colonies. Troops at Fort William Henry,¹³ who were preparing for an assault against Crown Point, were ordered to assume a defensive position and to prepare to block any French attack in the vicinity of Lakes Oneida and Champlain. This decision ended the possibility of any further British offensive in North America during 1756.¹⁴

The indecision shown by the British military leadership, the declared policy of several colonies to fight exclusively within their own provincial boundaries, and finally, the fall of Oswego, had a devastating effect on British-Indian alliances - especially with respect to the Six Nations. On 5 September 1756 Governor Hardy of New York informed the Lords of Trade that he feared the total loss of the Six Nations to the British interest.¹⁵ In a letter to London a few days later, Johnson supported the governor's conclusion: referring specifically to the Iroquois, Johnson lamented that "the spirit they had recently shown in our favour was [now] sunk."¹⁶ Oswego, according to Johnson, had been "a curb to the Power of the French." But now that it was lost, the Six Nations would, "out of necessity" have to reconsider their loyalty to the British. There was nothing to stop the French from carrying out their threat to attack the Upper Mohawk castles in revenge for Confederacy support of the British.¹⁷ Immediately following Oswego's demise, one of Johnson's agents, Thomas Butler, complained

13. On the southern end of Lake George.

14. Tootle, "Anglo-Indian Relations," pp. 312-313; Gipson, British Empire, VI:203-208.

15. Hardy to the Lords of Trade, 5 September 1756. O'Callaghan, N.Y.C.D., VII:124.

16. Johnson to the Lords of Trade, 10 September 1756. Ibid., VII:128.

17. The fortifications which the British had promised to build among the Oneidas, Mohawks and Onondagas during 1655 and 1756 had not yet been constructed. Shirley to Abercromby, 27 June 1756. Lincoln, Correspondence of Shirley, II:468-477; Flexner, Mohawk Baronet, pp. 174-175.

to the Superintendent that it was now almost impossible to enlist or keep the Iroquois in the British service.¹⁸ By November of 1756, Johnson had to conclude that the British Iroquois alliance was "greatly confused" and "weakened."¹⁹

British failure to gain even the most minor of victories on the several fronts where French and British forces clashed during 1756 was undoubtedly the major source of apprehension for British-allied Indians at this time. The very magnitude of the conflict then developing between the two European imperial rivals was just cause for Indian anxiety. If one combatant were to dominate the other completely, the whole British or French-Indian alliance system would be undermined. In previous wars, the fighting was confined to localized frontier skirmishes; there was little danger that either France or Britain would gain full hegemony over North America and eliminate the need in each camp for Indian military support. However, the situation developing in 1756 - the formal declarations of war between France and Britain, the overwhelming French and allied-Indian military success on the Ohio and on the Great Lakes - threatened to overturn the delicate balance of power between France and Britain which the Indians perceived as essential to their survival. The question which the Indians who had formerly aligned themselves with the British had to ask after the fall of Oswego was: How could they safeguard their future? To remain with Britain meant risking devastation by an omnipotent and victorious France; to join the French meant accepting the best post-war terms that could be obtained in a one-nation dominated North America. Not surprisingly, the focus for the British-allied tribes' dilemma was the issue of Indian lands.

During the June-July 1756 conference attended by representatives of the Six Nations and William Johnson, an Onondaga chief raised the matter of France and Britain fighting over "our Land." He had heard the "same Story" that "you both... mean only to secure it for us," but now didn't know whom to believe.²⁰ At Easton, in July of 1756, Teedyuscung told Pennsylvania Governor Morris that although fraudulent land dealings were not the only cause which

18. Thomas Butler to Johnson, 29 August 1756. Sullivan, Papers of Johnson II:553-554.

19. Johnson to the Lords of Trade, 10 November 1756. O'Callaghan, N.Y.C.D., VII:169.

20. "Indian Proceedings," O'Callaghan, N.Y.C.D., VII:142.

had prompted the Delawares to strike out against their English brethren, "it caused the Stroke to come harder than it otherwise would have come."²¹

In September of 1756, in a lengthy report on Indian affairs to the Lords of Trade, Johnson stated:

the hostilities which Pennsylvania in particular had suffered from some of the Indians living on the Suqyahana did in some measure arise from the large purchase made by that Government two years ago at Albany. I have more reason every day from talking with the Indians to be confirmed in this suspicion.²²

Turning to the problem of securing a lasting alliance between Britain and the Six Nations, Johnson offered the view:

I am every day more and more convinc'd of the Truth... that the deprivation of what [the Six Nations] deem their property, will be the consequence of either we or the French prescribing Terms to each other, and hence the chief cause of their indifference in our Quarrel ... we have openly claimed large Tracts of Country and attempted Settlements thereon... (and) our indiscriminate avidity alarms them with jealousy and raises prejudices against us.²³

As a means of overcoming Indian distrust of British intentions on the continent, Johnson suggested that Six Nations land complaints be redressed as soon as possible. And, implying that colonial authorities would not do so voluntarily, Johnson hinted that pressure should be exerted from London. With regard to Pennsylvania, the Superintendent suggested that the colony relinquish the 1754 Albany deed of sale to Delaware lands on the Susquehanna. For both Iroquois and Delawares, Johnson concluded that "the bounds for [British] settlements" should be fixed and "Guarantees" against further encroachments on Indian lands be made.²⁴ By early November of 1756, Johnson was warning the home government:

we shall never be able to raise our Indian Interest on a solid and respectable Foundation, unless by breaking these Grants and Patents [in New York and Pennsylvania]... thereby putting an end to the jealousies of the Indians on that account.

21. Quoted in Cutcliffe, "Indians, Furs and Empires," p. 234.

22. Johnson to the Lords of Trade, 10 September 1756. O'Callaghan, N.Y.C.D., VII:129.

23. Ibid., pp. 129-130.

24. Ibid.

He concluded:

were the Indians satisfied with us on this great Point, I am persuaded (that) without the intervention of any considerable armament, they would soon put the French under the necessity of abandoning all the Forts they have built in the Indian Back Country.²⁵

Johnson called another conference of the Six Nations in mid-November of 1756 to discuss the Confederacy's position in the continuing imperial conflict and the role the Iroquois were prepared to assume in the coming year's campaign.²⁶ As yet, Johnson had heard nothing from London regarding guarantees for protection of Indian lands or the home government's position on the Albany Conference land frauds.

Fearing the worst, the Superintendent took the offensive by opening the November 1756 conference proceedings with a strong admonition of Iroquois "backwardness in aiding and assisting His Majesty's Arms" and their having reportedly sent "Deputies to Canada without either my consent or knowledge."²⁷ The Six Nations spokesman replied in their defence that while his people were still committed to an alliance with the British, there were growing problems with maintaining the entente. He admitted that several of their number from the Seneca, Cayuga and Oneida tribes had journeyed to the Niagara and Montreal, but denied that it was for the purpose of treating with the "enemy." However, one Iroquois spokesman did make several comparisons, unfavourable to the British, of French and British dealings with their Indian allies.²⁸ But the real source of Iroquois annoyance with the British came out in a question ostensibly asked of the Iroquois leadership by the French. Were the French right in their claim, asked one Six Nations chief, that the British Fort at Oswego in the heart of

25. Johnson to the Lords of Trade, 10 November 1756. O'Callaghan, N.Y.C.D., VII:170.

26. Proceedings of the Indian Conference of 17 to 23 November 1756 are printed in O'Callaghan, N.Y.C.D., VII:230-244.

27. Ibid., p. 230.

28. Ibid., VII:232-234, 243-244. The Iroquois complained specifically about the recent high cost of British trade goods, the prohibition against selling rum near Indian encampments and the lack of generosity in British gift-giving, in contrast to the liberality of the French in all these matters.

Indian country, was more than a simple trading operation?²⁹ The implication, of course, was that the British intended Oswego to enforce British possession of traditional Iroquois hunting territory south of the Great Lakes and to protect the "illegal" patents issued by New York to Six Nations land.

Without the necessary guidance from his superiors in London, Johnson was hard-pressed to give appropriate assurances to the Confederacy on matters of trade, liquor, gifts and land. The Superintendent could only reiterate, as he had in the past, his warning of French treachery, should the Six Nations decide to trust their "common enemy." He told the conference delegates that in spite of the temporary setbacks which the British had suffered, the French would ultimately be destroyed "like a twig in the hands of a strong man."³⁰ Other questions about presents, the dearness of trade goods, the sale of rum inside Iroquois cantons and, most importantly, the protection of Indian lands went unanswered.³¹ The Iroquois were not impressed! The main spokesman for the Confederacy told Johnson that no promises of active Indian support could be made under the circumstances, but that all that had been said at the conference would be put before the Grand Council at Onondaga sometime in the future. A decision as to what the British might expect, militarily, from the Iroquois would issue from the Council at that time.³²

Meanwhile, further west, a second Easton Conference between the Delaware League and Pennsylvania officials brought the matter of Indian lands into even sharper focus. In a stinging address to William Denny, now Governor of Pennsylvania, Teedyuscung condemned the provincial proprietors for their involvement in past land purchases and declared that fraudulent land dealings were the root of Indian hostility against the British. "Brother," stated the Delaware chief:

29. O'Callaghan, N.Y.C.D., VII:233-234. It was reported that the French commander, Montcalm, had told some Cayugas that the British did not need canons to kill beaver and had asked them to reflect on the real British intent for building such a fortification at Oswego.

30. Ibid., pp. 234-235.

31. Johnson did promise to send smiths into the Indian villages to repair guns which were needed for hunting during the coming winter months.

32. O'Callaghan, N.Y.C.D., VII:242.

the reason I Struke you must know, It is I think because the King(s) of Eng'd & France made Warr with one another for our lands, and both these Nations incroach'd upon our lands and Coop'd us up as If in a penn... This very ground I Stand on was our land & Inheritance; Bargains are Bargains and We Stand by them...but we think we Should not be Ill used on this account by those very people who now enjoy the fruit of our lands.³³

Governor Denny responded to Teedyuscung's attack by promising to do all he could about Indian grievances over land and by assuring the Indians that henceforth Pennsylvanians would treat their Indian brethren with more respect. Although the conference ended with the Delaware chief pledging his support to the British, only the most naive observer of the Easton proceedings would have believed that the underlying problems then separating Indians and frontier colonists had been resolved.

The winter of 1756-57 was a particularly uneasy time for British colonial and imperial officials in North America. By the autumn of 1756 it had become evident that continued Indian support for the few remaining British frontier outposts could no longer be assured. Lord Loudoun, recognizing the need for Britain to strike a bold blow against the centre of French influence and power, began planning for a march of some 5 500 regular soldiers against Quebec. The campaign was to be organized and British forces mobilized by the early spring of 1757.³⁴ William Pitt, however, who had assumed the post of Secretary of State for the Southern Department, was determined to direct every aspect of the British war effort from London. He countermanded Loudoun's scheme in favour of a summer offensive against Fort Louisbourg on Isle Royale.³⁵ What resulted from such a drastic change of plans was an atmosphere of almost complete confusion among officials of the senior British command.

In March of 1757, during the difficult transition period when the British military struggled to switch its sights from a concerted land effort to one comprehending the organization of a large naval force, the French struck once again. This

33. "Remarks on an Indian Conference," Hazard, Pennsylvania Archives, III:38-39. A transcript of the proceedings of the Easton Conference of November 1756 are contained in Colonial Records of Pennsylvania, VII:313-338.

34. Peckham, Colonial Wars, pp. 160-161; Gipson, British Empire, VII:12-15.

35. Gipson, British Empire, VII: 12-15.

time the target was a British outpost on the New York frontier, Fort William Henry. A French army of some 1 600 regular soldiers, Canadian recruits and Indians besieged the British fort for an entire week, burning several adjacent structures before finally withdrawing. Although the French did not succeed in taking Fort William Henry, it was a sufficiently effective diversion to allow another French force of some 362 French and Indians to overwhelm a small British garrison at the "Great Carrying Place."³⁶ The latter stronghold was looked upon by many as the key to control of the New York frontier, and when the French found themselves victorious, they confirmed their conquest by putting "everyone to the sword they could lay hands on."³⁷

Throughout the spring of 1757, William Johnson had received numerous reports of increased Iroquois restiveness. The more northerly tribes of the Confederacy³⁸ were particularly agitated by the possibility of a French devastation of their homelands. A few Senecas, it was learned, had gone to Niagara for "talks" with the French. The Onondagas also appeared to be showing anti-British feelings, and some were reported to have moved their families to Canada.³⁹ When news arrived at Fort Johnson in March of 1757 that a French army was besieging Fort William Henry, Johnson could enlist only sixty Mohawks to join a force of 1 200 militia to relieve the garrison at Lake George. The fall of Oswego and the new French offensive had severely reduced the Superintendent's ability to attract Iroquois recruits into the British camp. The status of the British military had in fact fallen so low that not one of the sixty Iroquois would agree to travel to the nearby Canajoharie Mohawk castle to request that its warriors join the relief expedition.⁴⁰

The only comfort Johnson could take from all the reports of Indian activities during the spring of 1757 was in the fact that although the Six Nations were cool to the British, they were not yet prepared to join the French. Thomas Butler,

36. Fort Bull, on 27 March 1757.

37. Quoted in Francis Parkman, Montcalm and Wolfe (Boston, 1884), I:460-465, 488-492; Tootle, "Anglo-Indian Affairs," pp. 314, 316.

38. Senecas, Cayugas and Onondagas.

39. Thomas Butler to Johnson, 7 and 23 April 1757. Sullivan, Papers of Johnson, II:700-709.

40. Tootle, "Anglo-Indian Relations," pp. 313-314.

a lieutenant of Johnson's, sent the Superintendent rumoured details of a meeting between the French and several Iroquois chiefs at Montreal. Butler's sources had informed him that Confederacy representatives had told the French that they considered both European peoples, British and French, to be "the common Disturbers of this Country." After attacking the British and French practice of recruiting warriors for active service during wartime and ignoring the Indian during times of peace, a Six Nations spokesman stated that his people intended "to keep Friends on both sides as long as possible," thereby avoiding "an entire ruin of us."⁴¹

It was evident that the Six Nations now found it necessary to place self-preservation above British loyalty, and their future policy would reflect that reality. Fortunately for Johnson and the British, the military situation in North America was not seen to be so critical that the Iroquois would choose to go completely over to the other side; it was a sufficiently serious problem, however, that the Indians had no alternative but to take the middle road in order to avoid becoming the major casualty in a war that was not theirs.

In June of 1757, Johnson received the formal news he had dreaded and feared since North American hostilities had resumed in 1755. At an Onondaga Council held in early June of 1757, the Senecas, Cayugas, and Onondagas officially declared their neutrality in the British-French struggle. The Tuscaroras and Oneidas made no such definitive statement, but it was rumoured they too had had enough of war. Only the Mohawks were left to provide any further support in the British camp.⁴² At a conference held a few days after the Onondaga Council rendered its verdict, Johnson asked Iroquois leaders directly why they no longer wished to serve the British at so critical a period. In response, a Council spokesman made it clear that the decision made by the three northern tribes to stay out of the conflict was essential to their collective survival. They had felt "obliged

⁴¹. Butler to Johnson, 7 April 1757. Sullivan, Papers of Johnson, II:704-706.

⁴². Johnson to Thomas Pownall, 8 September 1757. Sullivan, Papers of Johnson, II:736.

to let our hatchet lay by us and take care of our own protection."⁴³ The question which had undoubtedly been on the minds of the Iroquois since the war began - whether to assist the British or the French in their quest for North American hegemony - was now answered: the Iroquois Confederacy would support neither European power. Instead, at least three and possibly five of the Six Nations would apply their strength, their manpower, their resources and their diplomacy to surviving the ravages of war committed by both European powers.

Along with difficulties of military confusion, French successes in New York, and the loss of most of the Six Nations' support, 1757 also witnessed the maturation of another long-standing British North American problem: colonial encroachments on Indian lands along the western frontiers of Pennsylvania. In the two conferences held at Easton during 1756, Governor Morris and Governor Denny both promised the Delawares a satisfactory resolution to their complaints of alleged fraudulent land practices and colonial encroachments in the Wyoming Valley. By the spring of 1757, Teedyuscung and his Warrior League had grown impatient for further action from Pennsylvania officials.

Johnson, who had followed closely the series of events leading up to Delaware hostilities in Pennsylvania, in the autumn of 1756 had appointed George Croghan as his sole agent in the western colony and had asked him to conduct an investigation into the entire matter. After interviewing several Indian and provincial officials, Croghan confirmed that the main source of friction between the Delawares and the British was the provincial expropriation of Delaware lands west of the Susquehanna.⁴⁴ With Johnson's approval, Croghan asked Governor Denny to call another Indian conference as soon as possible "to have these affairs speedily accommodated."⁴⁵

43. "Proceedings with the Indians," 10-20 June 1757. O'Callaghan, N.Y.C.D., VII:254-266.

44. William Johnson to George Croghan, 24 November 1756. Sullivan, Papers of Johnson, II:657-658. Croghan to Denny, 13 December 1756. Ibid., II:658-659.

45. Denny had been informed that in December of 1756 the Board of Trade had ordered William Penn, the colony's proprietor, not to grant any more lands in areas purported to have been deeded to him by Indians at the Albany Conference of 1754. Denny believed that the lands described in the Albany "deed" which had not yet been granted to colonials could be restored to the Indians. Board of Trade to William Penn, C.O.5/7/358-362.

The Pennsylvania governor agreed to convene another meeting with Teedyuscung and hinted to Croghan that he was prepared to restore most of the disputed lands to the Indians. Croghan, aware of the Iroquois claim to being overlords of all territories westward to the Ohio, sent word to both the Delawares and the Onondaga Council to meet with Denny at Lancaster in April of 1757.

As the conference date grew closer, Scarrouady, the Mingo half-king, and approximately 150 Iroquois warriors assembled at Lancaster to await the arrival of Teedyuscung with his Delaware League and Governor Denny. The unpredictable Teedyuscung never appeared.⁴⁶ After waiting more than two weeks for the Delaware chief to show, Denny decided to hold a short meeting with Iroquois Confederacy members to assure them that Pennsylvania was now ready to make concessions concerning the disputed lands near the Susquehanna. Those attending were so encouraged by the governor's promise that several Iroquois pledged to guarantee Teedyuscung's presence at a conference to be held later on in the spring or early summer to formalize an agreement. Also, a group of Delawares who resided near the Ohio but were not under Teedyuscung's command informed Croghan that they were prepared to resume diplomatic relations with the British when they learned of Pennsylvania's intention to restore some earlier purchases.⁴⁷ The sudden warm response by Indians normally hostile to the British reconfirmed to colonial officials the crucial nature of the loss of Indian lands on the western frontier to British-Indian relations.

In June of 1757, Teedyuscung sent word to Governor Denny that he and his followers were now ready to meet with Pennsylvania officials. Croghan was informed by the governor that the conference site would be Easton and that proceedings would begin as soon as all the Indians had assembled there.⁴⁸ Croghan was optimistic that if old land disputes between the Delawares and Pennsylvania

46. There was some speculation at the time that Teedyuscung did not attend the conference because of the presence of delegates from the Six Nations. The Iroquois would have inevitably challenged the Delaware chief's claim to being a spokesman for "ten Indian nations" including the Six Nations. However, the outbreak of a smallpox epidemic in Philadelphia which spread to the conference site and took the lives of Scarrouady and several other Indians, gave Teedyuscung a sufficiently legitimate excuse for not showing up. See Tootle, "Anglo-Indian Relations," p. 317.

47. Wainwright, George Croghan, pp. 121-125. "Journal of Captain George Croghan...", O'Callaghan, N.Y.C.D., VII:285. Tootle, "Anglo-Indian Relations," pp. 317-318.

48. "Journal of George Croghan..." O'Callaghan, N.Y.C.D., VII:285.

could be settled expeditiously at Easton, there would be nothing to prevent the two sides from concluding a lasting peace. However, as events unfolded, instead of facilitating an accord between Pennsylvania and the Delawares, the land question threatened to become a major stumbling block to further progress.

The conference convened on July 21, and Teedyuscung's first speech left no doubt as to what the Delaware chief believed had separated Indians from the British for so long:

The Land is The cause of our Differences, that is being unhapily turned out of the land is the cause, and tho' the first settlers might purchase the lands fairly yet they do not act well nor do the Indians Justice for they ought to have reserved some place for the Indians: had this been done, these Differences would not have happened.⁴⁹

During several days of the conference, Teedyuscung testified to a litany of abuses by settlers, proprietors and government officials concerning traditional Indian hunting, fishing and trapping lands. Proprietors had allegedly purchased title to lands from Indians who had no right to sell them;⁵⁰ lands legally obtained from Indians often had their boundaries extended without further consultations with the tribes concerned. As a partial remedy to these long-standing abuses, the Delaware chief suggested that all "Deeds" to Indian lands be made public and that "satisfaction" be given to Indians for lands that were found to be fraudulently purchased or taken. He further requested that "certain fixed boundaries" be firmly established between colonial settlement and Indian hunting grounds.⁵¹ In general, the Delaware chief believed that colonists had no rights to lands west of the Alleghenies and that if such a principle applied, his people would re-settle the Wyoming Valley. Fort Augusta, as a trading post, would then be the only non-Indian installation tolerated inside this entire territory.⁵²

49. Proceedings of the Easton Conference of 21 July to 7 August 1757 are printed in O'Callaghan, N.Y.C.D., VII:287-321.

50. Ibid. An obvious reference to the sale of Wyoming Valley lands by Hendrick and others at Albany in 1754.

51. Ibid., p. 302. This latter suggestion is one which approximated Johnson's advice to the Board of Trade the previous September to assure protection of traditional Delaware and Iroquois lands from provincial abuse. See Johnson to the Board of Trade, 10 September 1756. Ibid., VII:129.

52. Ibid., p. 286. This proposal was well in line with resolutions adopted at Albany in 1754, whereby delegates agreed that no British colony would be permitted to expand settlement beyond the Allegheny or Appalachian chain.

If all of Teedyuscung's suggestions were implemented, "deeds" negotiated by the province or its agents in 1737⁵³ and 1754 would be invalidated. Acting simply as an agent for the Pennsylvania Proprietary, without the same degree of authority as governors within the royal provinces, Denny lacked the power to accede to all of the Delaware chief's points even if he had wished to do so. There was an added difficulty concerning which Indian delegation, Iroquois or Delaware, should benefit from any concessions which might be made. Denny attempted to guide discussions away from the specifics of the land issue toward talks on the general principles of a lasting peace between Teedyuscung's League and Pennsylvania. Denny proposed that the Delawares should itemize all of their complaints concerning land transactions and forward them to William Johnson. As sole Crown agent for Indian affairs in the northern colonies, the Superintendent was authorized to receive such submissions and to forward them as he saw fit to the king for final judgement. The governor further assured the Indians that as the Pennsylvania Proprietors had already agreed to give up the lands west of the Alleghenies, their submission to Johnson was bound to receive favourable consideration. In the interim, Denny suggested, peace should be guaranteed by the tribes on Pennsylvania's frontiers.⁵⁴

Teedyuscung was at first reluctant to set aside the land question. However, when several of the chief's followers accepted Denny's proposal of referring the land issue to Johnson, Teedyuscung accepted the governor's offer of a peace. The conference closed with a ceremonial renewal of the Covenant Chain and a promise from Teedyuscung to cease frontier hostilities. All British prisoners taken during the previous year were to be delivered up. While this third Easton conference did not provide a final settlement of the land grievances, it did offer substantial hope that a satisfactory solution would soon be forthcoming.

At the same time that negotiations were proceeding at Easton, French military activities on the New York frontier again threatened the life of the northeastern seaboard colonies. Fort William Henry, weakened by the previous enemy assault

53. The so-called "Walking Purchase."

54. O'Callaghan, N.Y.C.D., VII:304-305.

during March of 1757, remained vulnerable to attack. On August 2 the French commander, Montcalm, appeared at the gates of the British fort with a force of 6 000 troops and 1 800 pro-French Indians.⁵⁵ Within a week, the British commanding officer at Fort William Henry was forced to concede defeat. In a post-surrender mêlée, two hundred of the fort's occupants were killed and another two hundred taken prisoner by the Indians.⁵⁶ As with Braddock's defeat in 1755 and the fall of Oswego in 1756, the demise of Fort William Henry in 1757 demonstrated to the Indians the superiority of French military power in North America. As one historian has written, the fall of Fort William Henry was "another devastating strategic and psychological victory that would have a profound effect on the attitude of the Indians."⁵⁷

The most important British operation planned for the 1757 campaign, an all-out assault against Fort Louisbourg on Isle Royale,⁵⁸ became another item on Britain's list of North American military failures. In early August, when Loudoun had finally completed preparations for the Louisbourg thrust, the British commander-in-chief received intelligence that the French had reinforced their Isle Royale stronghold to some 7 000 men and had arranged for three full squadrons to protect the fort's vulnerability by sea. Loudoun and his naval commander, Admiral Holborne, consequently made a last-minute decision to abandon the entire project.⁵⁹

The final blow to British forces in North America during 1757 came in November, when a mixed army of three hundred French regulars, Canadians and Indians fell upon the British community of German Flats on the upper Mohawk River.

55. Peckham, Colonial Wars, pp. 161-164. A listing by tribe of the Indian contingent which accompanied Montcalm against Fort William Henry is contained in Edward P. Hamilton, ed., Adventure in the Wilderness: The American Journals of Louis Antoine de Bougainville (Norman, Okla., 1964), pp. 150-151.

56. Hamilton, Journals of Bougainville, pp. 163-170; Tootle, "Anglo-Indian Relations," p. 322.

57. Tootle, "Anglo-Indian Relations," p. 322.

58. Cape Breton Island.

59. Peckham, Colonial Wars, pp. 161-162.

The French killed fifty settlers and took another hundred and fifty prisoner.⁶⁰ This French victory opened up the entire northern New York frontier and left the largest British outpost in the province, Albany, open and vulnerable to attack. It would be a few days' troop march from Albany to New York or Boston and the complete demise of the British empire in North America.

British Offensives and French Military Reversals: The Changing Tide, 1758.

The year 1757 witnessed the apex of French military success in North America. An aggressive, well-financed and shrewdly executed series of campaigns against British frontier positions between 1755 and 1757 had brought Britain's continental American empire to the verge of ruin. But even as the populations of Montreal, Quebec and Paris celebrated their good fortune, there were signs that all was not well in the French camp.

In the autumn of 1757, Canada found itself suffering from an acute shortage of food. The northern colony's fragile economy, forever dependent upon overseas support to supplement the basic necessities of life, was in trouble. Britain's 1757 blockade of France's Atlantic seaports, although not entirely successful, had reduced by half the number of ships reaching Canada from the mother country. A mere forty-three supply ships eluded the British fleet of Brittany to arrive in Quebec with desperately needed war stores and goods.⁶¹ A Colonel Schuyler of New Jersey, who had been captured by the French at Oswego in 1756 and had spent the following eighteen months in a Quebec prison, reported that the entire Canadian population had been put on a regime of strict rationing in the autumn of 1757. He predicted that all reserve provisions by February of 1758 would be gone.⁶² Further, the problems associated with shortages of imported commodities during 1757-58 were compounded by particularly poor harvests in Canada during both 1756 and 1757. The situation was not unlike that which had caused civil riots in Montreal and Quebec during the early 1750's

60. Tootle, "Anglo-Indian Relations," p. 324.

61. Gipson, British Empire, VII:168.

62. Intelligence from Colonel Peter Schuyler, Chatham MSS., PRO 30/55 Bigot, Vaudreuil's Intendant at Quebec, had siezed the city's grain stores in the early summer of 1757 and had placed them in public depots for controlled distribution.

and had severely retarded French military advances into the Ohio.⁶³

Shortages of food, war supplies and other necessary provisions threatened a severe debilitation of the French North American war effort. Indian allies, who had provided such material aid to French military success during the early war years, now became an insupportable drain on the colony's resources. Fighting left little time for hunting, planting and harvesting, and the Indians, who had become increasingly dependent upon French stores, were the first to be cut off when food became scarce. Many Indians abandoned the French service for no other reason than to forage for their families' survival. In addition, shortages of food, ammunition and other supplies prevented the French from beginning an early campaign in 1758 - an advantage which in previous years had assured the French frontier victories before the British could take to the field. No operation of any significance was planned for the French military before June or July, when supply ships were expected to arrive at Quebec. It is somewhat ironic that while British colonial officials were despairing that the French "have entirely excluded the English from the Command of the Continent ... and have confirmed the Dominion of America [to themselves],"⁶⁴ French officers in Canada urged Paris to negotiate a speedy peace so that "in the long run" the difficulty in provisioning New France would not lead to its "total reduction."⁶⁵

While New France wrestled with problems of food shortages and dwindling Indian support, the British government - or more specifically, the Secretary of State for the Southern Department, William Pitt - began plans for a bold military initiative to be launched in 1758. Blame for the loss of Fort William Henry and the failure to launch an expedition against Louisbourg in 1757 was placed squarely at the feet of the commander-in-chief. On 30 December 1757 Pitt

63. Writing to his superiors in France, General Montcalm stated in February of 1758 that "The article of provisions makes me tremble." Montcalm to de Moras, 19 February 1758. O'Callaghan, N.Y.C.D., X:686.

64. Thomas Pownall, now Governor of Massachusetts to William Pitt. G.S. Kimball, ed., Correspondence of William Pitt, when Secretary of State with Colonial Governors and Military and Naval Commissioners in America (New York, 1906), I:162.

65. Montcalm to de Paulmy, 23 February 1758. O'Callaghan, N.Y.C.D., X:691.

recalled Loudoun and gave his commission to General James Abercromby.⁶⁶

At the same time, Pitt revealed his strategy for British military operations for 1758. In a circular letter to the American colonial governors, the Secretary of State urged them to redouble their support of the British war effort and to raise at least twenty thousand provincials for the upcoming campaign. Officers of these troops were to be commissioned by the governors themselves and they were to enjoy equal status, by rank, with their British counterparts. Once assembled, they were to "join a Body of the King's Forces for Invading Canada, by Way of Crown Point, and [carry the] War into the Heart of the Enemy's Possessions..."⁶⁷ Most important, however, was Pitt's assurance to the provinces that, contrary to earlier experiences, the main burden of expense for the operations would be guaranteed by the British government.⁶⁸ Pitt was determined not only to reverse the tide of British military disasters in North America, but to plan, direct and finance the complete demise of the enemy in quick order.⁶⁹

Although William Johnson and his southern counterpart, Edmund Akin, received no new instructions from London, there was considerable cause for hope that British-Indian relations would improve during the coming year. The critical shortage of supplies in New France meant that more of the Indian fur and peltry trade would gravitate towards British stockhouses.⁷⁰ Eager to exploit

66. Pitt to Loudoun, 30 December 1757. Kimball, Correspondence of Pitt, I:133-134. Pitt to Abercromby, 30 December 1757. Ibid., pp. 134-135.

67. "Circular from Sec'y Pitt to the Governors of Massachuset's Bay, New Hampshire, Connecticut, Rhode Island, New York, New Jersey," 30 December 1757. O'Callaghan, N.Y.C.D., VII:339-340. A similar dispatch was sent to the southern governors on the same date.

68. Ibid., p. 340. Pitt promised that all those brought into the king's service would be supplied with arms, ammunition, tents and provisions and that he would recommend to Parliament that all other expenses such as those for levying, clothing and paying enlisted men should be properly compensated.

69. So detailed were Pitt's instructions to Abercromby that the placement of every regiment under British command was decided upon without the general's advice or consent. Gipson, British Empire, VII:177.

70. Johnson had heard rumours in December of 1757 of the shortage of French goods for the Indian trade expected in 1758. Johnson to Abercromby, 19 December 1757. Sullivan, Papers of Johnson, II:763.

the situation, Johnson instructed George Croghan to supervise the trade at posts in northern New York to see that no injustices were done to those who might potentially assist the British war effort.⁷¹ The Superintendent believed that fair prices and good treatment of Indians in a purely commercial context might gain the British valuable friends on the battlefield.

In early April of 1758 Johnson learned that another Onondaga Council meeting had been called - this one intended to consolidate Six Nations policy with respect to the war and the Confederacy's relationship with other tribes who might or might not be committed to a military involvement. While prospects were not bright for a positive declaration for the British, Johnson felt that the Iroquois could decide to pressure several Indian nations who had favoured the French to declare their neutrality. From the Six Nations' desire to protect their own interests and to strengthen their influence in the Anglo-French territorial war, the Superintendent believed that the British would be the greatest benefactors.⁷²

The peace initiatives to bring the Delawares and several western tribes into an alliance with the British began in late 1757 and continued into the early part of 1758. In February, Teedyuscung and several representatives of tribes from the Susquehanna met with New Jersey government officials to detail complaints of alleged land abuses and frauds by colonists from that province.⁷³ After receiving assurances that all former problems would be rectified, the Delaware chief and his associates promised peace and friendship with the colony.

71. Johnson told Croghan that "Such Usage and care taken of them will spread far and near and be a means of drawing more distant Nations into our Interest." Johnson to Croghan, 30 January 1758. Sullivan, Papers of Johnson, II:778.

72. Report to James Abercromby (n.d.), Ibid., II:821-822. A group of Oneidas, Tuscaroras, Cayugas, Delawares and Mohawks had met unofficially with Johnson in March of 1758 and had promised not only to maintain the Covenant Chain but to persuade other nations to join them. Ibid., IX:880-884.

73. This was in partial fulfillment of the pledge made by Pennsylvania Governor Denny, whereby Indians were to detail all complaints about land for submission to Johnson who would guarantee their resolution. Proceedings of the New Jersey-Indian meeting are printed in Hazard, Pennsylvania Archives, III:311-346. At this meeting, the participants agreed that, in future, they would deal directly with each other concerning land complaints without further reference to Johnson.

Renewed optimism in the British camp for the planned offensives in 1758 and the possibility that the Indians in general and the Six Nations in particular might assist in the campaign, led to a nearly disastrous overplaying of the British hand. It appears that Abercromby had misinterpreted Johnson's optimism for the outcome of the Onondaga conference, believing that active Confederacy support for British troops would be imminently forthcoming. Acting on this notion, the general demanded that Johnson raise as many Iroquois recruits as he could muster to assist his army in an assault against the French on Lake Champlain. The Superintendent at first resisted Abercromby's orders, explaining that the situation at Onondaga was not settled and that the disposition of the Six Nations "seems yet to be in Suspence." However, as summer approached and no word had arrived from the Iroquois Council, Abercromby became increasingly impatient for his recruits. In desperation, Johnson sent a message to the Confederacy, demanding that they send warriors to Abercromby's camp or risk a complete loss of trade with the British. Johnson's bluntness stunned and angered the Iroquois Council, whose spokesman declared they would not be hurried into war.⁷⁴ The British threat so upset the Iroquois leadership that the Six Nations Council adjourned before any firm position could be established for themselves or any agreement could be worked out with other tribes. Fortunately for Johnson and Abercromby, about two hundred Iroquois, mostly Mohawks, volunteered their services and joined the British expedition on its way to Lake George in mid-June of 1758.⁷⁵

In Pennsylvania, Governor Denny was anxious to consolidate and to extend the peace which had been signed between representatives of his province and the Susquehanna Delawares in August of 1757 to include the tribes occupying the trans-mountain region, westward into the Ohio. Teedyuscung, who had pledged his efforts to bring as many other tribes as he could into the Covenant Chain, had sent a prominent Delaware warrior, Willemighihink,⁷⁶ into the Ohio to inform Indians there of the British desire for peace. In early July of 1758,

74. Tootle, "Anglo-Indian Relations," pp. 335-336.

75. Johnson to Abercromby, 22 June 1758. Sullivan, Papers of Johnson, II:851-852.

76. Also known as James. British Museum, "Henry Bouquet Papers," Add. MSS. 21 640, folio 83.

Teedyuscung, Willemighink, several Delaware captains and two Allegheny Delawares met with Denny in Pennsylvania. At this conference Teedyuscung told the governor that the Ohio Delawares were now more favourably disposed toward the British and that renewed efforts on both their parts would ultimately succeed in bringing these tribes into the peace.⁷⁷ Denny proposed sending one of his own deputies, Frederick Post, to negotiate directly with the western Indians. He was to carry copies of the Easton peace treaty of 1757 into the Ohio and to urge the tribes there to return to their homes on the upper Susquehanna where they would be left in quiet possession of their lands. Teedyuscung co-operated in this endeavour by assigning several of his own warriors to accompany the Post excursion into French-held territory.

Secretary of State Pitt's promise that Britain would meet the majority of expenses incurred by each colony in levying, clothing, arming and maintaining provincial recruits began to show positive results. Northern colonial assemblies, while not matching the twenty thousand additional men ordered raised by the Secretary's letter of 30 December 1757, did respond by voting the enlistment of some seventeen thousand, six hundred troops.⁷⁸ When Major-general Abercromby began his march northward from Albany towards the French Fort Carillon in late June of 1758,⁷⁹ he was able to boast an army of ten thousand provincials and six thousand regulars. This was in addition to the two hundred Iroquois accompanying Johnson, who was to rendezvous with Abercromby at the south

77. "Indian Conference Proceedings," British Museum, "Henry Bouquet Papers," Add. MSS. 21 640, folio 83. The minutes of the 11-12 July 1758 Conference between Denny and the Delawares are also printed in S.K. Stevens et al., The Papers of Henry Bouquet (Harrisburg, 1951), II:187-193. Records of preliminary and post-conference discussions between Denny and Teedyuscung are contained in Hazard, Pennsylvania Archives, III:456-469.

78. Massachusetts agreed to seven thousand soldiers; New Hampshire, one thousand; Rhode Island, one thousand; Connecticut, five thousand; New York, twenty-six hundred; New Jersey, one thousand. Thomas Pownall to Pitt, 14 March 1758. Kimball, Correspondence of Pitt, I:203. Wentworth to Pitt, 26 March and 23 April 1758. Ibid., I:215-217, 224. Abercromby to Pitt, 28 April 1758, Ibid., I:226. Fitch to Pitt, 23 March 1758. Ibid., I:223. Pownell to Pitt, 23 March 1758. Ibid., I:213.

79. Also known as Fort Ticonderoga.

end of Lake George.⁸⁰ However, by the time Abercromby and Johnson joined forces, nearly four hundred Iroquois had joined the British advance. The Indian recruits were employed mostly in the dangerous but necessary tasks of scouting the enemy and of engaging in sniping activities as a preliminary to a direct British assault.⁸¹

Abercromby's counterpart at Fort Carillon, Montcalm, had been sent there in the early spring of 1758 to put the fort's defences in order. He had faced an almost impossible task. The post had been garrisoned since the previous autumn by a mere eight battalions of undisciplined recruits. They had suffered from shortages of food and other provisions and had been abandoned by the majority of their Indian supporters in early winter of 1757-58.⁸²

On 8 July 1758 Abercromby attacked the poorly manned but well-fortified French stronghold and was unable to overrun the seemingly impenetrable breastwork Montcalm had ordered the fort's inhabitants to construct. While the British general possessed the manpower and artillery to conduct a lengthy and undoubtedly successful siege of Fort Carillon, Abercromby chose instead to retreat to a position somewhat southward of Lake George and to reorganize his forces.⁸³

Although British forces had failed to overwhelm Fort Carillon, the exercise had a beneficial effect on potential Indian allies. For the first time the Iroquois had witnessed a large, well-disciplined British army in their home territory - one which could possibly sweep the French out of the handful of posts they held in northern New York. The lack of Indian supporters who had chosen to remain with the French at Fort Carillon served to highlight the current French difficulties in sustaining a sizable Indian contingent among its forces.

80. Flexner, Mohawk Baronet, pp. 192-194; Peckham, Colonial Wars, pp. 167-169. See also Abercromby to Pitt, 29 May 1758. Kimball, Correspondence of Pitt, I:285.

81. Flexner, Mohawk Baronet, p. 192.

82. Abbé Casgrain, ed., Collection des manuscrits du Maréchal de Lévis (Montréal 1889-95), 8:385.

83. A detailed account of the battle of Ticonderoga or Fort Carillon was sent by Abercromby to Pitt on 12 July 1758. It is printed in O'Callaghan, N.Y.C.D., X:725-732. Montcalm's version of the encounter is contained ibid, X:737-741.

Finally, the very fact that the French were unprepared to venture forth from Fort Carillon to attack Abercromby's retreating forces underlined the growing weakness of the French and their allied Indian forces on the northern New York frontier. If the French were reluctant to strike a rearguard action against Abercromby in retreat, there was small likelihood they would attempt any bold moves against neighbouring Iroquois villages.⁸⁴ The Six Nations could now feel increasingly secure about the safety of their homes and families and perhaps could at last afford to consider a closer relationship with the British.

Johnson was determined to take full advantage of the presence of a large British military force in New York to galvanize Iroquois support. On 22 July 1758 Johnson met with the Confederacy leadership to assure them that British troops would remain in their country. He informed the Six Nations that to ensure their protection in the Mohawk Valley, the commander-in-chief had decided to erect a post at the Oneida Carrying Place.⁸⁵ The Superintendent emphasized the value of such an undertaking to the Iroquois as a means to "guard this part of the the Country from any Attempts which the Enemy might make." The post, Johnson explained, would also serve as a centre for carrying on an "Adventageous Trade" for their mutual benefit. As Abercromby had by now deployed a large portion of his army to defensive positions in the vicinity of Fort Edward, Albany and the lower Mohawk Valley, the Iroquois were already given substantial proof of the sincerity of the British intent.⁸⁶

In return for this gesture of British support, Johnson asked the Iroquois to participate in the expedition organized for the construction of the post at the Oneida Carrying

84. Flexner, Mohawk Baronet, pp. 193-194.

85. A location northwest of Albany between the Mohawk River and Lake Oneida. The decision to construct a fort there had been made at a council of war called by Abercromby in Albany on 13 July 1758. Johnson was present at the meeting and supported the measure. Gipson, British Empire, VII:238.

86. In reality, these defensive positions were meant to guard the vital approaches to New York's most heavily settled areas, but the presence of the troops also afforded security to Indian villages and encampments in surrounding areas.

Place. The Indians were to be employed merely as scouts "to guard us against any surprises."⁸⁷

For the task of building the proposed fort near Lake Oneida, Abercromby had chosen Colonels Bradstreet and Stanwix. They were to take with them a sizable military contingent, and if successful in securing a permanent installation at the proposed site, they were to proceed further northward for an assault against the French Fort Frontenac at the eastern end of Lake Ontario.⁸⁸ This plan appealed to Abercromby, as it promised to help recoup his reputation for the failure at Fort Carillon as well as to re-establish a British presence near their former stronghold at Oswego.

While Johnson had informed the Six Nations of the first British objective established for the Bradstreet-Stanwix expedition, he did not tell them about the contingency plans for an assault against the French position on Lake Ontario. The seventy Iroquois who ultimately volunteered for duty did so on the understanding that the British would not proceed past Lake Oneida. However, when the expeditionary force reached Lake Oneida without incident and then moved further northward past the ruins of Oswego towards Lake Ontario, it became obvious to the Iroquois that the British had another objective in mind. It was at this point that a majority of the Indian volunteers abandoned Bradstreet's army. They stated that they preferred not to violate the Confederacy's firm policy of neutrality by participating in a offensive against a major French installation. While the Six Nations were ready to assist the British informally, they were not yet prepared to compromise their official position by an open act of hostility against the French.⁸⁹

On 27 August 1758 Bradstreet led an advance party which proceeded unopposed and undetected against the French fortress. Following a barrage of cannon, the small French garrison that had been recently dispatched from Montreal to protect Fort Frontenac surrendered to the British command.

87. Sullivan, Papers of Johnson, IX:952-953, 965, 968. Cited in Tootle, "Anglo-Indian Relations," p. 340.

88. Gipson, British Empire, VII:238-239.

89. Tootle, "Anglo-Indian Relations," p. 341. The few Indians who remained did valuable service for Bradstreet in scouting Lake Ontario and attacking three enemy canoes. Gipson, British Empire, VII:242.

This victory was one of the most significant episodes of the entire war. As Frontenac was the principal depot for supplies bound for Niagara, Detroit and other western posts, the importance of the fort in the elaborate communication network between Montreal and the midwestern interior was immeasurable. By severing the link between the eastern and western portions of New France, British troops drove a wedge into the very centre of the French empire in North America. Free movement of men, military supplies and other provisions between Montreal and the Ohio would henceforth be virtually impossible. Equally important, the threat of a French invasion from Lake Ontario into Iroquois territory was eliminated. French pressure which had mounted on the northern New York frontier as a result of frontier victories in 1756 and 1757 was now relieved. Bradstreet's victory allowed even greater optimism among British officials that the Iroquois, liberated from the fear of a devastating French attack from the north and the west, would finally join in a British allied effort against their "common enemy."

While Abercromby, Bradstreet and Stanwix organized the 1758 British offensive in New York, military activities were well underway in Nova Scotia to transform the remnants of Loudoun's non-starter campaign against Cape Breton Island of the previous year into a British victory. General Jeffrey Amherst was ordered to command an amphibious expedition designed to capture the important French fortress at Louisbourg. Secretary of State Pitt had made it clear in the early spring of 1758 that British possession of the French fort was an important preliminary to a successful naval campaign against Quebec and that no further delays in the taking of this crucial French position would be tolerated. The British expedition was to organize at Halifax, and as soon as eight thousand troops were assembled, they were to proceed immediately to the battle site.⁹⁰

While the British forces gathered together under Generals Amherst, Wolfe and Lawrence and Admiral Boscowan were impressive, so also were those of

90. Gipson, British Empire, VII:184. Pitt issued his orders to Amherst on 27 January 1758.

the French who occupied Louisbourg.⁹¹ As it was the last French stronghold in the whole of old Acadia, the fort was probably even more crucial to the overall strategy of France than to Britain. The French command had no illusions about the importance of Louisbourg. The Minister of Marine in Paris prophetically warned the French Admiral de Gouttes:

Upon the outcome of this campaign (for the preservation of Cape Breton Island) depends principally that of the war.⁹² Our enemies will neglect nothing to make the conquest ...

If ever there existed an opportunity for the French to enlist the assistance of the Micmac and Malecite Indian populations of Nova Scotia, it was during 1758. As French supporters in the region for most of France's tenure in the province, the retention of Louisbourg was as important to the Indians as it was to the French. If Louisbourg fell, their fate would be as uncertain as that of their European allies.

Failure by British officials to interest the majority of Nova Scotia's Indian population in a permanent alliance of peace and friendship had discouraged the British military from seeking Indian aid against Louisbourg. Between 1754, when Nova Scotia Governor Hopson succeeded in attracting only one Micmac chief into signing a peace accord with the province, and 1758, no formal approaches were made to any of the bands. Among the troops assembled at Halifax for embarkation to Isle Royale, not one Indian auxiliary could be found.

While the French had depended heavily upon Micmac and Malecite assistance in checking British expansion in Acadia, there were signs that they now began to view Indian support as a mixed blessing. The early retreat of Abbé Le Loutre and his Indian troops at Beauséjour before the fort's capitulation had made Frenchmen wary of the quality of Indian assistance. Le Loutre and his followers found their way to Louisbourg after the Beauséjour debacle and formed the nucleus of the two hundred and sixty Acadian/Indian population at the fort in early 1758.⁹³ By

91. Three thousand regular soldiers, twenty-six hundred militiamen and marines and the whole of the civilian population of Louisbourg. Richard Waddington, La guerre de sept ans (Paris, 1899-1914), II:335.

92. Quoted in Gipson, British Empire, VII:191.

93. Olive P. Dickason, "Louisbourg and the Indians: A Study in Imperial Race Relations, 1713-1760," History and Archaeology No. 6 (Parks Canada, 1976), p. 102.

the spring of 1758 this population increased to five hundred,⁹⁴ but even then the French commander, Drucour, was not convinced of their benefit to the fort's defence.

When the difficult business of preparing for the inevitable British attack got underway, it appeared that Drucour's apprehensions about the usefulness of his Indian allies were confirmed. On the day the British were expected to land, Abbé Maillard, who had brought a sizable contingent of Micmacs into Louisbourg, suddenly left the fort with several Indians and large quantities of stores, arms and supplies.⁹⁵ Drucour was forced to use the Indians who remained as scouts and raiding parties to harass the enemy outside the fortress gates.⁹⁶

On 8 June 1758, British forces landed their first troops near the French citadel and siege operations against the seemingly impregnable stronghold began. For more than six weeks British artillery pounded the city fortress incessantly. On July 26, Louisbourg, described by one French historian as the finest fortification of its time in North America, capitulated.

Under the terms of surrender, all French armed defenders on Isle Royal were made prisoners of war. They were to be transferred to Britain as soon as appropriate arrangements were made. All military effects on the island were given over to the British, and the civil inhabitants were to be sent back to France.⁹⁷

Consistent with British policy of treating the province's native peoples as subjects of the British Crown, no terms of surrender were offered the Micmacs and Malecites who remained to fight at the side of the French.

While the fall of Louisbourg was the most momentous single military event in 1758, the British also took pains during that year to lay important groundwork with Indians, which would have an even longer-term impact on British occupation of the continent.

94. William Wood, The Great Fortress, A Chronicle of Louisbourg (Toronto, 1951), p. 101.

95. Dickason, "Louisbourg," pp. 103-104. Other unauthorized stores found their way out of the fort to Indians camped near Miré, further hampering military operations at Louisbourg. Ibid., p. 104.

96. Ibid., p. 103.

97. The articles of capitulation signed by Drucour and Amherst are at PRO, War Office, I/5/15.

Along with British efforts to secure the northern New York frontier and Fort Louisbourg in 1758, there was a third phase to the British campaign - planned operations into the Ohio. General John Forbes, who was ordered to command a British force against Fort Duquesne, was allotted several companies of regular soldiers along with a large contingent of provincial militia from Pennsylvania, Virginia, Maryland, Delaware and North Carolina.⁹⁸ The most important element in Forbes' contingent, however, was considered to be the Indian recruits the general was expected to raise from among tribes inhabiting both the southern and western reaches of the British North American frontier.

Braddock's disastrous campaign three years previously had taught British military officials the necessity of gaining and keeping Indian support for any military venture into the Ohio wilderness. Movement through the rugged mountainous terrain west of Pennsylvania and the sizable Indian force committed to the French along the Ohio demanded the use of able and committed Indian auxiliaries.

Forbes counted first upon obtaining the services of volunteers from two of the southern tribes already allied to the British - the Catawbas and the Cherokees. Their warriors had established formidable reputations as wilderness fighters, and they were very familiar with the countryside leading into French-held western territory. However, these nations were also long-time enemies of almost every tribe inhabiting regions north and west of Virginia, including the Iroquois and the Delawares. In order to assist Forbes and to facilitate potential involvement of Cherokees and Catawbas in the Ohio campaign, Johnson arranged a series of peace talks between representatives of these tribes and the Six Nations leadership during July of 1758.⁹⁹ The two

98. Forbes to Abercromby, 4 September 1758. A.P. James, ed., The Writings of General John Forbes Relating to his Service in North America (Wisconsin, 1938), p. 201.

99. "Summary of Indian Transactions," 22 July to 1 August 1758. Sullivan, Papers of Johnson, II:886.

groups reached an accord whereby Catawba and Cherokee warriors were permitted peaceful passage through territories controlled by the Iroquois.¹⁰⁰

The other tribes Forbes hoped would join his Ohio campaign were the Delawares and Shawnees of northern Pennsylvania. To this end, the general called a conference to be convened at Easton in the late summer of 1758. There he would seek official endorsement from the Delaware League and solicit as many Indian recruits as was possible for the western expedition.¹⁰¹

In conformity with custom established by previous meetings held between British officials and the Delaware League, Forbes also sent an invitation to the Six Nations Council at Onondaga.

Johnson was kept fully informed of these proceedings and openly supported Forbes' plans to the Iroquois chiefs.¹⁰² The Superintendent also dispatched George Croghan, his representative in Pennsylvania, to monitor the conference and stressed to his deputy the need "to conciliate and fix the British Interest in all the several Nations and Tribes of Indians who may fall within the reach of your influence."¹⁰³

In a letter to Pennsylvania Governor Denny, Johnson outlined what he believed would be a successful formula for restoring peace on the western frontier and with Ohio tribes.¹⁰⁴ The measures which he suggested were not new, and Johnson had urged their adoption in correspondence and meetings with colonial and imperial officials during most of his career as Superintendent. First, he emphasized

100. James Byrd III of Virginia and Edmund Atkin, Southern Superintendent of Indian Affairs, were given the task of recruiting Catawbas and Cherokees for the Forbes campaign. Gipson, British Empire, VII:255-256.

101. Tootle, "Anglo-Indian Relations," p. 343.

102. Johnson to Abercromby, 18 June, 1758. Sullivan, Papers of Johnson, II:843. When Forbes' invitation arrived, Johnson was attempting to raise active Indian support for the Bradstreet and Stanwix expedition.

103. Johnson to Croghan, c. July 1758, as quoted in Tootle, "Anglo-Indian Relations," p. 344.

104. Johnson to Denny, 21 July 1758. Sullivan, Papers of Johnson, II:878-880.

the need to establish an "open and advantageous Trade ... put under such authoritative regulations as may convince the Indians how much it is for their Interest to maintain Peace & Friendship [with] the English." Second, and Johnson believed this to be of paramount importance, Denny was urged to give the Indians "satisfaction with regard to their Land Complaints." This latter item, Johnson believed, could only be settled by incorporating measures into "a solemn public Treaty to agree upon clear and fixed Boundaries between our Settlements & their Hunting Grounds, so that each party may know their own & be a mutual Protection to each other of their respective Possessions."¹⁰⁵ Johnson was so convinced of the central importance of the land issue that he told Denny that if such actions were "Copied by all our neighbouring Provinces which have suffered the Calamaties of an Indian War ... [it] would be to them the most solid Foundation for their future Tranquility." By removing the source of suspicions and grievances associated with lands, Johnson reasoned, the British Indian interest would be strengthened and that of the enemy overthrown.¹⁰⁶

It was clear from Johnson's letter to Denny that the Superintendent wanted the Easton Conference to accomplish a great deal more than its organizers first envisioned. What Johnson had asked the Pennsylvania governor to do, in effect, was to use the conference to establish a new pattern of dealing with long-standing Indian grievances. Questions of trade and land were to be met head on, and appropriate guarantees were to be provided that any British promises made would not be broken. From the events which followed, it appears that there was considerable sympathy for just such an approach.

Due to delays in contacting several tribes, conference proceedings did not begin until early October of 1758. By this time, Forbes and his army of regular soldiers, provincial militia and Cherokee recruits were already penetrating the Ohio,

105. Sullivan, Papers of Johnson, II:879.

106. Johnson believed that problems between Indian and British colonials over land had given the French the "principal Means of distressing his Majesty's Colonies and obstructing their Growth & Improvements." Ibid.

retracing Braddock's route towards Fort Duquesne.¹⁰⁷ In Forbes' absence, Governor Denny took personal charge of the conference organization, establishing an agenda that appeared on the surface to be more concerned with civil than with military affairs.

When finally underway, the October 1758 meeting at Easton attracted one of the largest, most representative cross-sections of Indian delegates ever to assemble in one council. There were some five hundred individuals present, including spokesmen for each of the Six Nations, the Delawares of the Susquehanna and several lesser tribes of northern and western Pennsylvania.¹⁰⁸ On the British side, along with Governor Denny and Johnson's Pennsylvania lieutenant, George Croghan, there were Governor Barnard of New Jersey, interpreters Conrad Weiser, Andrew Montour and Stephen Calvin, along with various commissioners, assembly representatives and government councillors.

Before formal proceedings even began, there were signs that old, intertribal rivalries might overshadow the conference objectives established by Denny. Teedyuscung, still claiming power over vast numbers of Indians, was the object of bitter contempt among the Iroquois and several other tribes present.¹⁰⁹

George Croghan, who was assisting Denny in organizing the meeting, told Johnson in late September that the Indians arriving at Easton were "much Divided and Jealous of Ech other."¹¹⁰

In his opening remarks, Denny attempted to side-step the problem of intertribal conflict by stressing his province's desire to settle any outstanding grievances the delegates might wish to discuss. He related the news of British military victories at Louisbourg and Frontenac, proclaiming both Britain's determination to defeat the French and its commitment to peace with the Indians. The friction

107. Tootle, "Anglo-Indian Relations," p. 347.

108. A listing of the tribes or nations present and their official spokesmen, by name, is printed in Colonial Records of Pennsylvania, VIII:175-176.

109. Croghan to Johnson, 21 September 1758. Sullivan, Papers of Johnson, III:3-5; Tootle, "Anglo-Indian Relations," p. 344.

110. Ibid.

among various Indian groups, however, was not to be ignored - especially the persistent bickering between Teedyuscung and delegates from the Six Nations. At the first opportunity, Iroquois spokesmen publicly berated the Delaware chief for his anti-British behaviour and demanded that he swear his servitude to the Onondaga Council. When Teedyuscung declined the Six Nations request, Confederacy members threatened to withdraw from the conference.¹¹¹

As the meeting threatened to break up, Teedyuscung's constituency put considerable pressure on the chief to moderate his position. Without full support from his followers, the Delaware "king" was forced to back down. In a sudden turn of events, Teedyuscung completely capitulated to Iroquois demands, acknowledged his subservience to the Onondaga Council and promised compliance with any and all Iroquois requests.¹¹²

With an uneasy but workable truce established between the Delaware League and the Six Nations, the conference participants immediately turned their attention to a matter of "great consequence": land.¹¹³

Thomas King, an Oneida chief who had been chosen to speak for all of the tribes present, outlined how the taking of Indian hunting lands along various parts of the western frontier had alienated Indian support. In reference to Ohio lands, King explained how Indians there had been abandoned once Britain gained control of the land. "The Governor of Virginia," King stated, "took care to settle on our lands for his own Benefit; but when we wanted his assistance against the French, he disregarded us."¹¹⁴ Without sufficient British trade goods, arms and other provisions, the Ohio tribes were forced into the French camp. Turning to the example of lands on the upper Delaware River, the Oneida chieftain detailed how "all" the lands were taken by New Jersey, leaving nothing for their Iroquois "cousins," the Minisinks. He stated that the settlers in the area now "claim all the Wild Creatures, and will not let us come on your land to hunt for them."

111. Wainwright, George Croghan, p. 147.

112. "Easton Conference Proceedings," Colonial Records of Pennsylvania, VIII:194-196.

113. An Indian delegate told the assembled officials that he spoke for "Warriors of all nations" in asserting that most difficulties existing between Britain and the Indians had their source in conflicts over land. Ibid., p. 196.

114. Ibid., p. 198.

This left the Minisink tribe with neither a homeland nor the privilege of "hunting the Wild Deer."¹¹⁵ Finally, King spoke of lands along the Susquehanna which had been negotiated away from the Iroquois under questionable circumstances at Albany in 1754. He acknowledged that the Six Nations had received payment for half the deeded land - that portion lying east of the Susquehanna. However, he made it clear that the other half, located west of the Susquehanna, had never been paid for and that the Indians wanted it back. They were now and should always remain as Indian hunting grounds.¹¹⁶

Governor Denny was well prepared for the inevitable complaints about the seizure of Indian lands. Addressing himself to the problem of disputed lands along the Susquehanna, he told the assembled delegates that the Pennsylvania Proprietors had directed him to release, in their name, all claims to lands on the west side of the Susquehanna, or more precisely, the territories lying to the west of the Allegheny divide.¹¹⁷ The formal transaction to deed the lands back to the Indians would be completed as soon as the Six Nations and Delawares settled among themselves in whose right the territory was to be revested.¹¹⁸ Secondly, Denny pledged that Indians residing on the western frontier would no longer be obliged to depend upon the French for trade goods and other supplies. He told the Indians that "a Store of all Sorts of Goods for your use" was to be opened at Shamokin where "the best Prices will be given to you for such Skins, Furs, and Peltry as you shall bring them."¹¹⁹

Governor Barnard of New Jersey assured the Indians that all problems of land ownership on the north Delaware and settler-Indian conflicts over hunting privileges in that region would be resolved before they departed from Easton. Using Six Nations delegates as mediators, Barnard immediately negotiated a cash settlement for all remaining Indian-claimed lands on the Delaware and promised the Minisinks continued hunting and fishing rights in the surrendered territory.^{120.}

115. Colonial Records of Pennsylvania, VIII:199.

116. Ibid.

117. Ibid., pp. 204-205.

118. Ibid., p. 205.

119. Ibid.

120. Ibid., pp. 210-211.

The Indians responded enthusiastically to the British offers, especially as they related to the return of lands west of the mountains. To hasten the transfer process, the Six Nations and Delawares agreed that the former would have the lands released to them and that their final disposition would be worked out later. In a ceremony on 24 October 1758 Iroquois officials accepted a "Proprietor's release" to the territory described in the 1754 Albany deed as lying westward of the Susquehanna River. In return, the Six Nations and Delawares confirmed to Pennsylvania that portion of land from the Albany deed described as lying east of the Alleghenies, for which the Indians had already accepted payment.¹²¹ This left only minor areas of conflict between Pennsylvania and the Six Nations with respect to overlapping land claims. Since representations for these territories had already been submitted to Johnson by the Delawares and to the Board of Trade by the proprietors, both parties agreed to await the decision of the king before further discussions.¹²²

The Easton Conference of 1758 and its attendant treaty¹²³ resolved most of the major disputes existing between Pennsylvania and the tribes residing in and around the province. The meeting's importance lay in the demonstration of willingness among British colonial officials to compromise on vital questions of land and trade. The return of land west of the mountain divide to Indian use and occupation echoed the idea first articulated at Albany in 1754: the Allegheny or Appalachian mountains should be a dividing line between Indian territory and British settlement. It also satisfied the theory voiced by Johnson for almost a decade - that a line separating Indian from British lands was a necessary prerequisite to peaceful co-existence between native and settler. It was a theme that would receive increasing attention from British officials and Indians for the remainder of the war.

Forbes' original objective for the Easton meeting - to recruit Indian participation for his campaign against Fort Duquesne - was not entirely abandoned. On

121. Colonial Records of Pennsylvania, VIII:219

122. Ibid., p. 216. The area still in dispute related to lands on the east bank of the Susquehanna, extending eastward as far as the Delaware River.

123. No actual written treaty was signed. The proceedings of the conference were taken to be the substance of a solemn and binding agreement.

13 October 1758, as Pennsylvania and Indian officials began their negotiations on matters of land and trade, news arrived at Easton that General Forbes was now in the final stages of preparation for his assault into the Ohio. The message came from Frederick Post, who had earlier been sent westward by Pennsylvania and the Delaware League to inform the Ohio tribes of the 1757 peace agreement negotiated between Teedyuscung and Denny. Post had maintained close contact with Forbes and reported that because of the cordial relations that now existed between the Susquehanna Delawares and Pennsylvania, there would be less Indian resistance to Forbes' expedition than had been previously calculated. Post was even hopeful that some formal rapprochement between the Ohio Delawares and British officials might be forthcoming.

Denny took great pains to acknowledge Post's report publicly to all of the conference delegates, perhaps hoping that some of the Six Nations or other tribes present would volunteer recruits to assist Forbes. As the Ohio tribes seemed to be less hostile to the British, the danger to Forbes' army in its march on Duquesne was lessened considerably, and any Indian recruits who participated might not have to risk involvement in an unwelcome intertribal conflict with their Ohio brethren.

The Indians at Easton responded cautiously to Post's report. Although none volunteered to join Forbes' army, the Six Nations and the Delawares each appointed two representatives to escort Post back through potentially hostile territory to treat with the Ohio tribes. Peace belts were given to the Post delegation, signifying that the Six Nations Council supported total Indian withdrawal from French military service. Denny was warned by the Iroquois chiefs not to push an alliance with the Ohio Indians too fast or too hard "[as] The Wounds [are] not yet healed, nor Peace made, which must be done first." The governor was told that the best course to pursue for the present was to caution the Ohio Indians to abandon Fort Duquesne before the British attack - counsel which Denny immediately heeded.¹²⁴

124. "Easton Conference Proceedings," Pennsylvania Colonial Records, VIII: 207-208.

While Forbes' army slowly made its way toward the Ohio, Post hurried westward to inform the trans-Appalachian Delawares, Mingoes and Shawnees of the results of the Easton Conference.¹²⁵ On 7 November 1758 Post and his Indian party overtook Forbes. The general gave Post a message of his own, assuring the Ohio tribes that the British only wished to recapture their former fortress from the French and that the Indians had nothing to fear from his army. Post then proceeded in advance of the general, northward across the Allegheny River towards Beaver Creek, where he met with a large contingent of the western tribes. In this instance, the Moravian missionary was able to convince the Indians that the British intended neither to destroy them nor to seize their lands. He offered as proof the recent proceedings at Easton, where British officials had returned a large section of Delaware hunting territory to the Indians. Later, on November 24 and 25, Post held a meeting with Indians residing in the vicinity of Fort Duquesne. Here he read out the messages given him by Forbes and Denny promising that the British would make no reprisals for former Indian aggression against their armies and settlements. A French emissary who was present at the meeting was reported to have shaken visibly when the Indian leadership embraced Post and declared that it was the French who "always deceived us." The Indians agreed at once to withdraw their support from Duquesne and to leave the armies of the two European combatants to settle their differences alone.¹²⁶

Without the use of Indian advance parties, the French were powerless to stop Forbes' army from advancing on the French fortress. De Ligney, the French commander at Duquesne, seeing the last remnants of Indian support leaving his camp, gave orders to destroy the post and to retreat before Forbes' army arrived. When the British general reached Duquesne he found only the evacuated, smoldering shell of the former French stronghold.¹²⁷ The third and last military victory for the British in 1758 was confirmed without the firing of a single round of ammunition.

125. Post did not leave Pennsylvania until the Easton proceedings were almost completed. Denny sent formal instructions to Post with details of the land transfer arranged at the meeting. Denny to Post, 21 October 1758. Hazard, Pennsylvania Archives, III:556-557.

126. Post's journal of his proceedings with the Ohio Indians during November, 1758 is printed in Reuben Thwaites, ed., Early Western Travels (Cleveland, 1904-1907), I:234-281.

127. Peckham, Colonial Wars, pp. 177-178.

The destruction of Fort Duquesne at the hands of the French themselves was the end of a logical sequence of events. The process began in 1757 with widespread crop failures in Canada, which left distant outposts like Duquesne severely underprovisioned and short of men. It continued throughout the winter of 1757-58, with the British navy's capture of most French supply ships bound for North America. The situation worsened with the seizing of Fort Frontenac and its Indian provisions and stores for French posts on the Ohio. The sequence culminated with French loss of the western tribes' support and their abandonment of Fort Duquesne to the British.

The most important element in the British victory, however, appears to have been the loss of French-allied Indian assistance. If the Ohio tribes had remained loyal, they might well have been capable of destroying Forbes' poorly reinforced army, repeating the easy victory over British forces under Braddock.

The absence of Indian support was the fundamental cause of the French collapse on the Ohio in 1758. The Post missions had contributed a great deal to neutralizing Indian enmity toward the British and to drawing the western tribes away from the French camp during the summer and autumn of 1758.

The Treaty of Easton, carried by Post into the several villages near Fort Duquesne, had convinced the Indians that British intentions with respect to their lands should not be feared. Colonel Henry Bouquet, who served under Forbes, had commented upon their arrival at Fort Duquesne that "the success of this Expedition is entirely due to General [Forbes], who by bringing about the Treaty of Easton, has struck the blow which knocked the French in the head"¹²⁸ It had taken the British a very long time to recognize the importance of Indian lands to their potential success on frontier battlefields.

¹²⁸. Bouquet to Henry Allen, 25 November 1758. Stevens, Papers of Bouquet, III:611.

The Fall of Canada and the British Pursuit of Peaceful Relations with the Indians, 1759-1760

The year 1758 represented a watershed in the Anglo-French struggle for control of the North American continent. On three vital fronts, Nova Scotia, the Great Lakes and the Ohio, British military successes all but eliminated the French presence. More importantly, what remained of New France was now weak and vulnerable. The demise of Louisbourg opened up the possibility of an unhampered British naval attack against Canada itself via the Gulf of St. Lawrence and the St. Lawrence River. British control of the eastern end of Lake Ontario cut the crucial supply link between Montreal and the scattered posts still held by the French on the Ohio. Forts Niagara and Presqu'Isle were now within easy striking distance of either British-held Frontenac or old Fort Oswego. Fort Duquesne, renamed Fort Pitt by the British, provided Anglo forces on the Ohio with a strategic military foothold in that area to threaten the remaining French garrisons at Forts Le Boeuf and Venago, now critically undermanned and under-supplied. Finally, the psychological boost of the 1758 victories spurred British decision-makers to set their sights on conquest of the entire continent.

In September of 1758, even before the full results of the year's campaign arrived in London, Secretary of State Pitt decided to remove Abercromby from his American command in favour of Jeffrey Amherst.¹²⁹ Amherst had organized and led the successful expedition against Louisbourg, effectively co-ordinating British sea and land forces for the victory. The military objectives that Pitt was to establish for the British effort in 1759 demanded the kind of experience Amherst had gained at Isle Royale.

By late December of 1758, every major detail of the planned 1759 British military campaign had been settled. Pitt prescribed everything, from the precise deployment of specific regiments to the hiring of artillery trains to accompany the troops.¹³⁰ Amherst was ordered to lead another expedition northward from

^{129.} Pitt to the American Governors, 18 September 1758. O'Callaghan, N.Y.C.D., VII:345-346.

^{130.} Pitt to Amherst, 29 December 1758. Ibid., VII:355-560. In this long and detailed instruction to his new commander, Pitt left little to the general's discretion. At one point, the Secretary even reminded Amherst to hire sufficient battoe men for service on Lake Ontario.

Albany along the Lake George-Lake Champlain route in order to complete the work left unfinished by Abercromby the previous year.¹³¹ Amherst was expected to take Fort Carillon first and then to move northward against Crown Point and perhaps even Montreal. James Wolfe, who had worked under Amherst in the Louisbourg campaign, was given the task of commanding an amphibious expedition up the St. Lawrence, against Quebec. General Stanwix was commanded to defend Fort Pitt against an expected counter-attack by the French from Forts Venago and Le Boeuf. Another British force was to march to Lake Ontario, assist in the rebuilding of the old fortress at Oswego and, if circumstances provided, advance against the French post at Niagara.¹³² In a letter similar to that issued for the 1758 campaign, Pitt ordered the provinces to supply some twenty thousand troops for His Majesty's service.¹³³

British plans to proceed on three separate fronts while defending their hold on another meant that military resources - men, stores and supplies - would once again be stretched to the breaking point. Even with the successful recruitment of twenty thousand provincials and a reinforcement of another twelve thousand regulars from Britain, Indian assistance would be as valuable to the British service as it had ever been. British officials would have to employ the same strategy in 1759 as they had since the beginning of the war: recruit as many Indian volunteers as possible from tribes friendly to Great Britain and at the same time encourage those who showed hostility to remain, at the very least, neutral.

Of all the areas where French or Indian disturbances might reasonably be expected to challenge British-held positions in 1759, the situation on the Ohio was the most threatening. British control of this area depended primarily upon maintaining its possession of Fort Pitt and of the forks of the Ohio. While the Indians of the

131. It should be recalled that Abercromby, after an unsuccessful assault against Fort Carillon, had moved back southward to regroup and to plan a subsequently successful expedition by Stanwix and Forbes against Frontenac.

132. O'Callaghan, N.Y.C.D., VII:345-346.

133. Secretary Pitt to the Governors in North America, 9 December 1758. Ibid., VII:350-352. With the arrival of news of the 1758 British victories in North America, Pitt's popularity in Britain soared. His plans for the 1759 campaign were supported by the Cabinet Council almost without question. His demand for funds, eventually amounting to over three and three quarter million pounds sterling to support his war plans, was readily approved by Parliament. Gipson, British Empire, VII:289.

region had permitted British forces to take Fort Duquesne virtually unopposed, there had been no formal peace agreement negotiated between the two groups. The French still held Forts Venango and Le Boeuf and could be counted upon to encourage the Ohio Indians to oppose a continued British presence in the area.

Due to the lateness of the season and a scarcity of provisions available at Fort Duquesne, the majority of Forbes' army had been dispersed in the autumn of 1758 to neighbouring posts on the Pennsylvania frontier. Fort Pitt was left with a garrison of only two to three hundred men for the winter of 1758-59. Lieutenant-colonel Hugh Mercer, who had been given command of Fort Pitt, was eager to establish good relations with the local tribes. Primarily, he wanted to ensure that these Indians would not join the French in a surprise attack on his post, at least until reinforcements arrived from the northern provinces the following spring.¹³⁴

George Croghan, who had travelled to the Ohio at the conclusion of the 1758 Easton conference, and Frederick Post, who had remained in the area after the fall of Fort Duquesne, were sent out to invite the Indians to participate in talks with British officials at Fort Pitt. They were to give assurances to the Ohio tribes that such small supplies of foodstuffs and other provisions as existed at Fort Pitt for the winter of 1758-59 would be shared with those Indians who made peace with the British.

The promise of supplies - especially food - brought a large group of Ohio Indians to Fort Pitt in early December of 1758. Colonel Bouquet, whom Colonel Mercer had assigned to conduct talks with the neighbouring tribes, was well aware of the two issues which the Ohio Indians considered most vital to their interests: control over their lands and a sufficient supply of trade goods for the skin and peltry trade. When Bouquet called the Indians at Fort Pitt together for formal

134. Tootle, "Anglo-Indian Relations," p. 351; Gipson, British Empire, VII:329-330. General Forbes, as a result of sudden illness, was taken from Fort Pitt soon after the British arrival at the abandoned Fort Duquesne in the autumn of 1758. In the spring of 1759, Forbes' condition deteriorated and he died at Philadelphia.

discussions, his opening remarks reflected current British sensitivity to these issues. "We have not come here to take possession of your hunting Country in a hostile manner, as the French did," the colonel told his audience "but to open a large and extensive Trade with you and all other Nations of Indians to the Westward, who chuse to live in friendship with us."¹³⁵ Bouquet explained that the only reason British soldiers had been left in the territory was to protect British traders against the French, in whose interest it would be to plunder Anglo-Indian trade. He asked the Indians to support the British presence on the Ohio by warning his troops of any planned French attacks on Fort Pitt and by "send[ing] the French away out of your Country."¹³⁶

The Indian response to Bouquet's speech was conciliatory but non-committal; there was an obvious reluctance to have the French driven out of the Ohio completely. It was agreed, however, that the Indians would forewarn the British of any probable French attack on Fort Pitt and that the tribes represented at the conference would return all British prisoners they held from previous French and Indian attacks. Indian speakers expressed surprise that so many of Forbes' troops had remained on the Ohio "over the great Mountain[s]." They stated that while they had originally expected the full army to return to Pennsylvania once Fort Duquesne had been secured, they agreed to sanction the maintenance of a small garrison at Fort Pitt so long as it was employed solely to defend trading activities. The Indians declined to join the British forces in any possible assault against the remaining French strongholds on the Ohio, claiming they would have to confer with the leadership of other western tribes before such a serious step could be taken.¹³⁷

British officials at Fort Pitt interpreted the outcome of Bouquet's discussions with the Ohio Delawares as a complete success. Writing to Governor Denny soon after the conference ended, Colonel Mercer stated that Fort Pitt had "nothing

135. Minutes of the Fort Pitt conference of 4-5 December 1758 are printed in Hazard, Pennsylvania Archives, III:571-574.

136. Ibid., pp. 572-573.

137. Ibid., p. 573.

to fear from the Delawares."¹³⁸ He believed that the western tribes as a whole would await the results of the following summer's campaigns before committing themselves fully to either the British or the French. Mercer recognized that this delay would serve the Indians' own best interests and that in reality "[the Indians] are desirous of fighting neither on the side of the English nor the French but would gladly see both dislodged from this Place...."¹³⁹

The Ohio frontier remained relatively quiet during the spring of 1759. A few British traders venturing into the area suffered attacks from Indians who had remained loyal to the French, but there was no evidence that the French were gathering their forces together for a concerted attack on Fort Pitt. In June and July of 1759, George Croghan was ordered to return to the Ohio. Johnson asked his lieutenant to attempt to persuade the Ohio tribes to join in the Treaty of Easton, negotiated with the Susquehanna Delawares the previous October. The land cession by the Pennsylvania Proprietors, first announced at Easton, would be used as an example of British fair dealings with Indians. Johnson and Croghan agreed that the Treaty, along with Britain's natural advantage over the French in supplying trade goods and military provisions, would go a long way toward establishing a new alliance between Britain and the Ohio tribes.

Croghan's mission was a qualified success. The Ohio Delawares and representatives from several smaller tribes agreed to renew the Covenant Chain that had existed between them and the British prior to the start of the war. While not committing themselves to a military offensive alliance, the Indians residing in the vicinity of Fort Pitt agreed to adhere to "the mutual engagements" made at the 1758 Easton conference. The most important result of Croghan's effort, however, was the effective removal of any potential Indian threat against Fort Pitt. Croghan was able to convince the Indians that a strong British fortress at the forks of the Ohio was essential to the protection of their mutual trading interests.

138. Colonial Records of Pennsylvania, VIII:310; Cited in Tootle, "Anglo-Indian Relations," p. 352.

139. Colonial Records of Pennsylvania, VIII:305.

As the events of 1759 unfolded, the importance of establishing a close friendship with the Ohio tribes became self-evident. Brigadier-General Stanwix, who had been commissioned by Pitt to take command at Fort Pitt by March of 1759, experienced several difficulties in organizing sufficient recruits and transporting the necessary supplies to the Ohio.¹⁴⁰ As the summer approached and supplies began to dwindle at the British post, troop morale declined. Without reinforcements or fresh supplies, Fort Pitt remained dangerously vulnerable to attack.¹⁴¹ The French, who had dispatched six or seven hundred troops and a large contingent of Indians from the upper Great Lakes to Forts Le Boeuf and Venago, began preparing for raids on British supply trains and ultimately for an assault on Fort Pitt.¹⁴² However, without the co-operation of the Ohio tribes, the French knew that their chances for success were slight. Pleased with the re-establishment of a British trading centre and now committed to a policy of non-intervention in the Anglo-French conflict, the Ohios refused to commit any assistance to the French campaign. The French at Venago and Le Boeuf could not depend upon the Ohio Indians to permit French-allied tribes from the north to cross their territories without bloodshed.¹⁴³

By the time the French felt sufficiently confident to muster a strong attack on Fort Pitt, events had overtaken them. French consternation about what role the Ohio Indians might take in a confrontation over Fort Pitt had caused serious delays in the mobilization of French forces, and sufficient time passed to allow Stanwix to reach the forks of the Ohio with an army of 3 500 men.¹⁴⁴ In addition, the French were by now informed that a large British expedition was marching towards Fort Niagara - a post considered by the French

140. Colonial Records of Pennsylvania, VIII:382-389.

141. Amherst to Pitt, 29 March 1759. Kimball, Correspondence of Pitt, II:17.

142. Colonel Mercer to Bouquet, 12 May 1759. British Museum, "Bouquet Papers," Add. MSS. 21 644, folio 127.

143. Gipson, British Empire, VII:337-338.

144. It was also reported that emissaries from the Six Nations visited the French at Venago and had warned them not to attack Fort Pitt. Ibid., p. 338.

more important to hold than the entire Ohio. De Lignery, who had retained the French command on the Ohio during 1759, suddenly withdrew his forces from Forts Le Boeuf and Venango and headed northward towards Lake Erie. He hoped to arrive at Fort Niagara in time to assist his colleague, the Chevalier Pouchat, to defend the last French stronghold on the lower Great Lakes.¹⁴⁵ With the disappearance of most of the French forces from the Ohio by mid-summer of 1759, the British could concentrate their efforts on establishing permanent possession and control of the region.¹⁴⁶

In the detailed instructions which Pitt had forwarded Amherst for the conduct of British military operations in 1759, the Secretary had allowed his American commander-in-chief one major option within the overall mandatory plan: whether or not Fort Niagara would be a priority target for British forces. Pitt told Amherst:

It were much to be wished any Operations on the Side of Lake Ontario could be pushed on as far as Niagara, and that you will find it practicable to set on foot some Enterprise against the Fort there, the Success of which would so greatly contribute to establish the uninterrupted Dominion of that Lake, and, at the same time, effectually cut off the Communication between Canada, and the French Settlements to the South; . . . it is unnecessary to add anything to enforce your giving all proper Attention to the same so far as the great and main Objects of the Campaign shall permit.¹⁴⁷

Before Pitt's instructions reached Amherst it appears that the general was already contemplating the possibility of an expedition against Niagara. This had come about primarily as a result of urgings from William Johnson. Amherst had written Johnson in December of 1758, asking him to report as soon as possible how many Indians British forces could expect to depend upon for the 1759 operations.¹⁴⁸

145. Gipson, British Empire, VII:339. Bouquet to Fauquier, 25 August 1759. "Bouquet Papers," British Museum, Add. MSS. 21 652, folio 226.

146. Gipson, British Empire, VII:338-339. The French still had Fort Presqu'Isle on the southern shore of Lake Erie but it was barely occupied by the summer of 1759.

147. Pitt to Amherst, 29 December 1758. O'Callaghan, N.Y.C.D., VII:359.

148. Amherst to Johnson, 13 December 1758. Sullivan, Papers of Johnson, III:12-13.

Johnson, who then conferred individually with the leaders of the Six Nations, was unable to give the precise number of potential Iroquois but informed Amherst that "if an Expedition was designed against Niagara . . . I shou'd be able to prevail upon the greater Part if not the whole of them to join His Majesty's Arms . . ."¹⁴⁹

Johnson's optimism over the possibility of significant Iroquois support for the British campaign of 1759 was a complete reversal of outlook from the previous year. Three factors appear to account for the Six Nations' change of attitude. British military successes in 1758 had convinced the Iroquois that Britain might well push the French entirely out of North America. Secondly, the Easton land transfer of territories west of the Appalachian divide provided encouragement that British land policies for the protection of Indian hunting grounds had improved significantly. Thirdly, the presence of the French at Fort Niagara had always been seen by the Iroquois as an invasion of their sovereignty over territories surrounding the Great Lakes. The existence of a trading centre at Niagara had also permitted tribes from the west and the northwest to trade directly with the French instead of channelling their furs through Iroquois middlemen. It appears that the taking of Niagara brought British and Iroquois objectives conveniently into line.

At first, Amherst did not accept Johnson's suggestion for an assault on Niagara as either desirable or practical. He did, however, give the Superintendent enough encouragement to have him sound out the Confederacy as to how many Iroquois could be expected to participate in such a campaign.¹⁵⁰

Johnson called a Six Nations conference for April of 1759, hoping not only to establish a commitment in numbers willing to march on Niagara but also to put British-Iroquois relations on a stronger footing. On 12 April 1759 the Six Nations Council assembled at the Mohawk castle Canajohorie for its meeting with Johnson. Soon after the proceedings began, Johnson threw down a war

¹⁴⁹. Johnson to Amherst, 16 February 1759. Sullivan, Papers of Johnson, III:12.

¹⁵⁰. Amherst to Johnson, 24 February 1759. Ibid., III:21.

belt in a dramatic gesture, exhorting the Iroquois to join him in a march against their common enemy, the French. Within a short time, the Six Nations leadership accepted the challenge and pledged to send as many of their warriors to assist Johnson as could be spared.¹⁵¹

Before any specific mention was made of Niagara as the anticipated target of a combined British-Indian force, the Superintendent discussed several other points of importance to Anglo-Iroquois relations. He brought with him the completed deed to western lands negotiated at Easton the previous October and pledged that the Iroquois could take this as a sign that "the king had given orders to all his Governors in America not to authorize any sale of Lands from Indians but what should be transacted in an open and publick Meeting of all the Indians concerned."¹⁵² Johnson stressed that this point alone should be sufficient to convince all the Indians "how false the accusations of the French are that we are at war with them, in order to get Your Country from You." With regard to trade, Johnson promised the Iroquois that they will "have no reason to complain . . . for care will be taken that our traders shall deal honestly by you, and that goods shall be plentiful & more so [after the war] than at present."¹⁵³ Finally, after the Iroquois demanded that the British "march as speedily as you can with an Army against Niagara," Johnson pledged that once authorization had been received from Amherst, he himself would lead the expedition.¹⁵⁴ The Iroquois departed Canajohorie promising to be ready for battle when the Superintendent called upon them.¹⁵⁵

Johnson informed Amherst immediately of the results of the conference, expressing his opinion that "for many Years past, His Majesty's Indian Interest hath not

151. Proceedings of the Canajohorie Conference of April 1759 are printed in O'Callaghan, N.Y.C.D., VII:380-394.

152. Ibid., p. 391.

153. Ibid., p. 390.

154. Ibid., pp. 391-392.

155. Ibid., p. 394.

wore so favourable a Face, nor given Us such Encouraging prospects." He told the general that the Iroquois had stressed the importance and urgency "that an Enterprise should be taken against Niagara."¹⁵⁶ Johnson assured Amherst that once the decision was made to march on Niagara, he could send at least eight hundred Iroquois into battle. He concluded his remarks by stating that "the Reduction of Niagara will Overset the whole French Indian Interest, and Trade, and throw it into Our hands."¹⁵⁷

Occupied with the organization of his own campaign for the Lake George/ Lake Champlain region, Amherst did not authorize preparations for an assault on Niagara until May 19. On that day, Amherst wrote to Johnson, informing him that he concurred with the Superintendent's submission for a raid on Niagara and had elevated Colonel John Prideaux to the rank of general to command the whole expedition. Johnson was to recruit as large an Indian contingent as he could gather and to rendezvous at Oswego with the 3 500-man force assigned to Prideaux.¹⁵⁸

The Niagara campaign actually had two principal objectives: to rebuild the British trading post at Oswego and to strike a surprise blow against the French at Niagara. In late May, Prideaux's army left Schenectady and reached Oswego a month later. At the same time, Johnson departed from Fort Johnson and recruited his Indian forces while travelling north, reaching Oswego a few days after Prideaux.¹⁵⁹ By the time Johnson made his way into Oswego he had with him some nine hundred Iroquois warriors.

156. Johnson to Amherst, 21 April 1759. Sullivan, Papers of Johnson, III:28.

157. Johnson to Amherst, 22 April 1759. Ibid., III:31.

158. Amherst to Johnson, 19 May 1759. Ibid., III:42-43.

159. Johnson had sent messages ahead, summoning the various Six Nations villages to supply as many warriors as they could for the project. The Lower Mohawks arrived at Fort Johnson before the Superintendent departed; Indians from the Susquehanna were to wait for Johnson's army at Fort Stanwix; the upper tribes were to join Johnson at Oswego. Johnson to Amherst, 24 May 1759. Ibid., p. 46.

Prideaux assigned the task of rebuilding Oswego to Colonel Frederick Haldimand, who remained at the site with a force of 1 500 men.¹⁶⁰ Prideaux and Johnson, with the remainder of the British troops and all the Indians, departed Oswego for Niagara on June 30. After six days' travel on Lake Ontario, the British-Indian contingent made its surprise landing about three miles east of the Niagara River and the French fort.¹⁶¹

The French garrison at Niagara, under Captain François Pouchet, numbered fewer than five hundred men. Only a few Indians had remained at Niagara in the spring of 1759, the majority having been sent to assist De Lignery on the Ohio.¹⁶² Prideaux was cognizant of the fort's weakened state and proceeded immediately to put Niagara under complete siege. During the preliminary operations, however, the British general was accidentally killed and command of the entire expeditionary force devolved to Johnson.¹⁶³

In a counter-strategy, Pouchet prevailed upon one of his allied Seneca chiefs to attempt to persuade Johnson's Iroquois to abandon the British forces. The Seneca, Kaendae, arranged a meeting between himself and representatives of Johnson's Indian contingent. The enterprise failed. At the meeting, the British-allied Iroquois told Kaendae they would remain loyal to Johnson and warned the Seneca chief that if his people chose to stay inside the fort they risked death.¹⁶⁴

160. De Lancey to the Board of Trade, 24 July 1759. O'Callaghan, N.Y.C.D., VII:395.

161. Johnson's "Orderly Book" of the expedition from 21 June to 29 August 1759 is printed in Sullivan, Papers of Johnson, III:49-55.

162. Pouchet's report on the state of the forces at Fort Niagara in the early summer of 1759 and details concerning the ensuing battle are contained in O'Callaghan, N.Y.C.D., X:997-990.

163. Tootle, "Anglo-Indian Relations," p. 358; A. Doughty, ed., An Historical Journal of the Campaigns in North America for the years 1757, 1758, 1759 and 1760 by Captain John Knox (Toronto, 1914-1916), I:403.

164. Gipson, British Empire, VII:350-351.

In the meantime, a large French relief force which included a thousand Indians was reported to be headed towards Niagara from the Ohio.¹⁶⁵ Rumours circulated that the French force had already reached Lake Erie and was preparing to attack the British siege installations. Johnson's Iroquois now grew uneasy at the prospect of being caught between the French relief force and the Senecas who remained inside the fort. However, on July 24 Kaendae and his followers decided not to risk the possibility of an early British attack and deserted the French fort en masse.¹⁶⁶

The departure of pro-French Indians from Fort Niagara allowed Johnson freedom to move some of his men away from Niagara to check the rumoured French advance on Lake Erie. Johnson sent a contingent of some four hundred and fifty militia and six hundred Indians with orders to ambush any French party marching towards Niagara.¹⁶⁷ The strategy was successful. Before nightfall on July 24, British forces inflicted heavy casualties on De Lignery's relief expedition, smashing Pouchet's hopes for assistance from that quarter. The survivors of the ambush advised Pouchet to surrender. On 25 July 1759, realizing that further resistance was futile, Pouchet capitulated and handed Fort Niagara and its contents over to Johnson.¹⁶⁸ The strategically located French post, key to the control of the Great Lakes and the French outposts to the south and west, was suddenly a credit in the British ledger.

The importance of the British victory at Niagara to the outcome of the war cannot be underestimated. The two parts of France's New World empire were completely and irrevocably severed by Niagara's demise. Soon after Johnson's victory, the French destroyed their isolated forts at Presqu'Isle, Le Boeuf and Venago, eradicating French presence on the Ohio and around the Great Lakes.

Outside the purely military advantage which the British gained from the fall of Niagara, there were important commercial considerations. Two months

165. This was the De Lignery expedition which had recently abandoned plans to re-take Fort Pitt. "Pouchet's Report," O'Callaghan, N.Y.C.D., X:986.

166. Letter of Captain James De Lancey, 25 July 1759. O'Callaghan, N.Y.C.D., VII:402.

167. Ibid., pp. 402-403.

168. Tootle, "Anglo-Indian Relations," p. 359.

before Johnson completed his successful mission to Niagara, he told the Board of Trade in London:

the Reduction (of Niagara) ... will throw such an extensive Indian Trade and Interest (for they are inseparable) into our hands, as will in my humble opinion oversett all those ambitious and lucrative schemes which the French have projected.¹⁶⁹

The Superintendent reasoned that the whole of the western and northern trade, which used to be directed to Niagara, would find its way to Oswego after the British seizure of the French fort. Fort Oswego's growing prosperity after the summer of 1759 attested to the accuracy of Johnson's prediction.

The British victory at Niagara was precisely the example of British military strategy and persistence needed to solidify continued Iroquois support. In fact, the Six Nations contingent which had followed Johnson to Lake Ontario had themselves played a vital role in the campaign's success. At least one historian has speculated that "If Johnson had not had his Iroquois, the 1 200-man French (relief) force accompanied by its one thousand Indians could have joined with the fort's garrison to outnumber Johnson's army and possibly to administer a defeat to the British."¹⁷⁰ The conquest of the French at Niagara strengthened British interest among North American tribes generally and solidified Iroquois support in particular. The events at Niagara in the summer of 1759 accomplished what two decades of British Indian diplomacy had failed to achieve. Hearing the news of Johnson's successful Niagara expedition, Lieutenant-governor De Lancey commented:

The Advantages arising from this (victory) are of very great consequence ... Most of the Indians will begin to see that it is in their interest to join us. The distresses of Canada, the disability of the French to supply them as usual, and the difficulties they must always find, while we have Niagara, will induce the Indians to throw themselves under the protection of His Majesty.¹⁷¹

169. Johnson to the Lords of Trade, 17 May 1759. O'Callaghan, N.Y.C.D., VII:376.

170. Tootle, "Anglo-Indian Relations," p. 360.

171. De Lancey to the Lords of Trade, 10 August 1759. O'Callaghan, N.Y.C.D., VII:401.

As Prideaux and Johnson advanced against Fort Niagara, and as Colonel Mercer marked time at Fort Pitt, General Amherst marched with a force of some 8 000 regular soldiers and militiamen¹⁷² towards Lake Champlain. Pitt had instructed Amherst to attack Canada via either Crown Point or Fort Galette, concentrating his strength against either Montreal or Quebec, whichever was the most practical.¹⁷³ In essence, it was the same plan given to Abercromby the year before, which had never been executed beyond an unsuccessful attack against Fort Carillon on the upper end of Lake George.

On 22 July 1759, as Amherst positioned his army for an all-out assault against Fort Carillon, it was learned that the French commander Boulemarque, under orders from General Montcalm, had destroyed the fort, abandoned the Lake George position and retreated northward towards the Richelieu River.¹⁷⁴ After spending a week at the vacated Fort Carillon, Amherst was informed that his next objective, Crown Point, had also been abandoned and destroyed.¹⁷⁵ Boulemarque had withdrawn his forces northward down the Richelieu, all the way to Isle-aux-Noix, a few miles outside Montreal. There the French had chosen to erect a strong defensive position against a possible British attack on Montreal, the most important commercial center remaining in France's North American empire.¹⁷⁶

If Amherst were to do battle with Boulemarque's forces during the 1759 campaign season, it would have to be very late in the year and deep inside French territory. Not surprisingly, the British commander-in-chief chose to remain at Crown

172. Amherst had been allocated most of the recruits raised in the northern colonies along with seven regiments of British regulars. Gipson, British Empire, VII:360.

173. Pitt to Amherst, 29 December 1758. O'Callaghan, N.Y.C.D., VII:350-351.

174. Gipson, British Empire, VII:363. It was estimated that Boulemarque had approximately 2 500 troops under his command.

175. Ibid., p. 364.

176. Ibid.

Point, to strengthen British control over Lake Champlain and to build new military installations at the site of old Fort Frederick.¹⁷⁷ Boulemarque's retreat to Isle-aux-Noix left the path open for an unhampered British assault on Montreal in the spring of the following year.

The final and, to the British Secretary of State, the most important British military endeavour of 1759 was to be the expedition against Quebec led by Brigadier-General James Wolfe. When Wolfe returned to England in the autumn of 1758 after the fall of Louisbourg, he was given his own personal and private instructions by Pitt for the forthcoming year's campaign against Canada.¹⁷⁸ Wolfe was permitted his choice of staff officers to accompany him back to North America and left England on 14 February 1759 to begin operations.¹⁷⁹

Wolfe arrived in Halifax in April and moved his headquarters to Louisbourg the following month, collecting some nine thousand regular and militia troops on board his ships before departing for the Gulf of St. Lawrence in early June.¹⁸⁰ A month later, all of the British warships under Rear-Admiral Charles Saunders reached Isle d'Orleans, a mere five miles from the expedition's main objective - the town of Quebec.

Montcalm, who had been given orders from Paris to organize Quebec's defences for 1759, had some twelve thousand regular and civilian militia at his disposal. There were, however, only two hundred Indians who chose to remain in Quebec after the spring trading activities ended in early June.¹⁸¹ Foodstuffs and other

177. Amherst to Pitt, 29 October 1759. Kimball, Correspondence of Pitt, II:189. Amherst actually had three new forts built on Lake Champlain: the Grenadier Fort, the Light Infantry Fort, and George's Fort. The commander-in-chief's actions were consistent with the options outlined in Pitt's 29 December 1758 Instructions.

178. Gipson, British Empire, VII:375.

179. Colonel Robert Monkton, who had engineered the capture of Fort Beauséjour, and Colonel James Murray, who had served with Wolfe at Louisbourg, were chosen as two of Wolfe's brigade commanders. The third officer was George Townshend, brother of Charles Townshend of Board of Trade notoriety. The quartermaster-general appointed for the expedition was Colonel Guy Carleton. Wolfe's adjutant-general was Major Isaac Barré. As the operation was to be an amphibious one, it was necessary to choose a naval commander; this job went to Rear-Admiral Sir Charles Saunders, who had seen extensive duty in the Mediterranean from the beginning of the war. Ibid., pp. 374-375.

180. Ibid., p. 377.

181. Ibid., p. 391.

provisions were as scarce in the province as they had been during the previous two years, with no prospect of relief. British naval activity in the St. Lawrence and off the coast of Brest had prevented France from sending even the barest essentials for the support of what remained of the French empire in North America.¹⁸² There was scarcely sustenance for the civilian population of Canada and even less for French troops and Indian auxiliaries.¹⁸³

The saga of Wolfe's ultimate victory over Montcalm and the capture of Quebec is well known. After spending most of the summer on Isle d'Orleans and exchanging fire with French batteries defending the city, Wolfe's troops scaled the heights of land above Quebec on the night of September 12-13 and met Montcalm's forces on the Plains of Abraham the following day. In the ensuing historic battle, both Montcalm and Wolfe were fatally wounded; on September 18 the French second-in-command, General de Ramezay, signed articles of capitulation.¹⁸⁴ The final outcome of the war in North America was no longer in question: only a badly weakened, isolated and desperate Montreal survived the 1759 British military effort. It would be conquered the following summer.

The military part played by Indian recruits in the struggle for Quebec was a minor one. No Indians are acknowledged as having participated on the British side, and the French employed the few Indians who remained in the city as scouts to spy on British troop movements during the long siege. Also, consistent with the British policy of viewing Indians as subjects or potential subjects of the British Crown, no separate peace was signed with the native inhabitants of Quebec after the British victory. In fact, no separate article regarding the Indians or how the British planned to deal with their former tribal enemies was included in the capitulation terms.

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182. Montcalm was told by officials at the Ministry of Marine that the king was compelled to depend, for the safety of Canada, largely upon his "wisdom and courage and the bravery of the Troops already there." La Belle to Montcalm (n.d.). O'Callaghan, N.Y.C.D., X:944.
183. Most of the Indians whom Montcalm counted upon for defending Quebec had accompanied the French force dispatched to the Ohio in early 1759 for the retaking of Fort Pitt and the defence of Niagara.
184. Accounts of the British operations at Quebec appear in Pargellis, Military Affairs, pp. 433-439. A "Narrative of the Siege of Quebec," written presumably by a French soldier, is translated and printed in O'Callaghan, N.Y.C.D., X:993-1001. A summary of the campaign, penned by the French official M. Bernier and sent to Paris, is also translated and printed ibid., pp. 1001-1003. The terms of surrender, included in a letter from Governor Vaudreuil to M. Berryer of 21 September 1759 are also printed and translated ibid., pp. 1011-1013.

As a result of British military operations in North America during 1759, one fact was as clear to the Indians of the country as it was to the non-native inhabitants: the British would soon be masters of the entire continent. And, if the British had not defined or declared a comprehensive policy towards all Indians, it would soon be necessary to do so. On the Ohio, around the Great Lakes and in Quebec, as British forces solidified their control over strategic military and commercial pressure points, Indian tribes would become increasingly anxious about their future under the new regime.

Soon after the French had abandoned Forts Le Boeuf and Venango, the still-powerful and independent tribes of the Ohio Valley began making cautious overtures of peace to British officials. At a conference at Fort Pitt, a Wyandot chief went so far as to apologize for his nation's former attachment to the French and pledged his personal friendship to the present occupants of the forks of the Ohio.¹⁸⁵ At Niagara, after the post was taken by Johnson, a Chippewa chief, Tequakareigh, told British officials that his people had been deceived by the French and that they now desired peace with the British. Tequakareigh promised to persuade the fiercely anti-British Mississaugas to declare their friendship to Johnson and to supply the British garrison at Niagara with fresh game and fish during the coming winter.¹⁸⁶ Everywhere, it seemed, the Indians were eager to establish themselves as part of a victorious coalition and future partnership with the British. One commentator on the period has concluded that the Indians' continued prosperity - if not survival - in the coming post-war period depended upon establishing good relations with the British.¹⁸⁷

The British military objective for 1760 was simple and straightforward: the reduction of Montreal. Organization of the British war effort for the 1760 campaign took on a familiar pattern. Pitt, as usual, sent detailed instructions to his commander-in-chief and urged the colonies by circular letter to maintain

185. Colonial Records of Pennsylvania, VIII:432. Cited in Tootle, "Anglo-Indian Relations," p. 363. The chief acknowledged in his speech that the British "... have it now in your power to have all the Indian Nations in your Interest."

186. "Private Diary kept by Sir William Johnson at Niagara and Oswego, 1759," in Doughty, Journal of Knox, III:193.

187. Tootle, "Anglo-Indian Relations, p. 363.

their high level of contribution of men and supplies for the coming year.¹⁸⁸

As in 1758 and 1759, Johnson was asked to prevail upon as many Indians as he could to participate in the British service.¹⁸⁹ Also, as in previous years, the British-allied campaign was to be a multi-pronged attack, demanding the co-ordination and co-operation of several senior military personnel. The chief difference in 1760 was that all forces would be directed towards one target.

Amherst, with the largest contingent of troops under his command, proceeded toward Montreal via the Mohawk, Oswego and St. Lawrence Rivers. A smaller British force under the command of Colonel William Haviland moved up along the Lake Champlain-Richelieu River route, retracing Boulemarque's retreat of the previous autumn. At the same time, General James Murray, now appointed Wolfe's successor as commander of the Quebec forces, advanced up the St. Lawrence toward the French city.¹⁹⁰

Johnson had met with the Onondaga Council in February of 1760, where he learned that during the pervious month several pro-French Indians from Canada had attempted to prevail upon the Iroquois to stay neutral in the inevitable clash over Montreal.¹⁹¹ Johnson warned the Iroquois leadership of possible "Treachery" on the part of their Canadian brethren and reminded the delegates of former incidents when Iroquois captives were cruelly treated by these same Indians. He implied that the Canadian tribes might be plotting a trap for the Iroquois and stated that if they sincerely desired peace, they should come to Onondaga and meet openly and formally with British as well as Six Nations officials.¹⁹²

188. Secretary Pitt to Major-general Amherst, 11 December 1759, 7 January 1760. O'Callaghan, N.Y.C.D., VII:417-419, 422-424. Secretary Pitt to the Governors of North America, 7 January 1760. Ibid., p. 420-421.

189. Amherst to Johnson, 23 February 1760. Sullivan, Papers of Johnson, III:192-193. Amherst also requested that in this instance, the Superintendent should also attempt to bring over "as many as possible, of the enemy Indians, as still remain attached to [the French]..."

190. Tootle, "Anglo-Indian Relations," p. 364.

191. The principal tribes who sent representatives to the Six Nations were the Caughnawagas who resided just south of Montreal and the Skaghaquanoghronos from Trois Rivières. Proceedings of the 13-14 February 1760 conference between the Six Nations Council and Johnson are in Sullivan, Papers of Johnson, III:188-192.

192. Ibid., pp. 190-192.

Johnson appears to have been successful at thwarting any possible alliance of war or neutrality between the Six Nations and the Canadian tribes. By July 1760 the Superintendent was able to muster nearly six hundred Iroquois warriors for Amherst's army.¹⁹³

When Johnson's Six Nations contingent reached Oswego to rendezvous with Amherst, the presence of such a large Six Nations force under arms caused extreme apprehension among the former pro-French tribes residing along the southern shore of Lake Ontario. Out of fear or respect for the size of the British army, a number of these Indians joined Amherst's troops during the trek eastward.¹⁹⁴ As the commander-in-chief made his way towards Montreal, minor victories over the small French posts of Levi and La Galette persuaded eight hundred more formerly hostile Indians to pledge neutrality in the final battle of the war against French-Canada.¹⁹⁵ By the time Amherst reached Montreal, he had almost one thousand Indian warriors within his ranks.

The fate of the French trading capital was a foregone conclusion. Amherst's ten thousand regular soldiers and militia, along with the largest Indian force ever to accompany a British expedition, approached their objective unhampered by enemy resistance. By late summer, all three British armies under Amherst, Murray and Havilland converged on the hapless and isolated French city. After the fall of Isle-aux-Noix, the final defence post between the British troops and Montreal, the city's fate was sealed.¹⁹⁶ With only two thousand civilian volunteers and regular soldiers at his disposal, cut off from every possible means of relief and abandoned by his Indian auxiliaries, Governor Vaudreuil had no choice but to surrender.¹⁹⁷ On 8 September 1760, the French governor signed Amherst's articles of capitulation, turning over all of Canada, including the western trading

193. Johnson to William Pitt, 24 October 1760. Sullivan, Papers of Johnson, III:271.

194. Ibid.

195. Ibid. In reality, several joined Amherst's army and followed him to Montreal.

196. Ibid.

197. Gipson, British Empire, VII:449-462.

their high level of contribution of men and supplies for the coming year.¹⁸⁸

As in 1758 and 1759, Johnson was asked to prevail upon as many Indians as he could to participate in the British service.¹⁸⁹ Also, as in previous years, the British-allied campaign was to be a multi-pronged attack, demanding the co-ordination and co-operation of several senior military personnel. The chief difference in 1760 was that all forces would be directed towards one target.

Amherst, with the largest contingent of troops under his command, proceeded toward Montreal via the Mohawk, Oswego and St. Lawrence Rivers. A smaller British force under the command of Colonel William Haviland moved up along the Lake Champlain-Richelieu River route, retracing Boulemarque's retreat of the previous autumn. At the same time, General James Murray, now appointed Wolfe's successor as commander of the Quebec forces, advanced up the St. Lawrence toward the French city.¹⁹⁰

Johnson had met with the Onondaga Council in February of 1760, where he learned that during the pervious month several pro-French Indians from Canada had attempted to prevail upon the Iroquois to stay neutral in the inevitable clash over Montreal.¹⁹¹ Johnson warned the Iroquois leadership of possible "Treachery" on the part of their Canadian brethren and reminded the delegates of former incidents when Iroquois captives were cruelly treated by these same Indians. He implied that the Canadian tribes might be plotting a trap for the Iroquois and stated that if they sincerely desired peace, they should come to Onondaga and meet openly and formally with British as well as Six Nations officials.¹⁹²

188. Secretary Pitt to Major-general Amherst, 11 December 1759, 7 January 1760. O'Callaghan, N.Y.C.D., VII:417-419, 422-424. Secretary Pitt to the Governors of North America, 7 January 1760. Ibid., p. 420-421.

189. Amherst to Johnson, 23 February 1760. Sullivan, Papers of Johnson, III:192-193. Amherst also requested that in this instance, the Superintendent should also attempt to bring over "as many as possible, of the enemy Indians, as still remain attached to [the French]..."

190. Tootle, "Anglo-Indian Relations," p. 364.

191. The principal tribes who sent representatives to the Six Nations were the Caughnawagas who resided just south of Montreal and the Skaghaquanoghranos from Trois Rivières. Proceedings of the 13-14 February 1760 conference between the Six Nations Council and Johnson are in Sullivan, Papers of Johnson, III:188-192.

192. Ibid., pp. 190-192.

Johnson appears to have been successful at thwarting any possible alliance of war or neutrality between the Six Nations and the Canadian tribes. By July 1760 the Superintendent was able to muster nearly six hundred Iroquois warriors for Amherst's army.¹⁹³

When Johnson's Six Nations contingent reached Oswego to rendezvous with Amherst, the presence of such a large Six Nations force under arms caused extreme apprehension among the former pro-French tribes residing along the southern shore of Lake Ontario. Out of fear or respect for the size of the British army, a number of these Indians joined Amherst's troops during the trek eastward.¹⁹⁴ As the commander-in-chief made his way towards Montreal, minor victories over the small French posts of Levi and La Galette persuaded eight hundred more formerly hostile Indians to pledge neutrality in the final battle of the war against French-Canada.¹⁹⁵ By the time Amherst reached Montreal, he had almost one thousand Indian warriors within his ranks.

The fate of the French trading capital was a foregone conclusion. Amherst's ten thousand regular soldiers and militia, along with the largest Indian force ever to accompany a British expedition, approached their objective unhampered by enemy resistance. By late summer, all three British armies under Amherst, Murray and Havilland converged on the hapless and isolated French city. After the fall of Isle-aux-Noix, the final defence post between the British troops and Montreal, the city's fate was sealed.¹⁹⁶ With only two thousand civilian volunteers and regular soldiers at his disposal, cut off from every possible means of relief and abandoned by his Indian auxiliaries, Governor Vaudreuil had no choice but to surrender.¹⁹⁷ On 8 September 1760, the French governor signed Amherst's articles of capitulation, turning over all of Canada, including the western trading

193. Johnson to William Pitt, 24 October 1760. Sullivan, Papers of Johnson, III:271.

194. Ibid.

195. Ibid. In reality, several joined Amherst's army and followed him to Montreal.

196. Ibid.

197. Gipson, British Empire, VII:449-462.

posts of Detroit and Michilimakinac, to the British.¹⁹⁸ The contest for control of the middle and eastern portions of the continent, begun more than a century before, was finally ended. Although the European phase of the Seven Years' War would not officially draw to a close until the February 1763 Peace of Paris, the military struggle between Britain and France for North America was now over.

198. Gipson, British Empire, VII:462-467.

PART V

POST-CONFLICT RELATIONSProblems of Land and Trade: the Appalachian Divide and the New York Frontier

The capitulation of New France on 8 September 1760 was a momentous event for the commercial prospects of every British subject in North America. Whatever the public reasons offered by France or Britain for their respective involvements in such a long and costly war - national honour, maintenance of a European balance of power, political principles - the real struggle was for economic hegemony over the known and potential wealth of North America.

It had been not only a war between the armies and navies of two rival empires, but also a clash between two distinct philosophies of colonial government. The fact that Britain prevailed, however, was not a testament to the superiority of its brand of mercantilism over that of France. Britain's victory in North America came rather as a result of its ability to adapt to the changing demands of wartime conditions - a willingness to adopt its rival's approach of a more centralized, imperially-directed colonial management. During the period between 1754 and 1760, Britain not only accepted full responsibility for every detail of the North American war effort, but pledged to underwrite the entire burden of the attendant costs. A major post-conflict question in the minds of many Britons, both at home and in North America, was whether the mother country would continue its close political, economic, and administrative involvement in the affairs of the colonies or return to the laissez-faire approach characteristic of pre-war times.

While the French and British North American empires had differed in their philosophical underpinnings, they had shared the same impulse for survival and prosperity: a need for commercial growth and expansion. Both countries had accepted the mercantile principle that world trade was finite and that any commercial gains by one nation had to be made at the expense of another. By the mid-eighteenth century, a new philosophy of colonial development, imperialism,

had introduced the idea that a nation's strength was reflected in the size and prosperity of its colonial possessions. The one common denominator in both imperialism and mercantilism was the recognition of commercial growth as a measure of national success.

Overlapping claims to political jurisdiction and hence to commercial rights over territories on the Ohio, in Nova Scotia, and around the Great Lakes had precipitated and fuelled open conflict between France and Britain in the early 1750's. After 1760, complete British control over all of these areas provided Britain unparalleled opportunities for commercial expansion. The question was not whether expansion would take place, but whether it would be unbridled or orderly.

The two elements which galvanized the rival expansionist aspirations of France and Britain had been land and trade. A formidable French military presence on the Ohio, in the Mississippi Valley and in Nova Scotia had frustrated the extension of British settlement and agriculture beyond Atlantic coastal regions. Prior to 1760, British migration over the trans-Appalachian divide and north of the Bay of Fundy had been relatively unattractive and potentially dangerous. French fortifications and trading posts on the Ohio, in the Great Lakes region and at Louisbourg had also siphoned off much of the continent's valuable furs and skins - not to mention the vast quantities of fish and timber which found their way into the holds of French rather than British ships. With the elimination of the French military presence, British farmers, settlers, entrepreneurs, merchantmen and venture capitalists would be eager to exploit the potential of those resources themselves.

As momentous as the impact of the French defeat in North America was for the two European antagonists, the outcome was even more significant for the continent's native peoples. During the previous century and a half, Indians had been as much a factor in the economic, military, and political fabric of North America as any other interest group or community residing there. Yet, in many ways, their situation was uniquely delicate, if not precarious. Much of their

influence had been predicated on the growth and continuation of the Anglo-French rivalry over land and trade. In successive wars, commercial confrontations, and jurisdictional power struggles, they had taken sides, exerted their influence and, for the most part, maintained the balance of power between the two European rivals. In so doing, they had also taken care to protect or extend their own interests. British victory and the elimination of the historic Anglo-French struggle would ineluctably alter, if not end, this traditional source of power. The nature of the future relationship between Indians and the victorious British would naturally become a pre-occupation of both parties in the post-conflict period.

British-Indian relations policy was of vital concern to the colonies, as it touched upon several issues of long-standing importance to the North American community. Over the years, British provinces from New England southward had unilaterally extended their borders westward, beyond the Appalachian divide. While actual settlement was never fully undertaken, pretence to ownership of lands clashed with Indian assertions of traditional rights to hunt, fish, trap and live in these territories. Trans-Appalachian lands, viewed as a future source of agricultural and commercial wealth by the colonies, were seen by the Indians as belonging exclusively to them on the basis of tradition and prior possession. Agreements made during the war, such as that at Easton in 1758, appeared to substantiate the principle that Indian lands which had not been officially and publicly surrendered would remain in possession of the native inhabitants. Some decision would have to be made on whether such agreements would be allowed to hinder post-war expansion of the eastern seaboard colonies into the western hinterland.

There was also the question of overall jurisdiction in the area of Indian diplomacy and the management of Indian affairs. Since 1756, William Johnson in the north and Edmund Atkin in the south had each held their respective superintendencies by imperial commission from the home government. But the extent of their authorities was not altogether clear on issues involving land and trade. With few exceptions, colonial governments had felt compelled during the war to refer questions relating to Indians to these men or their appointed deputies.

Whether this practice would continue after the war was still open to question in 1760. The imperial government could not be denied its influence in Indian affairs while it continued to underwrite much of the financial burden of pro-British Indian military activities. But in peacetime the colonies had always preferred to deal with the Indians separately and on their own terms. If Britain were to continue its policy of centralizing control over colonial matters from London, it would either have to provide its superintendents with more civil powers, prescribe firm guidelines respecting Indian lands and trade for all the colonies, or both.

Finally, there was the separate question of the fur trade and regulations governing commercial activities between Indians and British traders. Elimination of the old French trading posts or their replacement by British factors meant a virtual end of the old Anglo-French competition for the lucrative skin and peltry trade. The monopoly which the British would now enjoy in this area of commercial activity proffered badly for the continuance of a strong competitive market that had often favoured the Indian seller over the European buyer of skins and furs. For the Indians, who now had to trade with the British or not trade at all, monopoly meant only two things: low prices and inferior goods.

Indian anxiety for their future under British rule surfaced well before Amherst administered the final military blow to French-Canada in September of 1760. In the late autumn of 1758, Chief Ackwanothio, speaking on behalf of the Ohio Delawares, expressed his concern about the possibility of the French being swept completely out of the Ohio valley. He told the British missionary Frederick Post that "We still suspect you covet our Lands on the Ohio...[and] we never heard as yet what you intent to do, after you have drove the French, with the Forts and Lands on [the] Ohio."¹ The Delaware chief outlined for Post a history of British malevolence against his people, the prime object of which, Ackwanothio believed, was to disinherit the Indian people of their lands. The chief was particularly bitter about the grant made by the British Crown to the Ohio Company of Virginia and stated that the real interest of the Company was not trade but rather "to

1. "Journal of Frederick Post," Hazard, Pennsylvania Archives, III:549.

make themselves Master of our Lands and make Slaves of us."² Ackwanothio had no doubt but that it was the perceived British threat to their lands which had compelled his tribe to ally itself to the French during the early stages of the war.

Lingering Indian distrust of British intentions for the Ohio did not go unnoticed by the neighbouring provincial establishment or Indian affairs officials. It prompted Johnson to dispatch his deputy, George Croghan, to the region and Governor Denny to send Frederick Post following General Forbes' victory over Fort Duquesne. Both Croghan and Post gave assurances to the Delawares and to several of the dependent tribes that the British military presence on the Ohio was only temporary and that the Indians should not fear a loss of their lands. In January of 1759 Colonel Bouquet told the Indians much the same thing at a gathering of the tribes at Fort Pitt.³

Even after the British had secured the Ohio and the French had abandoned their posts at Le Boeuf, Venago and Presqu'Isle, it was important for the security of the British Forts Pitt, Bedford and Ligonier that peaceful relations with the neighbouring tribes continue. The British forts were still vulnerable and undermanned. A general uprising of the numerically superior Indians of the Ohio could destroy in a very short time all the military gains the British had made during the war.

Further eastward, the British began to hear rumblings from tribes on the New York and northern Pennsylvania frontiers concerning the future of their lands. In February of 1760, several chiefs of the Canajoharie Indians asked Johnson whether, after the war, they would have any lands left to them at all. They feared that once hostilities ceased completely, agricultural settlement of their hunting lands would continue at the same rapacious level as in pre-war times.

2. Hazard, Pennsylvania Archives, III:549.

3. Ibid., pp. 571-574.

Johnson assured them that if any illegal encroachments occurred, he would investigate them personally.⁴ Then, in early March of 1760, the Lower Mohawks met with Johnson, complaining that several Albany residents had told them the Indians of that region no longer owned any of the lands they occupied. The Superintendent tried to appease the Mohawk delegation by stating that their lands would be protected by the Crown and that the king would never allow any injustice to befall his ancient allies, the Six Nations.

In May of 1760, George Croghan held a conference with several tribes occupying territories along the northern Pennsylvania frontier and with delegations from the Ohio region. His main task was to calm any anxieties these Indians might have about either their lands or the future of the skin and fur trade of the area. Croghan reminded the Indians of the Easton covenant whereby "a Line (had been) run between You and (the British)" such that "You may know how much of Your Country You have sold to Your Brethren." Croghan concluded with assurances that the British were "inclined to do you Justice & Supply your Necessity's while you behave so as to Deserve their friendship."⁵

The British had good reason to be optimistic about a general strengthening of British-Indian friendship. Several tribes which had formerly been pro-French and which occupied territories north of the Great Lakes and along the St. Lawrence professed an unqualified allegiance to the British victors.⁶ However, Indians living in areas surrounding the old French outposts north of the Ohio and west of the Great Lakes (including Detroit, Michilimacinac and Chartres) were not so forthcoming with pledges of peace and reconciliation. If any substantial British-Indian trade were to be developed in these areas, it would be necessary to gain the trust, if not the allegiance, of these tribes.

4. Canajoharie Indians to Johnson, 25 February 1760. O'Callaghan, N.Y.C.D., VII:434. Johnson to Canajoharie Indians, 25 February 1760. Ibid., pp. 434-435.

5. Minutes of Conference at Fort Pitt, 6-12 April 1760. Sullivan, Papers of Johnson, III:208-217.

6. The Caughnawagas, Canasadagas, Arundacs, Algonquins, Abenakis, Skaghquanoghranos and Hurons were among those who desired peace and friendship with the British by late 1760. Johnson to Amherst, 18 November 1760. O'Callaghan, N.Y.C.D., VII:544, 582.

Johnson believed that the primary and paramount task of Indian affairs officials during the immediate post-conflict period was to court the friendship of former French Indian allies. Like the Indians residing closer to British settlement, the Indians of Detroit, Michilimacinac and Chartres needed assurances concerning land and trade. To this end, the Superintendent dispatched his deputy, Croghan, to the far posts in November of 1760. Croghan was to accompany Major Robert Rogers, who had been commissioned earlier to take command of the French western forts and to establish British garrisons in each one.

Croghan followed Rogers as far as Detroit, where he talked with a number of tribes concerning their future under British rule. He was informed that a meeting would take place in Detroit the following summer at which Indians from the Detroit area and the northwest would have representatives. He immediately advised Johnson of these plans and recommended that the Superintendent attend the conference to explain personally British policy respecting Indian lands and trade.⁷

Johnson was eager to participate in the Detroit pan-tribal meeting. He was optimistic that some form of permanent peace treaty could be negotiated there and that it was a timely opportunity for him to explain long-term British intentions for the northwest. The Superintendent left Fort Johnson for Detroit in early July of 1761, visiting several Six Nations encampments on his journey westward. On July 5, at Canajoharee, Johnson met with a delegation of Iroquois chiefs; they were assured that no further encroachments on their lands would be tolerated.⁸ On July 7 he held a meeting with some thirty Oneida and Tuscarora chiefs and gave them each assurances that no British settlement would be made on their hunting lands and that no grants or patents would be authorized without express permission from the Indians concerned. Johnson also pledged that the British posts in the west and on the Great Lakes were exclusively for the perpetration and enrichment of the fur trade and not intended to provide Britain with convenient military bases in their midst. In response, the Indians warned that if any more

7. Croghan to Johnson, 13 January 1761. Sullivan, Papers of Johnson, III:301-304.

8. Ibid., III:429-430.

colonists should settle illegally on their land, they would "give [them] a kick (and) drive them into the Sea."⁹

On July 13, as Johnson neared Fort Stanwix, intelligence arrived from Amherst concerning an alleged Indian plot which had as its purpose the destruction of all British forts west of the Alleghenies. According to Captain Campbell, commanding at Detroit, the Iroquois were behind the conspiracy which allegedly involved the natives "from the Bay of Gaspé to the Illinois..."¹⁰ When Johnson arrived at Lake Oneida and later at Oswego, he asked several Confederacy Indians if they knew of any plots being formed against the British. According to Johnson, these Indians "seemed greatly surprised, declaring solemnly that no such design had ever been agreed to by the Six Nations, nor any such message sent by them to the Detroit."¹¹

As Johnson continued his journey towards Detroit, the rumour that the Indians would soon rise up and eliminate the British from the western frontier persisted. At Oswego and Niagara, the Superintendent heard first-hand reports of unfair trading practices at British posts, insulting behaviour of army officers and other British military personnel, and refusal by several post commanders to authorize the sale of gunpowder to Indians.¹² While the Onondagas, Chippewas and Wyandots openly disavowed all intentions to fight the British, there was a strong undercurrent of displeasure with British behaviour towards these tribes and a particular uneasiness about the presence of British and colonial army units at the various trading posts on the frontier.¹³

On 3 September 1761 Johnson reached Detroit and was greeted by his deputy, Croghan, and representatives of twelve Indian nations from the surrounding

9. Sullivan, Papers of Johnson, III:430.

10. Ibid., III:437-438.

11. Ibid., p. 440.

12. Ibid., pp. 443-445, 454-456.

13. Ibid., pp. 459-460, 463-468.

countryside.¹⁴ On September 9 the Superintendent opened the official conference with a long and generally conciliatory speech on Britain's desire for peace and friendship with the western tribes.

In return for a renewal of the Covenant Chain, Johnson promised that the British king would "promote to the utmost an extensive plentiful commerce on the most Equitable terms between his Subjects & all Indians who are willing to entitle themselves thereto."¹⁵ He then went on to pledge that "it is not at present, neither hath it been his Majesty's intentions to deprive any Nation of Indians of their Just property by taking possessⁿ of any lands to which they have a lawful Claim."¹⁶ Johnson pointed out that the presence of British troops at posts previously occupied by the French was solely to protect British traders and their allied Indians and to promote fair dealings in all aspects of the trade. He concluded by warning that any possible conspiracy by Indians to seize these installations would be met with "very fatal consequences."¹⁷

The tribal representatives in attendance seemed to react favourably to Johnson's speech, and during the following three days each chief in turn professed his allegiance to the British Crown. In a dramatic ceremony on September 10, a Seneca messenger, Kayashotsi, publicly denied any and all complicity by Senecas in the alleged conspiracy to unseat Britain from western lands.¹⁸

On 12 September 1761 Johnson believed that his task of establishing a general peace between the British and the western tribes had been successfully completed, and he closed the conference with a generous distribution of gifts. Following orders he had received from Amherst the previous June,¹⁹ the Superintendent

14. Shawnees, Mohicans, Wyandots, Six Nations, Pottawatomics, Ottawas, Chippewas, Delawares, Hurons, Saguenays, Kickapoos, and Twightwees. Sullivan, Papers of Johnson, III:475.

15. Ibid., p. 478.

16. Ibid.

17. Ibid., p. 479.

18. Ibid., p. 491

19. Amherst to Johnson, 24 June 1761. Ibid., III:422.

drew up a set of instructions to govern trading practices at Forts Detroit, Michilimacinac, Miami, Sandusky, Pitt and Susquehanna.²⁰ He also issued a list of regulations to govern the activities of the traders themselves.²¹ On 18 September 1761 Johnson left Detroit for Fort Johnson.

The Indian Superintendent's journey to Detroit appeared to achieve some significant results for future British-Indian relations. The western and northern tribes were at least nominally confirmed in the British interest, and most of the major tribes occupying newly captured French territories had made public declarations of allegiance to Great Britain. Regulations were approved to govern the conduct of the skin and fur trade at western British posts, and rules of behaviour and penalties were prescribed for those participating in this branch of colonial commerce. A rumoured Indian revolt was forestalled before it gained momentum. However, the most important outcome of Johnson's trip was probably the recognition by both British officials and Indians of the continuing importance of trade and land in the immediate post-conflict period. While Johnson had always recognized the central place these matters held in all British-Indian diplomacy, the Detroit proceedings reinforced the urgency of formulating a comprehensive British-Indian policy if peace were to be maintained.

In early 1759, before the conquest of French-Canada, Johnson had articulated his thoughts on Indian trade and Indian lands to British officials in London. In a letter to the Lords of Trade, the Superintendent speculated that if the French should be "absolutely extirpated" from North America, the Crown would have to issue, as soon as possible, an all-encompassing and enforceable policy to govern Indian affairs. His particular concerns were for the management

20. Johnson to the Fort Commanders, 16 September 1761. *Ibid.*, III:527-528. The Instructions called for: (1) good treatment of all Indians residing near the posts; (2) fair dealings with the Indians relative to trade; (3) prevention of unnecessary contact by military personnel with Indians; (4) hiring of interpreters at each post; (5) maintenance of correspondence with neighbouring posts and with Detroit; (6) enforcement of all trade regulations; (7) repair of such weapons and utensils as the Indians require.

21. Indian Trade Regulations, *ibid.*, III:530-535. These called for: (1) restriction of all trading activities to those parts as enumerated; (2) strict adherence by traders to the prices of Indian goods as established by Johnson; (3) banishment of all offenders from the posts and loss of licences by such offenders; (4) a licence from either Croghan or Johnson to conduct any trade whatsoever.

of Indian trade and the protection of Indian interests on frontier lands. "An equitable, an open and a well Regulated Trade with the Indians," Johnson advised, "is and ever will be the most natural and the most efficacious means to improve and extend His Majesty's Indian Interest."²² With regard to Indian lands, Johnson advised that "The Indians ought to be redressed or satisfied in all their reasonable and well founded complaints of enormous and unrighteously obtained patents for their Lands." To accomplish this latter goal, Johnson recommended that there should be "Treaties of Limitations with the respective Provinces agreed upon, and religiously observed, with regard to the Bounds of our Settlement towards the Indian Country."²³ The Superintendent pointed to the agreements made between Indians and the provinces of Pennsylvania and New Jersey at Easton as precedents for the type of treaties needed to alleviate tensions between Indians and colonists over rights to frontier lands. In 1760, Johnson once again petitioned London for a firm imperial policy to govern Indian relations affecting trade and lands. In this instance, Johnson put his ideas directly to Secretary of State Pitt.²⁴ After reviewing the recent history of British-Indian relations, Johnson outlined for Pitt what he believed should be the future direction for imperial policy governing Indian affairs. He warned the Secretary that unless "a fair and extensive trade," under proper supervision, were extended to all of the Indians, and unless some protection were offered for Indian lands, the Indians could and would "with all ease ... cutt off at pleasure" the settlements in the back parts of the seaboard colonies. Johnson argued that the Crown must be prepared to deal with these issues in a substantive way or risk losing forever the friendship of all the tribes.²⁵

A series of events which occurred during 1761-1762 reinforced Johnson's apprehensions about the lack of Crown policy for dealing with problems of Indian trade and

22. Johnson to the Lords of Trade, 17 May 1759. O'Callaghan, N.Y.C.D., VII:377.

23. Ibid.

24. Johnson to William Pitt, 24 October 1760. Papers of Johnson, III:269-275.

25. Ibid. Johnson also expressed his concern to Amherst for the development of sound policy concerning the future management of Indian affairs. See Johnson to Amherst, 12 February 1761. Sullivan, Papers of Johnson, III:330-333.

lands. The first of these was the continued military occupation of British forts on the western and northern frontiers. During the war, it had been necessary to construct strategically located posts such as Forts Stanwix and Brewerton and the Royal Block House on the shores of Lake Erie. It was also necessary to occupy such posts as Niagara, Detroit and Fort Pitt following their capture from the French. However, after the demise of Canada and French abandonment of the Ohio, the Indians could see little need for large British garrisons in these posts. Suspicion grew among tribes near these installations that continued British military presence was part of a larger programme to conquer and eliminate all Indian nations on the continent.²⁶ Amherst's orders to the western fort commanders to ration the supply of gunpowder to Indian traders²⁷ reinforced Indian fear that the British intended to destroy them and seize their lands.²⁸ Bitter complaints from the Indians about large garrisons at frontier posts and British denial of gunpowder and other supplies necessary for hunting, prompted a strong protest from Johnson to the commander-in-chief, Amherst.²⁹ Johnson told Amherst that if he insisted upon large bodies of troops being retained at the British outposts, it was absolutely necessary to furnish the Indians with ammunition and provisions "if we want to continue their friendship." Undaunted by Johnson's pleas, Amherst refused to alter his orders.³⁰

Johnson's often repeated explanation to the Indians that the continuing British military presence in their midst was for their mutual protection and for the

26. Johnson to the Lords of Trade, 13 November 1763. O'Callaghan, N.Y.C.D., VII:577.

27. Amherst to Johnson, 9 August 1761. Sullivan, Papers of Johnson, III:515. Amherst to Johnson, 11 July 1761. Ibid., p. 507.

28. Commanders at Forts Pitt and Montreal actually cut off the supplies of ammunition and gunpowder to Indians. Daniel Claus to Johnson, 30 September 1761. Sullivan, Papers of Johnson, III:547. Croghan to Johnson, 31 March 1762, Ibid., p. 662.

29. Johnson to Amherst, 24 July 1761. Ibid., III:513. See also Johnson to Claus, 10 March 1761. Ibid., III:356. During Johnson's trip to Detroit, he heard numerous complaints from Indians concerning the size of British fort garrisons and British unwillingness to supply powder and ammunition.

30. Even some of Amherst's local fort commanders such as Colonel Bouquet at Fort Pitt disagreed with Amherst's stubbornness on this point. See for instance Croghan to Johnson, 31 March 1762. Sullivan, Papers of Johnson, III:662.

better regulation of the fur trade³¹ was constantly undermined by the behaviour of British army personnel. Amherst himself made it clear that he was prepared to take whatever land he needed to erect even more frontier posts wherever and whenever he felt it was necessary to do so.³² When a dispute arose over the building of a blockhouse at Sandusky on the south-east end of Lake Ontario, Amherst declared that Indian objection, in this case that of the Delawares, "has no manner of weight with me." He told Johnson that "a post at that place is absolutely necessary ... [and] I must and will ... have one at that place."³³

At Fort Niagara, military personnel were authorized to apply for grants to land in the surrounding countryside and to purchase the properties from the Indians only "if necessary."³⁴ The area was large - encompassing some ten thousand acres - and drew immediate protests from both Indians and other colonists.³⁵ Amherst, who initiated the proposal and was prepared to sign the patents for each parcel taken, held to the position that he had the right to grant the lands and that no treaty with the Indians was required. Amherst believed that the grants would be authorized in the interests of security and that the entire operation was a military and not a civilian undertaking.³⁶

Encroachments on Indian lands by settlers who went beyond provincial boundaries to find homestead acreage resurfaced as a major problem in the immediate post-conflict period. As hostilities waned on the frontiers of New York, Connecticut and Pennsylvania, individuals and corporate land companies began plans for the settlement of territories still occupied by Indians. In many instances, groups

31. A good example of Johnson's public statements to Indians concerning this matter is contained in the "Detroit Proceedings," Sullivan, Papers of Johnson, III:435.

32. Amherst to Johnson, 11 July 1761. Ibid., p. 506.

33. Amherst to Johnson, 9 August 1761. Ibid., pp. 515-516. Cited in Inouye, "Sir William Johnson," p. 366.

34. Amherst to Johnson, 7 May 1761. Sullivan, Papers of Johnson, III:387.

35. See, for example, "Petition of Merchants of Albany to the Lords of Trade," 28 January 1762. O'Callaghan, N.Y.C.D., VII:488-489.

36. Amherst to Governor Sharpe, 20 October 1762. Ibid., p. 509.

of colonists merely squatted on the unsurveyed land and refused to move. Indian protests to military post commanders and public officials appeared to be of little consequence. By February of 1761, British-Indian relations became so tense over this issue on the northern New York frontier that Johnson pleaded with acting governor Cadwallader Colden "not to pass Pattents for any Lands that are not given, or sold with the consent of the whole [of the Indian community concerned]." ³⁷ The Six Nations had complained to Johnson that "white People often make a few of [our] foolish People drunk, then get them to sign Deeds." ³⁸

In the early summer of 1761, New York surveyors arrived on the upper Hudson above Fort Edward to measure out land for a settlement on the west bank of the River. Several Mohawk chiefs complained bitterly to Johnson that the upper Hudson was among their most productive hunting areas and that they would not tolerate further encroachments in the region. ³⁹ Johnson passed on the Six Nations' protest to Colden, again warning the lieutenant-governor that the unauthorized taking of Indian lands "may be verry prejudicial to his Majesty's Interest" and that if continued, all of the Indian nations would be "alarmed to violent measures." ⁴⁰

By early 1760 in Pennsylvania, immigrants from several British colonies, especially Connecticut, began moving onto lands in dispute between the Pennsylvania Proprietary and the Susquehanna Delawares. ⁴¹ Faced with a veritable barrage of complaints from Indians who occupied and hunted in the area of the new settlements, Pennsylvania Governor James Hamilton issued a proclamation forbidding any further trespass on lands which had not been purchased from the Indians. ⁴² Colonizing of the region continued, however, with the Connecticut-based Susquehanna Land Company openly encouraging more and more people

37. Johnson to Cadwallader Colden, 20 February 1761. Sullivan, Papers of Johnson, III:338-339.

38. Johnson to Colden, 18 June 1761. Ibid., pp. 409-410.

39. Johnson to Colden, 18 June 1761. Ibid.

40. Ibid., pp. 410-411.

41. This was land within the so-called "Walking Purchase" of 1738. The validity of the Walking Purchase deed and the extent of land it comprised had been a constant source of friction between the Delawares and Pennsylvania officials. It was also the transaction which Johnson had been asked to investigate by the Board of Trade in the spring of 1758.

42. "Detroit Proceedings," Sullivan, Papers of Johnson, III:436.

to move westward into the Wyoming Valley. In Virginia, similar urgings to prospective colonists to settle lands west of the Susquehanna came from the Ohio Company.

In the spring of 1761 this latter organization dispatched several "hunter-surveyors" to reconnoitre the area.⁴³ Colonel Bouquet, then commanding at Fort Pitt, believed that the consequences of any further unauthorized British settlement would be so disastrous to British-Indian relations that all settler migration to lands west of the Alleghenies should be stopped at once. To protect Indian rights to their lands and to maintain cordial British-Indian relations, Bouquet proposed that notices be issued by the governors of Pennsylvania, Maryland and Virginia to this effect.⁴⁴ When no action appeared to be forthcoming from the three colonies, Bouquet himself issued a proclamation in October of 1761 to declare that all the country west of the Alleghenies was reserved exclusively for the Indians. He incorporated in the document the terms of the Treaty of Easton. A proclamation line to distinguish between Indian country and settlement territories was to follow the crest of the mountains, and no British subject was to hunt or settle westward of the line without the express permission of either the commander-in-chief or the governors of the respective provinces.⁴⁵

While Bouquet's proclamation temporarily discouraged further settlement on the Ohio, lands along the Susquehanna near the mountain divide continued to see a steady migration of potential farmers and homesteaders. In March of 1762, Johnson took up the Delaware cause by writing Connecticut Governor Thomas Fitch. He told Fitch that if Connecticut colonists persisted in taking up Susquehanna lands, not only would the British lose the complete respect and friendship of the Delawares, but also the confidence and support of the entire Six Nations. The Superintendent believed that British encroachments on Indian

43. Colonel Bouquet, in a letter to General Monkton in March of 1761, complained of the appearance of "several idle People" from Virginia and Maryland in the neighbourhood of Fort Pitt. Bouquet suspected that they had come under the pretense of being hunters to plot out areas for new settlement on the Ohio. The colonel warned that the Ohio tribes were becoming anxious about the presence of the hunter-surveyors and were taking great "umbrage" at their activities. Bouquet to Monkton, 2 March 1761. "Aspinwall Papers," Massachusetts Historical Society Collections, 4th Series, IX:397.

44. Ibid.

45. Bouquet's Proclamation of 9 October 1761 is contained in the British Museum, "Bouquet Papers," Add. MSS. 21 657, folio 10.

lands in the western frontier would "inevitably bring on a rupture with the Ind^s in General which would not only be severely felt by Settlers, but would involve all the Neighbouring frontiers in an Indian War."⁴⁶ Fitch responded two months later by issuing his own proclamation, forbidding anyone from his province to settle on the Susquehanna "lest they thereby occasion new Disturbances of the Publick peace and Tranquility, and Subject themselves to the Royal Displeasure."⁴⁷ There is, however, little evidence that these or any other measures adopted by British colonial officials at this time discouraged the influx of settlers to lands on the western frontiers.

The problems associated with North American lands and trade, although not entirely ignored, were never fully addressed by imperial authorities in London before 1761. Continuing hostilities in Europe and the Far East and plans for the final campaigns against the French in North America absorbed the attention of British officials during the late 1750's and 1760. Although isolated statements made by government agencies and officials in the later war years touched upon several issues affecting British-Indian relations, there was no single pronouncement indicating that Britain had formulated a comprehensive policy to deal with the management of Indian affairs.

From at least 1754, the Board of Trade had maintained the position that the "only effectual method of conducting Indian Affairs [would] be to establish one general system under the sole direction of the crown and its officers."⁴⁸ However, during this same time Board officials had to admit that so long as fighting continued, they could not be expected to develop the ideal "general system." Until peacetime, the individual provinces would have to legislate for the correction of any exigencies as they arose.⁴⁹ With the fall of French-Canada in 1760 and the subsequent influx of people into frontier lands to trade and settle, the attendant problems in British-Indian relations demanded immediate and resolute action from London.

46. Johnson to Thomas Fitch, 30 March 1762. Sullivan, Papers of Johnson, III:660-661.

47. "Proclamation to the Susquehanna Company," 8 June 1762. Ibid., pp. 756-757.

48. Lords of Trade to Governor Henry Lyttleton of South Carolina, 9 November 1757. C.O. 5/403/201-203.

49. Journal of the Commissioners of Trade 1759-1763, p. 41.

Throughout 1760 and 1761, British government officials were inundated with reports, complaints and warnings about serious problems developing on the American colonial frontiers. William Johnson sent the Board of Trade a full account of his journey to Fort Detroit in 1761 wherein he outlined the grievances of the various tribes encountered during the trip - illiberal treatment of Indians by British traders, maintenance of sizable British military contingents at frontier outposts and, finally, the illegal seizure of Indian hunting grounds by settlers.⁵⁰ Johnson warned Board officials that if something were not done, grave consequences might result to British out-settlements on the north-western frontier. In the southern provinces, isolated skirmishes in 1760 between colonists from Virginia and the Carolinas and Indians from the southern interior erupted into a full-scale British-Indian war. The focus of disagreement appeared to be British regulations governing the pelt trade and the taking of Indian lands. By late 1760, the Board learned that the situation on the southern frontier was desperate.⁵¹ Before fighting ended in 1761, the Cherokee Indians and their allies, the Upper Creeks, had taken several important British posts and had killed hundreds of provincial militia, settlers and traders.⁵²

During 1760 and 1761, the Board of Trade and other British officials also began to receive reports of colonial in-fighting over rights and title to western frontier lands lying beyond the Appalachian Mountains. The Ohio Company, eager to make use of its grant,⁵³ solicited support from military officials to prosecute its claims to Ohio lands. Representatives of the Company and military officials at Fort Pitt and in Virginia quarrelled over when the first settlement should be installed. In one reported case, a Company official offered Fort Pitt Commander Colonel Bouquet 25 000 acres of land in return for his assistance in procuring and settling German and Swiss immigrants near his post. Bouquet refused the bribe, reminding Company officials that the Treaty of Easton prohibited settlement

50. Johnson's report to the Board of Trade is printed in Acts of the Privy Council: Colonial Series, VI (Unbound Papers): 341-342.

51. Lt-governor Bull of South Carolina to the Board of Trade, 16 May 1760. C.O. 5/377.

52. For a good account of the "Cherokee War" of 1760-61 and its background, see Alden, John Stuart and the Southern Colonial Frontier (Ann Arbor, 1944), Chapters III-VIII.

53. It should be recalled that the Company's original 1752 grant of 200 000 acres at the forks of the Ohio River had been enlarged to 500 000 acres in 1754 but never settled. British and French fighting in the area had discouraged settlement prior to 1760. Bailey, Ohio Company of Virginia, p. 41.

on the Ohio without the express consent of the Indians.⁵⁴ Virginia officials, caught between the desire to have a home-based company settle the Ohio and the apparent avarice of military and other officials, chose a middle road. While Virginia Governor Fauquier warned the Board of Trade that "Fresh difficulties arise daily" over the scramble for Ohio lands, he also pointed out that neither he nor any other Virginia official had ever seen an official copy of the Treaty of Easton and therefore could not be blamed for not enforcing its measures.⁵⁵

The struggle for control and development of Ohio lands elicited the first clear, unequivocal statement by British imperial officials concerning Indian use and occupancy of western frontier lands. On 13 June 1760, the Lords of Trade told Virginia Governor Fauquier that any attempt to settle Ohio lands now "would be a Measure of the most dangerous Tendancy" and would constitute "an open Violation of our late solemn Engagements." The Board reminded Fauquier that it was the question of how and by whom Ohio lands should be controlled that had led Britain into "very bloody and dangerous" war and that conflict between Britain and the interior tribes had subsided "solely upon Our having engaged...not to Settle upon their Hunting Grounds."⁵⁶ The Virginia governor was told bluntly that neither his province nor the Commonwealth of Pennsylvania would be permitted to pre-empt the Treaty of Easton which had "solemnly relinquished to the Indians all the Land Westward of the Great Mountains."⁵⁷ The Board concluded its remarks by stating that no action should be taken for settling "any Lands upon the waters of the Ohio, untill His Majesty's further pleasure be known."⁵⁸

54. Bouquet to Thomas Cresap, 12 September 1760. British Museum, "Bouquet Papers," Add. MSS. 21 653, folios 32-33. The Company, out of frustration, later took its case directly to London. It complained to the Board of Trade that the government of Virginia and the British military establishment were both making it difficult for the company to progress with its settlements. See "Resolution of the Ohio Company," 7 September 1761. Mulkern, Mercer Papers, p. 151.

55. Fauquier to the Lords of Trade, 13 March 1760. C.O. 5/1329/399-401.

56. Lords of Trade to Fauquier, 13 June 1760. C.O. 5/1367/409-412.

57. Ibid.

58. Ibid.

Business interests and government members in Virginia continued to exert pressure on Fauquier to promote western settlement even after the Board's strong pronouncements on the subject had arrived in the colony. In a last-ditch effort to have London soften its position, Fauquier wrote the Board for "clarification" on several minor points in the Board's instructions.⁵⁹ Early in the new year 1761, the Board shot back its reply to Fauquier stating that as a general principle, "whatever may in any degree have a tendency" to alarm the Indians or to cast any doubt whatsoever on British commitments to redress their grievances, would be judged "impudent to the highest degree."⁶⁰ No settlement of lands was to be encouraged wherever Indians professed a claim to those lands. Only if the Indians should relinquish their claim to the lands through proper negotiation would consideration be given to colonial settlement. For the present, however, the Board made it clear to Fauquier that no further grants were to be made in the west until the Board had an opportunity to examine all Indian claims already submitted and to issue appropriate new instructions.

The position adopted by the Board restricting the granting of western lands by Virginia and Pennsylvania was also applied to New York when consideration was given to the disposition of lands on that colony's northern frontier. In early 1760, reports reached the Board via William Johnson that both the Upper and Lower Mohawks were becoming increasingly restless about non-Indian encroachments on northern New York lands.⁶¹ By this time, the Board was also aware of General Amherst's intention to provide soldiers at Fort Niagara with settlement lands

59. Fauquier to the Lords of Trade, 6 December 1760. C.O. 5/1330/67.

60. Lords of Trade to Fauquier, 17 February 1761. C.O. 5/1368/12-15. The Article of Instruction normally given to Virginia governors to permit them to grant lands "to the Westward of the great ridge of Mountains" was withdrawn by an Order in Council on 15 May 1761. C.O. 5/2326 as quoted in Jack M. Sosin, "The North American Interior in British Colonial Policy 1760-1775: A study in politics, administration and pressure groups in relation to the coming of the American Revolution" (Ph. D. Thesis, Indiana University, 1958), p. 145, footnote 124. This thesis was later published under the title Whitehall and the Wilderness.

61. "Sir William Johnson to the Sachems of Canajohary," 26 February 1760. O'Callaghan, N.Y.C.D., VII:434. "Sir William Johnson's Proceedings with the Lower Mohawk Indians" (n.d.), ibid., pp. 435-436.

and to encourage those at other frontier posts to begin farming close to their forts.⁶²

By February of 1760 the Board had already begun a review of the whole question of land grants in northern New York. As part of this process, it sent Secretary of State Pitt a brief note suggesting that New York officials and General Amherst be cautioned about the dangers inherent in making grants on lands claimed by Indians. The Board agreed that British troops were entitled to some form of compensation for war service but wondered whether granting them lands in territories of potential future dispute was the most propitious way of handling the matter. The Board stressed to Pitt the need for "a proper Regard to our Engagements with the Indians" and their hunting grounds "reserved to them by the most solemn Treaties." Finally, the Board recommended that no further grants should be made of the New York frontier by either civil or military authorities until the home government received further information as to the whereabouts, extent and conditions of each proposed patent.⁶³

Pitt had no immediate reaction to the Board's proposals, perhaps being singularly preoccupied with directing the final North American war effort and the taking of Montreal in the summer and fall of 1760. However, once it became evident that all of New France would fall into British control, pressure to settle northern frontier lands increased dramatically and the problem could no longer be ignored.

General Amherst viewed lands along the upper Mohawk River as having the best potential for agricultural growth in New York and urged the province's lieutenant-governor, Cadwalladar Colden, to invite settlers into the territory. The

62. "Amherst to the officers," 10 November 1759. Albert Bates, ed., "Fitch Papers," Collections of the Connecticut Historical Society (CCHS), 22 vols. (Hartford, 1918-20), XVIII:32. The Board had also received several independent proposals for land grants along the northern New York frontier from soldiers who had served in the area during the war. Examples from this latter category would include the petitions from Major Philip Skene and General Phineas Lyman for grants of land in the regions of Ticonderoga and Crown Point respectively. Both requests had been approved by Amherst and forwarded to London in December of 1759. "Memorial of Major Philip Skene," 10 November 1759. "Colden Papers," New York Historical Society Collections LIV:303; "Memorial of Phineas Lyman," 10 November 1759. Ibid., LIV:305-306.

63. Board of Trade to Secretary Pitt, 21 February 1760. O'Callaghan, N.Y.C.D., VII:428-429.

general believed that those who responded to the lieutenant-governor's invitation would find a place for settlement where they could be guaranteed a "Quiet and Peaceable Abode in their Habitations."⁶⁴ On 4 September 1761, the New York Council approved Amherst's plan and issued a public proclamation accordingly.⁶⁵ What resulted was a rush to settle on Mohawk lands in the spring and summer of 1761.

New York Council's actions to promote settlement along its northern reaches brought a strong and immediate reaction from London. On 11 November 1761, the Board of Trade issued a report condemning what it considered a policy of undue haste on the part of New York officials - one which it termed "dangerous to the Security [of the colonies]...and a measure of the most dangerous tendency."⁶⁶ Judging it "unnecessary" to enter into a detailed account of the causes of Indian complaint against the British prior to the war, the Board stated that "the primary cause of discontent" was the "Cruelty and Injustice with which they [the Indians] had been treated with respect to their hunting grounds, in open violation of those solemn compacts by which they had yielded to us the Dominion but not the property of those lands."⁶⁷ Until some permanent determination could be made regarding the extent of land the British dominions would occupy after the war settlement, and until some "Reformation" could be introduced with respect to Indian trade, the Board felt that there should be no further promotion of colonial settlements on the New York frontier. In the meantime, Indian claims and grievances were to be investigated and proper recommendations made for their amelioration.⁶⁸

64. Amherst to Colden, 26 August 1760. "Colden Papers," LIV:331.

65. Colden to the Lords of Trade, 1 March 1762. O'Callaghan, N.Y.C.D., VII:491-492.

66. The Report was tabled at a Privy Council meeting on 23 November 1761. See "Order of the King in Council on a Report of the Lords of Trade," 23 November 1761. O'Callaghan, N.Y.C.D., VII:472-476.

67. Ibid., p. 473.

68. Ibid., pp. 473-474. The Board advised in particular that settlement in the Mohawk River and Lake George districts should be halted.

The Board of Trade Report was forwarded to the Privy Council on 17 November 1760; six days later it was read and its recommendations approved by the king and his Cabinet. However, instead of the Board findings being transmitted as a directive to the governor in New York, the Privy Council asked that the Board's recommendations be incorporated into instructions for all colonial governors. The intention was to inform provincial officials that they must restrict any grants of land which might impinge on the rights of those Indians bordering on British colonies.⁶⁹ On 2 December 1761 the Board completed the requested draft of instructions and these were approved in Council the following day.⁷⁰

The instructions, which were given full Council approbation in early December of 1761 and which were subsequently forwarded to selected American colonies,⁷¹ represented the most comprehensive statement on Indian lands which the British government had made to that time. The title of the government directive made its intent abundantly clear: "Instructions for the Governors of Nova Scotia... New York...forbidding them to grant Lands or make Settlements which may interfere with the Indians bordering on those Colonies."

Linking the security of British possessions in North America to the continued friendship and alliance of the continent's native peoples, the provincial governors were told to observe and honour all "Treaties and Compacts" entered into with the Indians by those representing the British Crown. Explaining that reports had been received in London about certain persons who, aided by colonial officials, had "illegally, fraudulently, and surreptitiously" taken Indian lands under the pretence of obtaining deeds of sale and conveyance, governors were told that such practices were not only counterproductive but even dangerous to British interests on the continent. It was therefore ordered upon threat of removal from office that neither governors nor any other British official in North America:

69. O'Callaghan, N.Y.C.D., VII:475-476.

70. "Lords of Trade to the King," 2 December 1761. O'Callaghan, N.Y.C.D., VII:477-479; Grant and Munro, Acts of the Privy Council, V:494-496, 500.

71. The Instructions were forwarded to the Governors of Nova Scotia, New Hampshire, New York, Virginia, North Carolina, South Carolina and Georgia. O'Callaghan, N.Y.C.D., VII:478.

do upon any pretence whatever...pass any Grant or Grants to any persons whatever of any lands within or adjacent to the Territories possessed or occupied by the said Indians or the Property (,) Possession of which has at any time been reserved to or claimed by them."⁷²

In order to inform the Indians of the king's intention to protect their lands, each governor or lieutenant-governor was to issue a proclamation containing all the Instruction provisions. Secondly, any existing colonial settlements upon lands claimed by Indians were to be removed and the persons illegally claiming possession were to be prosecuted in the courts. Finally, all future purchases of lands from Indians would have to be authorized by the Board of Trade in London before any Crown grants could be made and confirmed for new settlements.

The scramble for land along New York's northern frontier had been the main catalyst for the land policy adopted by the British government and promulgated in the Instructions to North American governors of 9 December 1761. However, there were two other basic issues in Indian affairs which these Instructions appeared to settle. The first of these was the question of frontier lands to the west of colonies like Virginia and South Carolina. By issuing the Instructions to the governors of these colonies, Britain was making it clear that the restrictions on land grants in the trans-mountain region of the continent were felt to be as important to British-Indian relations as those pertaining to the northern New York frontier. Britain sought not only to maintain its alliance with its traditional friends, the Iroquois, but was also anxious to build a positive long-term relationship with the western tribes. Secondly, the December Instructions provided a clear signal to the colonial establishment in North America as well as to Indian tribes that the king and the imperial government in London would be taking a much greater role in the post-war affairs of the American colonies than ever before. Colonial administrators and officials could count on receiving much closer direction in the affairs of their provinces, while the Indians were to trust that London could be the just arbiter in situations of potential conflict between themselves and the colonials.

The other policy area which the home government chose to address at this time, though in a less auspicious manner than it had demonstrated over Indian lands, was Indian trade and regulation of furs and peltry.

72. O'Callaghan, N.Y.C.D., VII:478.

In the Board of Trade's 11 November 1761 Report to the Privy Council, it had spoken of a "Reformation" being necessary, not only regarding colonial land practices but also "with respect to our Interests and Commerce with [the Indians]...[to] give equal Security and Stability to the rights and interests of all Your Majesty's Subjects."⁷³ Then, on December 12, three days after the government's circular letter on Indian lands was issued to the American governors, Lord Egremont,⁷⁴ the newly appointed Secretary of State for the Southern Department, formally addressed the problem of Indian trade in the American interior. In a letter to General Amherst, Egremont stated he believed that "the shameful manner in which business is transacted between [the Indians] and our Traders" had contributed greatly towards the alienation of the tribes from the British interest.⁷⁵ He advised Amherst that the British in North America should consider implementing some of the positive aspects of French trading practices with the Indians in order to restore confidence in British commerce. Secretary Egremont was not specific about which particular French trading practices he wanted copied, but it is safe to assume that he felt it important that the British system adopt principles of equity and fair play when dealing with Indians. Egremont requested that Amherst provide him with full reports of the past and current status of the peltry trade in the conquered French territories. The assumption seemed to be that Egremont would use the information to formulate a new and comprehensive British plan for trading activities in these regions.⁷⁶

Problems of Land and Trade: Nova Scotia

The British capture of Fort Louisbourg in the summer of 1758 effectively ended Anglo-French conflict on the Acadian peninsula, Isle Royal (Cape Breton) and Isle St. Jean (Prince Edward Island). The French military establishment at Louisbourg was broken; some of the soldiers were sent home to France and

73. "Order of the King in Council on a Report of the Lords of Trade," 23 November 1761. O'Callaghan, N.Y.C.D., V:473.

74. Replacing William Pitt in October 1761.

75. Egremont to Amherst, 12 December 1761. C.O. 5/214/486-491. Egremont observed that British traders made "no scruple of using every low trick and Artifice to...cheat those unguarded, Ignorant people."

76. Ibid.

others detained as prisoners at Halifax. In the summer of 1760, the few remaining buildings of the once-powerful Louisbourg fortress were demolished,⁷⁷ and with their demise went the last vestiges of hope among the Acadian French and Indians that Nova Scotia would ever again return to French control.

The British conquest of old Acadia ended forever the delicate balance of power which had operated in the area between the two protagonists. It was a balance which had provided the resident Indian population with a strong bargaining position for nearly a century and a half. Micmacs and Malecites had used the ever-present Anglo-French conflict to magnify their small numbers into a powerful, militarily effective force, but the fall of Louisbourg and the almost insignificant role the Indians played in the final drama virtually guaranteed a drastic decline in influence for these people. The scattered tribes occupying the eastern reaches of Nova Scotia and the region which is now New Brunswick soon recognized the inevitable: in early 1760, after questioning the French priests who had been allowed to remain among the Indian encampments, several native leaders made overtures of peace to British government officials.⁷⁸

The governing Council at Halifax welcomed the opportunity to establish an amicable accord with the province's native peoples. Nova Scotia had elected its first representative Assembly in 1758 and by 1760 was eager to extend real civil jurisdiction and control over all areas of the province. As part of this effort, politicians and administrators were anxious to promote increased immigration and settlement in the region. If guarantees could be provided that colonists would no longer fear Indian harassment and hostility,⁷⁹ Nova Scotia lands would compare favourably with other potential settlement areas on the continent.

77. Harry Piers, The Evolution of the Halifax Fortress, 1749 - 1928. Publication No. 7, Public Archives of Nova Scotia (Halifax, 1947), p. 8.

78. PANS, RG1, Vol. 211. Minutes of the Executive Council, 11 February 1760, pp. 101-104. The first two chiefs to arrive at Halifax to sue for peace were those from the Passamaquady and St. Johns River Indians. It was at this initial meeting that the Indians agreed to leave hostages with the British as a guarantee of peace. See also Report of the Board of Trade, 8 July 1763. PAC, C.O. 217/20/160.

79. As late as the autumn of 1759, reports had been received in Halifax that small parties of Indians had made isolated raids on the communities of Cape Sable, Lunenburg, Dartmouth, Canso, Fort Cumberland and Sackville. PANS, RG1, Vol. 211, Executive Council Minutes, pp. 75-76.

If the colony were ever to prosper, a flourishing land as well as a sea-based economy had to be established. Farmers, businessmen and labourers had to be enticed into the province.

After considering the Indian offer of peace, the Nova Scotia Executive Council drew up a "Treaty" to cover most of the exigencies it felt needed to be settled between the province and the tribes.⁸⁰ The final document bore a striking resemblance to the old "Treaties of Peace and Friendship," first signed at Boston in 1725-26 and subsequently renewed by the eastern tribes of Indians every decade or so thereafter. By its terms the Indians were to promise not to correspond or trade with the enemies of Great Britain and were expected to keep the peace. British supremacy in Nova Scotia was to be acknowledged and, to ensure that all native hostilities ceased, Indian hostages were to be turned over to the commanders of the principal British forts in the province. In return for Indian pledges of fidelity, peace and friendship, British inhabitants were to refrain from attacking Indian encampments and provincial officials were to establish a new state-run system of Indian trade using truckhouses, government employees and set rates for the exchange of goods and services at the trading outlets.⁸¹

Treaty ratification meetings were promptly scheduled for the spring of 1760, and by as early as March 10 of 1760 several band representatives had endorsed

80. Governor Lawrence assigned Executive Councillors Benjamin Green, John Collier and Thomas Paul to prepare the Treaty. This group drafted the document and had it translated into French within forty-eight hours of their assignment. PANS, RG 1, Vol. 211. Executive Council Minutes, 13 February 1760, pp. 105-106.

81. PANS, RG 1, Vol. 211. Minutes of the Executive Council, 11, 13 February 1760, pp. 102-107. A copy of the Treaty is in PANS, RG 1, Vol. 36, Document 48-1/2. A printed copy of the Treaty is in Akins, Documents of Nova Scotia, pp. 699-700. The table of rates for trade at the promised truckhouses were established by the Executive Council in the presence of the Indians on 14 February 1760. See PANS, RG 1, Vol. 211. Minutes of the Executive Council, 14 February 1760, p. 108, and also C.O. 217/20/152-157. The order to stop all future aggression against Indians in the province was issued in the form of a Proclamation on March 11, 1760. See PANS, RG 1, Vol. 211. Minutes of the Executive Council, 11 March 1760, pp. 120-121.

the document. These included Mitchell Neptune, the Passamaquady Chief, Ballamy Glode, a captain of the St. John's River Indians,⁸² Paul Laurent of the Le Havre Indians, Paul Augustine of the Richibucto band and Claude Rennie of the Micmacs at Shuberacadie.⁸³

Not all of the Nova Scotia bands were as co-operative as those who hurried to Halifax in the spring of 1760 to make peace with the British. Rumours began during the autumn of 1760 and continued throughout the winter months of 1760-61 that pockets of hostile Indians, in co-operation with an estimated 1 500 French Acadians, were preparing to form raiding parties for attacks on British coastal fishing ports and vessels along what is now New Brunswick's eastern shoreline.⁸⁴ Jonathan Belcher, acting lieutenant-governor of Nova Scotia following Lawrence's death in the autumn of 1761,⁸⁵ attributed the apparent unrest of the Acadians and Indians to residual French interests - mostly priests and other malcontents who were permitted to remain in the province after the conquest.⁸⁶

The threat of renewed conflict between British colonists and Indians prompted the Nova Scotia Council to renew its efforts to bring the remaining Indian bands into some form of peace agreement with the province. New invitations were dispatched to the Indians who had not signed the February 1760 Treaty and a special effort was made to reach those occupying the Chignecto Isthmus and Cape Breton Island. Indian representatives were asked to assemble at Halifax to receive gifts from the Nova Scotia government and to pledge their friendship to the British Crown.⁸⁷ Accordingly, on 25 June 1761 several chiefs, captains

82. Both on 23 February 1760. PANS, RG 1, Vol. 211. Executive Council Minutes, 23 February 1760, p. 114.

83. PANS, RG 1, Vol. 211. Executive Council Minutes, 10 March 1760, pp. 117-119.

84. L'abbé Maillard to the Executive Council, 10 April 1761. PANS, RG 1, Vol. 211, p. 171. Also Belcher to the Lords of Trade, 14 April 1761. PANS, RG 1, Vol. 37, Document number 6.

85. Charles Lawrence died in Halifax on 19 October 1760. PANS, RG 1, Vol. 211. Minutes of the Executive Council, p. 131.

86. Belcher to the Lords of Trade, 9 April 1761. PANS, RG 1, Vol. 37, Document number 4. Belcher blamed one person in particular, a French curate named "Manach." Later documents indicate that Belcher had him arrested in late 1761 and sent back to France. Lt. Governor Montagu Wilmot to the Lords of Trade, 10 December 1763. PAC, C.O. 217/20/354-357.

87. PANS, RG 1, Vol. 37, Document number 14.

and others from bands occupying the Miramichi, Shediac, Pokemouche and Cape Breton regions met with the Nova Scotia Executive Council. After a long and symbolic ceremony of greetings, gift-giving and pledges of friendship, Lt-governor Belcher and the principal men of the bands present signed the "Treaty of Peace."⁸⁸ A slightly scaled-down version of the proceedings was repeated on 8 July 1761 when Joseph Argimort, Chief of the Misiqash Indians, endorsed the Treaty.⁸⁹

While both the 1760 and 1761 Treaties were little more than the platitudinous documents first signed some thirty-five years previously at Boston and other Maritime centres, they did symbolize the first remotely successful British attempt to quiet the region's Indian population. The treaty provisions forbidding correspondence and trade with "enemies" of the British Crown in return for a state-controlled system⁹⁰ represented not only the province's desire to establish its own commercial links with the Indians, but also its intention to build and strengthen an economic control over the entire colony. The involvement of Cape Breton Indians was especially gratifying to provincial officials, as it was the first time in the European history of the region that British influence among the Island natives appeared to be increasing.

88. The 1761 Treaty was a near carbon copy of the 1760 document signed by several other Nova Scotia chiefs and principal men. The title was altered to meet the occasion: it became "A Treaty of Peace and Friendship with the Chiefs of the Tribes of the Mickmack Indians called Mirimichi (Miramichi), Sediack, Pogmouche (Pokemouche) and Cape Breton Tribes on behalf of themselves and their people." Claude Astonash signed for the Shediac Indians, Joseph Shabecholouest for the Miramichi band. It is unclear who signed on behalf of the Pokemouche and Cape Breton Indians. A copy of the Treaty is contained in PAC, C.O. 217/18/277-279. The content of the Treaty was discussed at Executive Council meetings held on 16 and 25 June 1761. See PANS, RG 1, Vol. 211. Executive Council Minutes, pp. 194-196.

89. PANS, RG 1, Vol. 211. Executive Council Minutes, 8 July 1761, pp. 201-202.

90. The precise wording in this section of the Treaty states that the signees would not "Traffic, Barter, or Exchange any commodity, in any manner, but with such a person or the Managers of such Truckhouses as shall be appointed or established by His Majesty's Governor." PAC, C.O. 217/18/278.

With the French gone and the British showing signs of exercising administrative control over the whole province, Indian anxiety over the eventual depletion of Nova Scotia lands and other resources might have been a natural consequence of this process. Surprisingly, it was not. During treaty ratification sessions throughout 1760 and 1761, neither the question of reserving specific parcels of land for exclusive use and occupation by Indians nor the problem of encroachments on "Indian lands" arose as issues. When compared with the land-related demands then being made by natives residing on the Ohio and northern New York frontiers, the apparent unconcern shown by Nova Scotia Indians seems out of place.⁹¹ Several factors probably account for this major difference in attitude between Nova Scotia Indians and their counterparts in the south.

The first and perhaps most obvious difference between what was occurring in Nova Scotia and on the other colonial frontiers in North America related to influxes of population. By the late 1750's and early 1760's, the relative disinterest shown by immigrants in Nova Scotia lands contrasted sharply with the speculative stampede experienced on the Ohio and New York frontiers. A grand scheme launched by Lt-governor Lawrence during the winter of 1758-59 to populate Nova Scotia with twelve thousand New Englanders was, initially, an abysmal failure.⁹² Even a series of advertisements sent by Lawrence to newspapers and agents in several of the other British North American colonies⁹³ did not

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91. No public record appears to exist for this period where Indians showed even the remotest concern for the loss of traditional hunting, fishing or camping areas.
92. Lawrence's plan is contained in a dispatch by the governor to the Lords of Trade of 20 September 1759. It is printed in W.O. Raymond, "Colonel Alexander McNutt and the Pre-Loyalist Settlements of Nova Scotia," *Royal Society of Canada Transactions* 1911, Section II, pp. 23-115. See also PAC, MG 11, C.O. 217, Vol. 17, folio 325. The Lords of Trade had a scheme of its own for settling Nova Scotia which called for grants of land to reduced British troops. The grants were to be an inducement for the soldiers to remain in North America. See Lords of Trade to Lawrence, 1 August 1759. PANS, R.G. 1, Vol. 30, Document number 29.
93. These advertisements were in the form of two government Proclamations. The first was sent out on 12 October 1758 and explained how the defeat of the French had removed the ancient fear of attack on Nova Scotia settlements. The second was issued on 11 January 1759 and articulated the very generous terms for payment of lands which the Nova Scotia Council was willing to provide to prospective settlers. Every family was to receive up to one thousand acres with no quit rents to be paid for ten years. PANS, RG 1, Vol. 220. Executive Council Minutes, 12 October 1758, 11 January 1759, pp. 27, 28, 35.

succeed in attracting much immigrant interest in Nova Scotia lands.⁹⁴ If government settlement efforts had been more successful during this period of 1759-61, Indian concern over lands may well have arisen at the treaty meetings.

The second major difference between the colonial frontiers along the Ohio or in northern New York and those of Nova Scotia relates closely to the first point. While demand for Nova Scotian lands was low, the supply of good arable farmland had always been high. Unlike the western frontiers to the south, Nova Scotia was seldom the preferred destination of immigrants coming to the New World. By 1759 Nova Scotia's population was still sparse, and because of the Acadian expulsion in 1755, there had been a net loss of numbers during the war years. In the New England colonies, by contrast, less and less land became available for younger men and newcomers, with the result that even prior to the war, prospective settlers had driven the settlement line to the west of the Appalachian divide and northward beyond Albany. All had sought a cheap homestead and good farmland.⁹⁵ Also, New Englanders had older and wealthier North Americans and Britons eager to pave the way west and north by instituting large-scale land operations such as the Ohio and the Susquehanna Companies. While Nova Scotia had limped along on government subsidies and military grants during the 1750's, enterprising men to the south had put capital into building access roads to far-flung settlements in remote parts of the country. The good farmland in Nova Scotia, while it was plentiful, was often inaccessible and isolated from the largest community, Halifax, and few desired it. This was certainly the case in 1759, when the government failed to fill up the rural, rough-hewn

94. In fairness to Lawrence and the efforts of the Nova Scotia Council, it should be pointed out that two unrelated events tended to conspire against the settling of the province prior to 1760. Isolated Indian raids had continued on the more remote settlements throughout the latter months of 1758 and into the spring of 1759. Such activity was a major discouragement to those looking for settlement lands to occupy in the summer of 1759. Secondly, in November of 1759 one of the worst storms ever to have been reported along the Nova Scotia coastline struck Halifax and flooded dykes and farmland for weeks. The result was that a great deal of farmland thought to be ready for settlement would not sustain the year's crops during 1760. In summarizing their relative successes and failures at attracting settlers to the end of 1760, the Nova Scotia Council concluded that the colony had been fortunate in getting the 1 800 people who had somehow surmounted all the obstacles occurring during the previous two years. Belcher to the Lords of Trade, 12 December 1760. PAC, MG 11, C.O. 217, Vol. 18, folios 81-91.

95. A good overview of this settlement phenomena is given by J.B. Brebner, The Neutral Yankees of Nova Scotia (Toronto, 1969), p. 20.

abandoned homesteads of the six thousand Acadians who had been banished from the colony in 1755.⁹⁶ With so much land available and so few who wanted it, it is little wonder that the Nova Scotia tribes were relatively unconcerned about land-related matters during 1759 to 1761.⁹⁷

The last major difference between Nova Scotia and the Ohio/New York frontiers was the history, especially the recent history, of British-Indian relations in the two geographic areas. In Nova Scotia, no formal government commitments were ever made, even during the darkest times of war, to protect large tracts of lands for Indian use and occupation. While William Johnson and his deputies made a public virtue of providing guarantees to the Six Nations and other tribes to protect Indian "Hunting Grounds," administrators in Nova Scotia were commissioning surveys of the entire province so that settlement could continue unhindered.⁹⁸ In 1754 and again in 1755, when Nova Scotia Indians were making fervent appeals to provincial officials to reserve specific parcels of land along the north eastern shoreline for Indian use, the Executive Council dismissed the requests as out

96. All former Acadian lands were officially escheated by an Act passed by Nova Scotia in 1759 entitled "An Act for the quieting of possessions to the Protestant Grantees of the Lands formerly occupied by the French Inhabitants." The Act forbade the recovery of any Acadian lands "by virtue of any right, title, claim interest or possession of any of the former French inhabitants." Acts of the Nova Scotia Legislature 1759. 33 George II cap. 8.

97. It should be recalled as well that even with the Acadian farmers, Indians seldom begrudged them land or farming. Part of the reason is that unlike the tribes occupying the northern New York and Ohio frontiers, the Micmacs and Malacites of Nova Scotia were fishermen as well as hunters. Many Micmac bands spent all but the winter months along the sea coast, gathering shell fish, hunting seals and fishing salmon. Potential farmers were more interested in the soil-rich river valleys further inland. Two historians who have examined early settlement patterns in Nova Scotia agree that it was these interior lands, especially of the Acadians, which the province had pushed hard to settle first. See Brebner, *Neutral Yankees*, p. 21 and Margaret Ells, "Clearing the Decks for the Loyalists," *CHAR* (1933):43-44.

98. Between 1759 and 1761 the province commissioned Captain R.E. Bruce and Charles Morris to survey promising agricultural areas for prospective settlement. See R.E. Bruce to Lt-governor Belcher, 10 October 1762. PAC, MG 11, C.O. 217, Vol. 20, folios 28-29 and Report of Charles Morris, Chief Surveyor of Nova Scotia, 9 January 1762. PAC, MG 11, C.O. 217, Vol. 18, folio 245.

of order and exorbitant.⁹⁹ Neither colonial officials in Halifax nor government members in London, it appears, ever considered that Indians had legitimate rights, interests or claims to Nova Scotia lands. For their part, Nova Scotia Indians as a whole never fully acknowledged British sovereignty over Acadia, regardless of the outcome of Anglo-French conflict, and - unlike their southern counterparts on the Ohio and northern New York - did not declare themselves unconditionally for the British prior to the close of the war.

While settlement lagged following the conquest until the close of 1761, the beginning of 1762 brought renewed hope for those who desired to see Nova Scotia settled and productive. In the St. John River region, for instance, demobilized soldiers vied with New England immigrants for possession of fertile lands in the St. John valley from Fort Frederick northward to St. Ann's.¹⁰⁰ In March of 1762, the Nova Scotia Council heard its first request for social assistance

99. The first appeal was contained in a letter written by the Abbé Le Loutre on behalf of the Micmac Indians residing on the Chignecto Isthmus and around Baye Verte. It was read at Council on 27 August 1754. Le Loutre told Nova Scotia officials that the Indians wanted a parcel of land set aside for their exclusive use and occupation where they now resided. The land would have comprised most of the shoreline between the Baye de Chaleur and Canso. The text of Le Loutre's letter is contained in PANS, RG 1, Vol. 210. Executive Council Minutes, 27 August 1754, pp. 58-61. The Council responded in this instance with the comment that the Indian request was "too insolent and absurd to be answered." The second appeal came directly from the Micmac Chief Paul Laurent at Beauséjour, who claimed to represent Micmacs from the Chignecto - Cobequid areas. He asked the Executive Council on 12 February 1755 to reserve to his band a tract of land for the purpose of hunting and fishing. The area to be reserved followed closely the boundaries suggested six months earlier in the Le Loutre letter. On 13 February 1755, the Council told Laurent that his request was "exorbitant" and denied. The Council also reminded Laurent of the several "Treaties of Peace and Friendship" which the Indians had broken during the previous few years. PANS, RG 1, Vols. 210, 12. Executive Council Minutes, 13 February 1755, pp. 109-111.

100. Brebner, *Neutral Yankees*, pp. 51-52. See also Raymond, *River St. John*, pp. 132-142. The Nova Scotia Council, surprised at the sudden influx of people, dithered for some time about how to cope with the problem. It finally decided to permit the New Englanders to settle temporarily north of St. Ann's on the west bank of the St. John near the mouth of the Oromucto River. By 1763, the Council passed grants to confirm to the so-called New England "squatters" the lands they had chosen. Fort Frederick is near the site of the present city of St. John, New Brunswick, and St. Ann's later became Fredericton.

from a new settlement of some hundred and fifty families - a sign that population growth had begun outstripping public services to support it.¹⁰¹ Finally, in the early summer of 1762, upon the pretense of a possible French raid on Halifax from Newfoundland, the Nova Scotia government made more settlement lands immediately available to immigrants by expelling another thousand French Acadians from their lands.¹⁰² All of these events taken together should have elicited some form of response from the province's native peoples: hunting lands were being settled, more of their long-time friends were being banished from the colony, and civil authority was beginning to be exercised in even the remotest parts of the province. However, apart from one or two isolated incidents,¹⁰³ the Indians appeared to remain calm.

Into this atmosphere of relative tranquility between natives and colonists which existed in Nova Scotia in the early part of 1762, came orders from the imperial government in London to review and if necessary revise British-Indian relations vis-à-vis land in the province. It was the 9 December 1761 Instruction from the king outlining the importance for colonial officials "to support and protect

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101. PANS, RG 1, Vol. 211. Minutes of the Executive Council, 3 March 1762, p. 235. Other complaints relating to population growth were actually being heard much earlier. In July of 1761 residents of the townships of Onslow and Truro decried the fact that too many families were being placed on too little land. During that same month, after several complaints by settlers that their communities were quickly becoming lawless, the Executive Council decided to set up a system of Courts of Common Pleas to hear local grievances of a civil nature. See PANS, RG 1, Vol. 211. Executive Council Minutes, 13, 22 July 1761, pp. 202-203, 205.
102. The French recaptured the port of St. John's Newfoundland in July of 1762 and held it briefly. In response to this event, Nova Scotia Lt-governor Belcher established a Provincial Council of War which sat for most of July and August of 1762. Martial law was declared on July 13 and by the following August 18, against the advice of several noted civil and military officials in North America at the time, a thousand Acadians were put on board British transport ships and sent southward to Boston. For an excellent narrative and analysis of the events of July and August 1762 in Nova Scotia, see J.S. Martell, "The Second Expulsion of the Acadians," Dalhousie Review XIII (October 1933).
103. One exception was a reported confrontation between some Malecite Indians and an advance survey crew on its way north along the St. John River in late 1761. The Indians were said to have been dressed in "war paint" and allegedly were to have informed the surveyors that the land on the St. John River was Indian land and anyone on the land without Indian permission was trespassing. The Indians were also reported to have threatened the survey party not to continue their journey any further. See Raymond, River St. John, p. 142.

the Indians in their just Rights and Possessions" and warning of the "fatal Effects which would attend a Discontent among the Indians in the present Situation of Affairs."¹⁰⁴ To many in Nova Scotia the advice in the document must have seemed inappropriate, perhaps even absurd. Native rights to large tracts of land in Nova Scotia had never been acknowledged by Britain, or by its officials and administrators, to exist. Secondly, no real threat appeared then to exist to the province from Indians living within or beyond Nova Scotia's boundaries. What seemed patently obvious about the king's Instruction was that it was designed to meet exigencies in other parts of British territories on the continent - not in Nova Scotia. However, such analysis does not take into consideration the potential for misunderstanding among Nova Scotia's then-governing officials, especially its lieutenant-governor, Jonathan Belcher.

Belcher was acting lieutenant-governor of Nova Scotia when the 9 December 1761 Instruction arrived in Halifax from London. He was a dedicated and, from all accounts, hard-working public servant who was eager to see the king's business conducted in the province correctly and dutifully. His short prior history in the post, however, demonstrated that what he accomplished was not always done smoothly or without disapprobation from his colleagues in government. By the early part of 1762, in fact, Belcher had managed to alienate most of the Executive Council,¹⁰⁵ to anger the Lords of Trade,¹⁰⁶ and to permit

104. "Order of the King in Council," 23 November 1761. O'Callaghan, N.Y.C.D., VII:477.

105. The so-called Debtor's Act issue is the best example of Belcher's failure to maintain good relations with his fellow Councillors. The Act, first passed in 1751 to attract entrepreneurs to Nova Scotia, exempted the inhabitants of Nova Scotia from prosecution for debts incurred in other British colonies. The Act had been renewed several times at the insistence of powerful individuals in Nova Scotia. When it came due for renewal at the end of 1761, Belcher gave notice that he was unprepared to support the continuance of the Act. It was reported that a number on the Executive Council and several of their close friends would have been financially ruined without the benefit of protection given by the Act. While the rest of the Council persisted in unanimously opposing the demise of the legislation, Belcher persisted in his own singularly-held position and recommended his viewpoint to the Board of Trade. For a good analysis of the Debtor's Act issue, see Brebner, Neutral Yankees, pp. 61-62.

106. During the early part of 1761, the Board of Trade reviewed the administrative details of Nova Scotia's governance for the previous few years when Belcher had been a key member of the Council and declared that public funds had been poorly handled and too much money had been unaccountably granted to the military and other interest groups. Much to the Board's chagrin, Belcher as acting lieutenant-governor proceeded to expand the provincial debt. Instead of working to clear up the colony's finances, in the words of one commentator, Belcher "fussed over petty economies with which to garland his reports to the Board." The unfavourable Board of Trade Reports on Nova Scotia of April/May 1761, are at PAC, MG 11, C.O. 218, folios 12-30, 33-34, 42-44.

the economy of the province, especially the Indian trading system established by his predecessor, Governor Lawrence, to fall into near collapse.¹⁰⁷ When the lieutenant-governor received the royal Instruction, he saw it as something to divert attention from his own political, financial and administrative problems. Suddenly, Indian lands became not only a matter of concern in Nova Scotia, but the focus for government attention and priority for the remainder of the year.

In the early spring of 1762, Belcher set about his task of complying with the royal Instruction by conducting what he termed an "Inquiry" into the "Nature of the Pretensions of the Indians for any part of the lands within the Province."¹⁰⁸ This Inquiry, however, was not a public hearing; it amounted to little more than a search of provincial records to determine whether any official demands or claims for land had ever been made by Nova Scotia Indians. In fact, Belcher's handling of the preliminary "investigation" was so low-key that he chose not to obey the royal Instruction's express order to issue a public proclamation¹⁰⁹ - a decree that would openly commit his government to the protection of Indian lands. Belcher later explained this apparent shortcoming to the Lords of Trade by speculating that such a proclamation in Nova Scotia might have generated certain hostility from the Indians, who would have been "incited by the disaffected Acadians and others to have made extravagant and unwarrantable demands."¹¹⁰

107. Governor Lawrence had attempted to bring Indians into a closer commercial dependence on the British by establishing a new trading network after the fall of Louisbourg. As part of this program, the province sponsored the creation of an elaborate system of truckhouses supported by government grants and subsidies. By the end of 1761, the mounting costs of the system became painfully evident and the whole approach should have been scrapped and some alternative found. Belcher refused to consider altering the scheme and by the end of 1762 a £6 200 overrun was recorded in the provincial debt ledger from Indian trading activity alone. See PAC, C.O. 217/20. Remarks on the Indian Commerce, 8 July 1763, pp. 160-173.

108. Belcher to the Lords of Trade, 2 July 1762. PAC, MG 11, C.O. 217, vol. 19, folios 27-28.

109. Belcher and the other governors were told to "cause this Our Instruction ... to be made Public not only within all parts of your said Province ... but also amongst the several Tribes of Indians living within the same...."

110. Belcher to the Lords of Trade, 2 July 1762. PAC, Nova Scotia A series, Vol. 68, p. 7. Belcher's letter can also be found at PAC, C.O. 217/19/22-26.

Belcher's search of the provincial records prompted him to conclude that the only substantiated Indian claim for lands in the province had been one for hunting and fishing rights to a piece of shoreline based upon "a common-right to Sea Coast." The specific area stretched from Musquodoboit (just east of Halifax) to Canso along what is now the eastern shoreline of New Brunswick to the Bay of Chaleur. The lieutenant-governor did not credit the source for his conclusion, but the geographic location of the claim probably originated from a petition for land first submitted by Chignecto Micmacs in August 1754 and later repeated in February of 1755.¹¹¹ While Belcher correctly identified one of the few, if not the only, Indian demands for specific lands in the province, his real shortcoming came when he had to interpret the king's Instruction of 9 December 1761. The lieutenant-governor misinterpreted the Instruction to mean that all lands "claimed" by Indians, regardless of when, where or under what circumstances, were to be automatically reserved to native use and given the Crown's protection. To conform with his interpretation of the intent of the royal Instruction, Belcher issued a proclamation on 4 May 1762 to reserve the seacoast area described in the 1754-1755 Indian requests for lands.¹¹² Then, on 2 July 1762 the lieutenant-governor sent a copy of the proclamation as an enclosure in a lengthy report to the Board of Trade.¹¹³ Belcher undoubtedly expected to be praised by his London superiors for the dispatch with which he had carried out the king's 9 December 1761 orders.

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111. L'Abbé LeLoutre on behalf of the Indians at Chignecto and Baye Verte, 27 August 1754. PANS, RG 1, Vol. 210. Minutes of the Executive Council pp. 58-61. Petition of Paul Laurent, Chief of the Indians at Beauséjour, 13 February 1755. PANS, RG 1, Vol. 210. Minutes of the Executive Council, pp. 109-111. When the submissions were first made, the Council responded that the first was "too insolent and absurd to be answered" and that the second was "exorbitant."
 112. Proclamation of 4 May 1762. PANS, RG 1, Vol. 36, Document number 165. It is also found at PAC, C.O. 217/19/27-28.
 113. Belcher to the Lords of Trade, 2 July 1762. PAC, C.O. 217/19/25-26. Belcher assured the Board that his "inquiry" into the matter of Indian lands in Nova Scotia was meticulous and complete and that no other claims had ever been made. In fact, Belcher reasoned that no other claims could possibly have been made "either by Treaties or long Possession." He argued that "since the French derived their Title from the Indians and the French ceded their Title to the English under the Treaty of Utrecht" both factors - long possession and treaty - had to be ruled out as a basis for further claims. Unfortunately, Belcher failed to take the opportunity here to explain why he recognized and supported the claim which he announced in the proclamation.

It was not long before Belcher's handling of the December 1761 royal Instruction came under the scrutiny and criticism of his government colleagues in Halifax and London. Joshua Mauger, an influential Nova Scotia entrepreneur and perhaps Belcher's bitterest political enemy,¹¹⁴ was the first to act. In his capacity as Provincial Agent to the Board of Trade for the Nova Scotia Assembly, Mauger journeyed to London in the summer of 1762 to lobby against Belcher and his administration of the province. In September of 1762 Mauger petitioned the Board of Trade for an interview. He claimed that he wished to speak out against Belcher's policy to give away half the Nova Scotia seacoast to Indians, that Belcher's maladministration could put the colony in danger of financial ruin, and that the lieutenant-governor's performance to date deserved very serious attention - perhaps his removal from office.¹¹⁵

On 2 December 1762 Mauger received his hearing at the Board office. He told the Lords of Trade that "Such a disagreement has arisen and subsists between (Lt-governor Belcher) and the Members of his Majesty's Council and the Assembly ... that they are adverse to the doing any further Business with him." In effect, Mauger was able to play the role of the concerned colonial, representing only the best interest of his province to those most responsible for its guidance. For most of the remainder of the day, the Board discussed the details of Belcher's administration and asked Mauger for clarification upon several points.

Evidence of Mauger's success in undermining Belcher's authority was not long in coming. On 3 December 1762 the Board drafted a series of reproachful Minutes for transmittal to Belcher, and the first subject addressed was Indian lands. Belcher was told that their Lordships expressed their "greatest Astonishment and concern" over the lieutenant-governor's "impudent" reservation of lands for Indians to the exclusion of his Majesty's other subjects. The Board Minute further explained that the proclamation of 4 May 1762 was "not warranted by His Majesty's

114. It was rumoured that along with Executive Council member Joseph Gerrish, Mauger would have been one of those Halifax businessmen most badly hurt by any lapse of the Debtor's Act.

115. The Petition was formally acknowledged by the Board in November of 1762 and considered formally at a Board meeting of 2 December 1762. Mauger to the Lords of Trade, September 1762. PAC, C.O.217/19/167.

Order in Council of the 9th of December 1761." The latter document, the Board stated, referred "only to such Claims of the Indians as had heretofore at long usage admitted and allowed on the part of Government and confirmed to them by solemn Compacts." To put it as bluntly as possible, only those lands which British officials had already formally pledged to secure would be guaranteed protection under the provisions of the royal Instruction of December 1762.¹¹⁶ In short, Belcher had erred badly. He had reserved to Indians what had never been considered by Britain to be theirs and he had dared to exclude British settlers and fishermen from those lands and the attendant shoreline. This had all been done at a time when both the Board and powerful interests in the colony wished to see Nova Scotia populated as expeditiously as possible.

While Belcher had demonstrated serious error in judgement in conducting the affairs of the province, he had never attempted to deceive, misrepresent or purposefully misinform his colleagues on any subject. However, when the Board's 3 December 1762 Minutes arrived at Halifax, Belcher took what one historian has described as "a significant step towards deceit."¹¹⁷ The lieutenant-governor, while acknowledging the Board's December 3 dispatches, did so in such a way as not to betray the substance of the Board's letters. He decided to keep the actual contents of the Board's letters to himself and to show only his responses to his Executive Council colleagues. Unfortunately for Belcher, Joshua Mauger had written triumphantly to his friend and Executive Councillor, Michael Franklin, of his success against Belcher with the Lords of Trade. Mauger informed Franklin that the Board had refused to give its approval to the Belcher Proclamation of 4 May 1762 and that Belcher had been heavily criticized for his maladministration of provincial affairs. To officially inform the Assembly of its agent's work in London, to assuage Assembly members' anxiety about the status of several of its Bills which Belcher had refused his consent, and undoubtedly to humiliate

116. Extracts of the Minutes of Proceedings of the Lords Commissioners for Trade and Plantations, 3 December 1762. PANS, RG 1, Vol. 31 Document number 10. In the remainder of the Minutes, Belcher was scolded for overspending provincial funds on Indian trade and presents during 1761 and was told that he must begin interpreting British law and legislation in such a way that conformed with normal British practice and common sense. This last remark must have been particularly cutting for Belcher, as he had held the position Chief Justice of Nova Scotia during most of his term as lieutenant-governor. See PANS, RG 1, Vol. 211. Executive Council Minutes, 26 April 1762, p. 241.

117. Brebner, Neutral Yankees, p. 73.

the lieutenant-governor publicly, Franklin forwarded the contents of Mauger's letter to the Assembly Speaker, who in turn had it read into the Assembly Journal.¹¹⁸ When the Journal was circulated, a minor scandal erupted and Belcher was asked by fellow members of the Executive Council if the contents of Mauger's letter were true. Belcher calmly told the Council that "there was not any truth in Any one of the facts respecting the Government contained in the Said Letter."

In Nova Scotia, the issue of whether or not Belcher had lied to the Executive Council cooled somewhat when it appeared that the Indians would not press their claim to lands identified in the proclamation of 4 May 1762. Rumours had also reached Halifax that Belcher was about to be replaced.¹¹⁹ In London, however, when Mauger received news from Franklin that Belcher had not been totally candid with the Council about the Board's dispatches, Mauger was incensed. He petitioned the Board of Trade for an interview and was permitted to make a written submission on 28 September 1763. In it, Mauger again attacked Belcher's handling of his administrative responsibilities and singled out once more the lieutenant-governor's awkward handling of the royal Instruction on Indian lands for particular attention. Mauger told the Board that in the circumstances Belcher's proclamation of 4 May 1762 was "Silly and Precipitate."¹²⁰ Ironically, even before Mauger's petition reached the Board office, events had overtaken most of what the Nova Scotia agent had to say. By 28 September 1763, British government officials had already prepared and, in the main, approved an overall scheme for the designation and protection of Indian lands in the colonies.¹²¹

118. The Assembly Journal entry is dated 20 June 1763 and is at PANS, Journals of the House of Assembly 1761-1769, pp. 20-21. Mauger's letter is also summarized in the Executive Council Minutes for 28 July 1763. PANS, RG 1, Vol. 211, pp. 301-304.

119. Belcher had in fact been replaced as lieutenant-governor of Nova Scotia on 14 March 1763 by Montagu Wilmot, a commissioned officer and friend of Lord Halifax.

120. Joshua Mauger to the Lords of Trade, 28 September 1763. PAC, C.O. 217/20/202.

121. This was to be contained in the royal Proclamation of 7 October 1763.

Furthermore, just one day before Mauger's submission was sent to the Board, Lord Halifax, now Secretary of State for the Southern Department, announced that Montagu Wilmot had been elevated to the full governorship of Nova Scotia.¹²² Thus Belcher's mishandling of Nova Scotian policy towards Indians was not only acknowledged by his superiors in London but it had led, in large measure, to the lieutenant-governor's replacement by a younger, less experienced man. Ironically, among Wilmot's first correspondence from London was a letter from the Board officially informing the governor that Belcher's Indian proclamation of 4 May 1762 had been disallowed.¹²³

The reaction to Belcher's "Indian proclamation" both in London and Halifax provides at least one important gauge of British colonial and imperial attitudes toward protection of lands for Indians in Nova Scotia. Neither Board officials nor government members in Nova Scotia saw the least justification in law or in reason for preserving or reserving large blocks of provincial land for exclusive Indian use and occupation. There was no northern equivalent to the Easton Treaty, and British officials had never made with Nova Scotia Indians "those ancient and sacred compacts" often spoken of in connection with the Six Nations and other allied tribes. When settling the province, no special provisions were to be established for Indian hunting and fishing areas and no effort would be made to separate Indian from colonist. While there is nothing to suggest that Britain planned to punish the tribes for their wartime indiscretions, there is no evidence whatsoever to indicate that Indians were to receive any special care or consideration in post-war Nova Scotia.

122. Wilmot arrived in Halifax on 24 September 1763 and took up his duties as lieutenant-governor of the province on September 26. However, Wilmot's Instructions were not drafted at the Board of Trade until November of 1763 and were not sent until the following March. See Lords of Trade to Wilmot, 20 March 1764. PAC, C.O. 218/6/385-388; PAC, MG 11, C.O. 217, vol. 20, folio 215, and Instructions to Governor Wilmot, enclosure, dated 6 March 1764. PAC, MG 11, C.O. 218, vol. 6, folios 141-182, 183-195.

123. Lords of Trade to Governor Wilmot, 20 March 1764. PAC, C.O. 218/6/385-388. Provincial administrators in Nova Scotia, however, had not awaited official word from London before setting the proclamation aside. On 26 December 1763, at an Executive Council meeting attended by both Belcher and Wilmot, the Council ruled the document to be void. This action was taken on the basis of Mauger's letter to Councillor Franklin, informing the latter that the Board of Trade had not given its approval to the terms of the proclamation. See PANS, RG I, Vol. 211, Executive Council Minutes, 26 December 1763, pp. 330-331. It appears that the discussion on the proclamation was initiated by Wilmot, who had read aloud at the meeting the Board of Trade's reproachful letter to Belcher of 3 December 1762.

Questions relating to land would prove to be the most important long-term issues between Indians and colonists, but matters of commerce, especially the management of Indian trade, played an important role in the immediate post-war period in Nova Scotia. The 1760-61 Treaties of Peace and Friendship, while omitting all references to Indian lands, made a special point of outlining future relationships between Indians and the province in matters of trade. In short, Indians were to trade exclusively with the British. In return, Nova Scotia would establish a government-run system of truckhouse posts,¹²⁴ set fair prices of exchange and generally guarantee reasonable conduct toward Indians engaged in trade.

It is not clear why Nova Scotia officials established trade as a priority in Indian relations. France had never found fur trade in Nova Scotia to be lucrative, and British officials in the province had never really bothered to compete with the French for what little Indian trade existed. Lt-governor Lawrence and, later, Lt-governor Belcher may have decided that in order to make a lasting peace with all of the tribes, it was important that Britain assume the role previously played by France in the province. It may also have been that both these officials decided that the Nova Scotia fur trade actually had potential for profit which

124. The so-called truckhouse system was developed first in Massachusetts in the late seventeenth century. Essentially, it meant the erection by government of permanent trading posts which in turn were managed by government-salaried operatives who traded with Indians at government-established rates. The system continued in Massachusetts for over fifty years and during that period cost the provincial treasury a great deal of money. Almost every Nova Scotia governor from 1713 onward requested authorization from London to establish a similar system, but each time it was rejected by the home government. London judged that the volume of trade in Nova Scotia was much too small to warrant an elaborate, public-run trading operation. An excellent summary of the early history of Indian trade in Nova Scotia can be found in R.O. MacFarlane, "Indian Trade in Nova Scotia to 1764," CHAR 40 (1934):57-67.

might be realized under good management. Whatever the reason, by early 1760 several important decisions had been made to create a state-managed system of Indian trade.¹²⁵

From the beginnings of the Nova Scotia truckhouse operation to its demise a few years later, the scheme was an unmitigated failure. Inexperience, greed and perhaps larceny played important roles. The first Commissary of Indian Trade established an elaborate system to supply trade goods and services at exorbitant profits with no risk.¹²⁶ Truckhouses were built at great cost in places with little or no potential for business.¹²⁷ Patronage rather than experience in trade determined the choice of truckmasters to operate government-run stores. Even after drastic reforms to the system were introduced in late 1761 and several of the original personnel were replaced, expenses continued to exceed revenues by an extraordinary margin. In late spring of 1763 "the amount of the whole goods sold to the Indians, was not equal to the Salaries paid by the Government to the Truckmasters."¹²⁸

As in matters relating to provincial lands, Nova Scotia's system of Indian trade was not to survive the test of time. By 1763, with the encouragement of the home government, Nova Scotia would begin to settle vast tracts of provincial land, pushing native villages and encampments away from productive hunting

125. A few days before the 1760 Treaty of Peace and Friendship was endorsed for the first time, Lawrence appointed Halifax merchant Benjamin Gerrish as Commissary for the Indian Trade. Gerrish was to initiate and run the new government-sponsored truckhouse system. The day after the 1760 Treaty was signed, the Executive Council met with several Indian chiefs and established official rates of exchange to govern trade during the following year. PANS, RG 1, Vol. 21, Executive Council Minutes, 13 February 1760, pp. 101-106. See also Orders to Benjamin Gerrish from Lt-governor Charles Lawrence, 8 February 1760. PAC, C.O. 217/20/71-72. Gerrish's full title was "Agent or Commissary on behalf of the public for carrying on a Commerce with the several Tribes of Indians inhabiting this Province and its environs." The Executive Council established the exchange rates for 1760 at a Council meeting on 14 February 1760. See PANS, RG 1, Vol 211, Executive Council Minutes, p. 108. The table of rates is at PAC, C.O. 217/20/152-157.

126. MacFarlane, "Indian Trade," pp. 60-63.

127. These were at Annapolis Royal, Pisiquid and Lunenburg. See Elizabeth Ann Hutton, "The Micmacs of Nova Scotia" (M.A. Thesis, Dalhousie University, Halifax, 1961), p. 167; MacFarlane, "Indian Trade," p. 63.

128. Report of some Halifax Merchants, 5 April 1763. PAC, MG 11, C.O. 217, Vol. 20, folios 160-214.

and fishing areas. At the same time, the provincially monopolized trading system was failing to meet even minimal standards of equity or commercial success.

The long-held Indian fear that the British meant only to starve him and take away his land was a vision that would soon gain deserved credibility in Nova Scotia.

British-Indian Relations in North America at The Close of 1762

Within two years of the collapse of New France and British victories at Quebec and Montreal, British occupation and control over several areas of the continent, especially those regions formerly disputed by the French, were threatened from another quarter. Reluctance or refusal by colonial and imperial officials to provide Indians with even the most basic guarantees for their survival caused the Indians to challenge British authority.

The first real sign of problems arose in early 1761 when Johnson, on his way to Detroit, heard rumours of a general anti-British Indian conspiracy. While those who were closest to the problem, especially Johnson and his deputies, took such rumblings seriously,¹²⁹ others like General Amherst, who was most responsible for the safety of the British frontier settlements, tended to regard the reports as overblown or inaccurate. When Johnson told Amherst that natives were being severely mistreated by soldiers at various trading posts, the general responded that rough handling was only a necessary check supplied by the garrisons on "[The Indians] Drunken Frolics."¹³⁰

A prohibition on the sale or barter of arms and ammunition to the Indians by General Amherst simply exacerbated British-Indian relations. As British soldiers and other immigrants began taking up unsundered, traditional Iroquois lands in such areas as Fort Niagara and Lake George, it appeared to the Indians that once enough of them were deprived of the means to defend themselves, all Indian lands could be seized without resistance.

129. Daniel Claus told Johnson in December of 1761 that British officials who boasted that the Indians could be dealt with as they pleased were "so intoxicated with providential Success" that a danger existed that the British in general would "stumble over the whole Universe if no Block should happen to lay in [their] way." Claus to Johnson, 3 December 1761. Sullivan, Papers of Johnson, III:576. Johnson constantly told anyone who would listen that unless British attitudes changed, the natives would undoubtedly be aroused to take "desparate counter-measures." Johnson to B. Banyar, 13 March 1762. Ibid., p. 647.

130. Amherst to Johnson, 6 July 1762. Sullivan, Papers of Johnson, III:824-825.

Another problem which increased tensions between the British and Indians during this period was the question of presents. Throughout the long history of British-Indian relations, the one constant in times of peace and war was the practice of British gift-giving. By late 1761, even this was threatened. Amherst, who had often complained of the prodigious costs associated with the Indian Superintendency, told Johnson that he was totally averse "to purchasing the good behaviour of Indians by presents." He ordered Johnson to "avoid all presents in the future."¹³¹ Aware of the added difficulties which would occur if gift-giving were cut immediately, Johnson appealed to Amherst to continue the practice at least "until everything be entirely settled thro' out the Country."¹³² The Superintendent told Amherst that although he, too, was "averse" to buying the good will of the Indians, he felt it was not wise to stop "a practice [to] which the [Indians] have been always accustomed."¹³³ Under the circumstances, with British rule so new to the west, Johnson believed that the policy of distributing gifts should have been regarded as an aspect of establishing cordial relations rather than as a "bribe" - which was Amherst's view.¹³⁴

Predictably, the Indians were not long in demonstrating their displeasure with the deterioration of relations between themselves and the British. George Croghan reported to Johnson that the Senecas were becoming increasingly uneasy, especially as post commanders between the Iroquois country and the southern provinces were denying them ammunition and provisions.¹³⁵ Major Henry Gladwin,

¹³¹. Amherst to Johnson, 9 August 1761. Sullivan, Papers of Johnson, III:514. See also Amherst to Johnson, 20 December 1761. Ibid., p. 594.

¹³². Johnson to Amherst, 6 December 1761. Sullivan, Papers of Johnson, III:582.

¹³³. Johnson to Amherst, 7 January 1762. Ibid., p. 601.

¹³⁴. Johnson was so convinced that stopping the flow of presents to the Indians would further weaken British-Indian relations that he appealed Amherst's decision to the Board of Trade. See Johnson to the Board of Trade, 20 August 1762. Ibid., pp. 865-869.

¹³⁵. Croghan to Johnson, 31 March 1762. Ibid., p. 663. See also Inouye, "Sir William Johnson," p. 377. The Senecas feared that their arch enemies the Cherokees might move north and take advantage of the lack of arms and ammunition among their people.

the Detroit commandant, informed General Amherst in April of 1762 that there were fresh indications of "some designs of the Indians." in the west.¹³⁶ Johnson reinforced Gladwin's conclusions a few weeks later when he confided to Amherst that from his observations there were "Certainly many [tribes] amongst them who . . . would not fail to use all their influence to excite. . . a War with us."¹³⁷

There was also news of mounting unrest among both the southern tribes and the Six Nations Confederacy. Colonel Bouquet reported from Fort Pitt that the Shawnees had suddenly gone on the warpath and had taken four scalps on the Virginia and North Carolina frontiers.¹³⁸ Croghan sent a message that the Senecas seemed "Ripe for some Mischiff."¹³⁹ and in late July of 1762 came news that several Oneidas had traded insults with the garrison stationed at Fort Stanwix on the northern New York frontier.¹⁴⁰ In October, two British traders were murdered in Northern Pennsylvania, allegedly by a Seneca scalping party; a month later, two British soldiers were ambushed and murdered by a group of Ohio Indians.¹⁴¹

Johnson's investigations into the causes of the sudden outbreak of Indian hostility only substantiated his earlier suspicions: the main problems centered around Indian concern over their lands, the fur trade and how they might sustain their existence. The Abenakis told Johnson that there existed a general fear among many of the tribes that the British were intent upon a complete annihilation

136. Gladwin to Amherst, 1 April 1762. Sullivan, Papers of Johnson, III: 664.

137. Johnson to Amherst, 6 May 1762. Ibid., p. 730 as cited in Inouye, "Sir William Johnson," p. 384.

138. Amherst to Johnson, 4 April 1762. Sullivan, Papers of Papers, III:670.

139. Croghan to Johnson, 4 April 1762. Sullivan, Papers of Johnson, III:663. As cited in Inouye, "Sir William Johnson," p. 384.

140. Captain Thomas Baugh to Amherst, 20 July 1762. Sullivan, Papers of Johnson, III:831. The Oneidas also went as far as attempting to take the fort out of the hands of the British commander.

141. Johnson to Richard Peters, 19 October 1762 and Johnson to Amherst, 12 November 1762. Sullivan, Papers of Johnson, III:909, 932.

of their race.¹⁴² The Cayugas, Senecas, Delawares and Munsies from the west pointed to the refusal of British post commanders to furnish ammunition as proof of that alarming possibility. All tribes complained bitterly about the constantly increasing encroachment of colonial settlement on their lands.¹⁴³

By the winter of 1762, British-Indian relations in North America had gone from bad to critical. The Iroquois, those tribes whom the British had always relied upon most for their loyalty and commitment, were reportedly ready to break publicly with their former allies. They were allegedly worried about a possible British policy of extermination. The rumour was that as soon as they had secured all the non-Indian captives still in the lands of the former French-allied tribes, the British would swoop down on the Indians, camp by camp, and kill every one on the continent. Croghan, who had reported the Iroquois disaffection, speculated that as the Iroquois went, so would go all of the western tribes. If the Senecas, Shawnees and Delawares split with the British, Croghan believed that a general assault would immediately follow on all British frontier western settlements.¹⁴⁴

As one historian of the period has stated, by the end of 1762 all the elements were present for a general Indian revolt:

a great horde of natives spread from the Canadian shield south and west to the Ohio River and the Great Lakes united by bonds of fear, suspicion and resentment of [British] military and economic policies.¹⁴⁵

No colonial or imperial official or government body seemed capable of or sufficiently concerned to articulate a clear-cut, conciliatory policy to appease the competing frontier interests. In the short time between the cessation of hostilities and the settling of the peace, British-Indian relations had deteriorated to the point of what appeared to be no return. One spark seemed to be the only thing separating a tense situation from an explosion.

¹⁴². Johnson to Amherst, 1 April 1762. Sullivan, Papers of Johnson, III:664.

¹⁴³. Croghan to Johnson, 10 November 1762. Ibid., p. 931. See also Inouye, "Sir William Johnson," p. 385.

¹⁴⁴. Croghan to Johnson, 10 December 1762. Papers of Johnson, III:964 Johnson, who attempted to calm the situation called a conference of the Six Nations and their allied tribes at Onondaga for December of 1762. When the conference representatives assembled, there was not one delegate present from the western Iroquois and their allies. See Johnson to Major General Robert Monkton, 13 December 1762. Ibid., p. 979. See also Inouye, "Sir William Johnson," p. 387.

¹⁴⁵. Inouye, "Sir William Johnson," p. 388.

PART VI

PERSONALITY, POLITICS AND POLICY:
THE CONSOLIDATION OF IMPERIAL MEASURES FOR COLONIAL PROBLEMS -
JANUARY TO OCTOBER 1763

The Preliminary Articles of Peace were signed in Paris on 8 November 1762 by representatives of the courts of Spain, France and Great Britain.¹ The acceptance of a tentative agreement among these three mercantile powers marked the close of a hundred and fifty years of diplomatic, commercial and military conflict for control of the North American continent. France ceded Canada, Acadia, Cape Breton and all the islands² in the Gulf of St. Lawrence to Britain and renounced claims to all territories east of the Mississippi River.

All that remained of France's extensive commercial and political empire in America was the right to participate in the off-shore Newfoundland fishery and to occupy two small islands in the Gulf of St. Lawrence.³ Spain retained the territory west of the Mississippi known as Louisiana and obtained the old port of New Orleans from France. More territory would change hands by this agreement than by any treaty dealing with the Americas either before or since.

British war objectives had been realized beyond the expectations of even the most optimistic of English military strategists. Britain and her colonies were promised possession of almost the entire North American continent to develop, cultivate, administer and, most importantly, to profit from. The prospects seemed limitless.

Lord Shelburne, who spoke in support of the Preliminary Articles in the House of Lords on 9 December 1762, reflected this mood:

The security of the British Colonies in N. America was the first cause of the War & has been wisely attended to in the negotiations for Peace - the total Extirpation of the French from Canada & of the Spaniards from Florida gives Gr(eat) Br(ritain) the universal empire of that extended coast, makes the Inhabitants easy in [Their] possessions, opens a new Field of Commerce with many Indian Nations, w(hi)ch have hitherto been enemies

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1. Savelle, Canadian Boundary, pp. 84, 144, 145. This provides an outline of the Preliminaries, by Article. The British Cabinet's minute of council approving the Preliminary Articles is in Public Records Office, London (PRO), "Egremont Papers," 30/47/21.
 2. The two important ones to note here are Anticosti and Isle St. Jean (P.E.I.).
 3. St. Pierre and Miquelon.

to the repose of British subjects & prevented the extension of our Settlements; furnishes great additional resources for the Increase of our Naval Power, & is of...more consequence than all other conquests, as it ensures to G[reat] B[ritain] the pleasing hope of a Solid & lasting Peace⁴

Not all British politicians were quite so enthusiastic about the settlement. William Pitt, who as Secretary of State had been chiefly credited with the successful prosecution of the war after 1757, had promised his opposition in the House of Commons. Pitt had resigned from the ministry in 1761 over what he termed a "soft" and "dishonourable" position taken by the Cabinet during preliminary negotiations with France. He was further dissatisfied with the peace terms settled by the British plenipotentiary, Bedford, under the direction of the Earl of Bute, now principal minister and advisor to the king. Pitt retained substantial support in the Commons, and those pledged to him, combined with another "Whig" faction under the Duke of Newcastle, threatened the agreement's survival in the lower chamber. Fundamental to the dispute between those who supported the terms and those who did not was the disposition of certain islands in the West Indies. Cessions had been made to France which allowed her to maintain a strong presence in that area, and many believed this would ultimately be detrimental to British commercial interests and to naval security. Opponents to the Preliminary Articles reasoned that the king's ministry had traded off the surety of profit from plantation-rich Guadeloupe and Grande Terre for the commercial uncertainty of an unsettled North American interior. There were, as well, those who believed Britain should have had both. When English naval forces took Havana in the summer of 1762, Pitt and friends gained considerable popular support both inside and outside Parliament for demanding stronger terms from France and Spain.

The inevitable climax to the clash between pro and anti-treaty forces took place in the House of Commons in early December of 1762. Pitt spoke vigorously against the terms of peace, as expected, arguing that the treaty cast

4. T.C. Hansard, ed., The Parliamentary History of England (London, 1813), XV:1252. Also cited in Gipson, British Empire, IX:41; H.W.V. Temperley, in Cambridge History of the British Empire (Cambridge, 1929), I:504. Gipson maintains that excerpts of this speech have been retained among the Shelburne Papers at the W.L. Clements Library in Ann Arbor, Michigan, Vol. 165, folios 309-321.

a shadow upon the country's glory and represented both a surrender of British interests and a violation of her national good faith.⁵ The fact that the government was able to carry the vote against such strong opposition was due not so much to the strength of argument mounted on the treaty's behalf nor to an appeal based on the intrinsic value of the terms themselves, but to an adept control and political orchestration of both Houses of Parliament by a few ministerial officials, their colleagues and recruits.

The king's ministry was particularly weak in the House of Commons. The only non-aligned politician who was thought capable of organizing government support in that chamber was Henry Fox. He had enjoyed various government appointments during the previous decade and at that time held the lucrative office of Paymaster General of the Army. Two problems, however, militated against a formal alliance with Fox: George III distrusted him as much as he hated and feared Pitt, and there was no formal Cabinet appointment that could be offered Fox at this juncture without irrevocably offending others in the ministry. Fox had made enemies everywhere. The situation was delicate, and the circumstances called for dextrous political manoeuvring.

Lord Bute chose to employ a youthful but loyal political acolyte, William Fitzmaurice, Earl of Shelburne, to open indirect negotiations with Fox.⁶ Between early November and December of 1762, Bute bargained for Fox's support through Shelburne. Fox employed his own agent, John Calcraft, as an intermediary with Bute and Shelburne.⁷ Two items finally guaranteed Fox's co-operation: a peerage for his wife and limited access to patronage under Bute's control.⁸

5. Savelle, *Canadian Boundary*, p. 145. It was reported that Pitt spoke for three hours and forty minutes against acceptance of the Treaty.

6. For the early life and career of Shelburne, see Edmund Fitzmaurice, *Life of William, Earl of Shelburne; afterwards First Marquis of Lansdowne with extracts from his papers and correspondence* (2d ed., revised) 2 vols. (London, 1912), I:82-85; also Duncan McArthur, "The British Board of Trade and Canada, 1760-1774; I, The Proclamation of October, 1763," *CHAR* (1932):99-102; and P.G. Walsh Atkins, "Shelburne and America, 1763-1783" (D. Phil. thesis, Oxford, 1971), pp. 1-4.

7. Shelburne's participation in the negotiations and his exchanges with Calcraft are found in Fitzmaurice, *Life of Shelburne*, I:84-95, 119-130.

8. According to the Duke of Bedford, it was the shameless use of bribery to Fox's supporters in the House which overcame all opposition. See John Russell, ed., *The Correspondence of John, Fourth Duke of Bedford*, 3 vols. (London, 1842-1846), III:166-167, 168-169.

In the House of Lords the situation was not quite so critical. Lord Egremont, then Secretary of State for the Southern Department, and other administration supporters were able to muster sufficient influence in the upper chamber to thwart any blockage by the Duke of Newcastle and his pledges. Lord Shelburne also participated with a speech to open the debate.⁹ On December 10th, the Preliminary Articles were ratified in both Houses by a wide margin. With only minor alterations in language, the treaty was signed two months later, in Paris, on 10 February 1763.¹⁰

Although official resistance to the treaty ended with the defeat of the Pitt and Newcastle opposition, a general uneasiness about the settlement lingered on. Fox and Bute were subjected to continuous abuse from both the London "mob" and the press. Powerful commercial interest groups wondered aloud in pamphlets and broadsides how British war sacrifices could be matched solely by the disputed commercial value of an unsettled North America. The Bute ministry had survived the parliamentary challenge to its peace proposals, but the wisdom of its policy remained unproven. The exploitation of the commercial benefits to the mother country from war gains made on the North American continent now demanded serious government attention.

Political uncertainty about the parliamentary success of the Preliminary Articles had delayed official consideration of how the country and the empire might best benefit from the new commercial opportunities. Attendant upon the fundamental commercial consideration, other questions of major importance needed to be confronted: how the new acquisitions in America were to be divided up and administered; what new security measures were needed to protect British possessions; how the large French Canadian population in Canada was to be governed; and - most important to this study - what policy or policies were to be employed in managing the relations between the British colonies and the diverse Indian tribes inhabiting the continent.

9. A portion of that speech is quoted on pages 284-285.

10. Russell, Correspondence of Bedford, III:188.

The first concrete sign that the ministry was prepared to consider and act quickly on some of these matters appeared in a letter of 27 January 1763 from the Secretary of State, Egremont,¹¹ to Sir Jeffrey Amherst, then commander-in-chief in North America.¹² The letter was prompted by reports received in England of a potential conflict arising between some Delaware Indians and a number of New England homesteaders who had settled on lands near the Susquehanna River in northern Pennsylvania.¹³ Egremont expressed his concern to Amherst about the dangers of any future conflict between the colonials and the Indians and asked the general to recommend orders for the prevention of an Indian war. He told him that the king wished to:

conciliate the Affection of the Indian Nation, by every Act of strict Justice, and by affording them... Protection from any Incroachments on the Lands they had reserved to themselves for their hunting Grounds

And, he added, "a plan for this desirable End, is actually under Consideration."¹⁴ Egremont also enclosed instructions for Governor Fitch to prevail upon persons concerned in the intended Susquehanna settlement to suspend their activities until further notification from the king's ministry.¹⁵

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11. Charles, Earl of Egremont, succeeded William Pitt as Secretary of State for the Southern Department on 9 October 1761.
 12. Bates, "Fitch Papers," XVIII:224.
 13. The dispute had its origins in the questionable purchase of land in the so-called Wyoming Valley of northern Pennsylvania during the Albany Conference of 1754.
 14. Egremont to Amherst, 27 January 1763. Bates, "Fitch Papers," XVIII:224.
 15. Egremont to Fitch, 27 January 1763. Bates, "Fitch Papers," VIII:224-25. On January 21 the Board of Trade had transmitted a report on this matter to the Privy Council. The Committee of Council on Plantation Affairs was then informed on 3 March 1763 of Egremont's orders for governors to use their legal authority to prevent settlement. Consequently, on May 11 the Committee ordered that instructions be prepared, in accordance with the Board of Trade's January 21 report, for the removal of any settlers who were already on the Susquehanna. Grant and Munro, Acts of the Privy Council, IV:555-556. For a more thorough discussion of these events see Sosin, "North American Interior," pp. 151-153.

Thus, by January of 1763 the government had taken its first significant step towards confronting one administrative problem which demanded attention in North America. Traditional Indian hunting lands, at least in the northern interior, were to be protected for the peace and security of the adjacent colonies. No unnecessary encroachments by settlers or land speculators would be tolerated. Crown-appointed officials were to use their legal authorities to guarantee implementation of the policy and to assist in effecting a conciliation with the neighbouring tribes.

The question of Indian-European relations in the southern district of North America also claimed its share of Egremont's attention in the early months of 1763. On 15 December 1762 Henry Ellis, governor-designate of Nova Scotia and trusted advisor to the Southern Secretary, sent Egremont a lengthy report on previous relations between British colonies and the southern tribes, with advice on what needed to be done to gain the latter's trust and support.¹⁶ He stated that withdrawal of the French and Spanish from the southern territories will "undoubtedly alarm and increase the jealousy of the Neighbouring Indians" and "it is understandably necessary to take the earliest steps for preventing it and gaining their confidence and good-will."¹⁷ Ellis explained that the French and Spanish in Louisiana had successfully "inculcated" an idea among the Indians that the English:

16. PRO, "Egremont Papers," 30/47/14/246-249. A contemporary of Ellis, Francis Maseres, called Ellis "the oracle of the ministry for all American matters" and believed that Ellis himself penned the Royal Proclamation of 7 October 1763! Stuart Wallace, ed., The Maseres Letters (Toronto, 1919), p. 99. William Knox, another contemporary of Ellis and a keen observer of American affairs, believed Ellis to be Egremont's "right hand man" in all colonial matters. Historical Manuscript Commission, Report on Various Collections, Sixth Report (London, 1909), p. 282. Further proof of Egremont's reliance on Ellis's advice in this area is contained in a report penned by the latter for Egremont in November of 1762. It sets out in clear form what Ellis saw to be the advantages gained for Britain in the Preliminaries of Peace signed on November 8. It contained the kind of information, in summary form, that Egremont and his colleagues used to defend the Preliminaries in the House of Lords the following month. "Advantages which England gains by the present Treaty with France and Spain," November 1762. PRO, "Egremont Papers," 30/47/14/248-249.

17. "On the methods to prevent giving any alarm to the Indians by taking possession of Florida and Louisiana," 15 December 1762. PRO, "Egremont Papers," 30/47/22/246-249.

entertain a settled design of extirpating the whole Indian Race, with a view to possess and enjoy their lands; And that the first step towards carrying this design into execution would be to expell the Fr[ench] and Sp[aniar]ds, the real friends and protectors of the Indians.¹⁸

In order to counter any fears the Indians might have concerning immediate British intentions for the southern interior, Ellis advised the calling of a conference of all major tribal groups inhabiting the region. He believed that the gathering should be convened jointly by the four southern governors:

to conciliate (the Indians) good will by a fair and candid Explanation of the Treaty of Peace completed with the French and Spaniards & of His Majesty's just and equitable Intentions towards all Indian nations.

Guarantees were to be given that the British planned no immediate settlement on Indian lands, and assurances were to be made of a sufficient supply of trade goods for their needs. Presents could be distributed at this time to all the tribes as a gesture of goodwill. Finally, Ellis suggested that the English Fort Loudoun and the former French posts of Tombigee and Toulouse be demolished.²⁰ Ellis reasoned that the Indians saw these forts as a threat and as possible outposts for further British settlement in their territory. Useless to the British in either peace or war, they could only serve to provoke Indian hostilities. Under normal conditions, Ellis explained, such forts were expensive, difficult to garrison and generally "productive of many inconveniences." Furthermore, he stated that those who comprised the garrisons were too far from direct control of any government and "are incessantly committing irregularities which disgrace and embarrass us with the (Indians)."²¹ He argued that these forts, situated in the

18. PRO, "Egremont Papers," 30/47/22/246-249.

19. Ibid., folio 248.

20. Ibid. Fort Loudoun was situated close to the Cherokee nation, Tombigee near the Choctaws and Toulouse in the Creek country.

21. PRO, "Egremont Papers," 30/47/22/248. See also Alden, John Stuart, p. 181. Alden states that a copy of this paper by Ellis is also in the Shelburne manuscripts in the W.L. Clement Library.

midst of Indian country, were too easily cut off from reinforcements and supplies in time of war.²² Ellis concluded that without the goodwill of the Indians, the forts were untenable; with it, they were unnecessary.

It would be difficult to refute Ellis's credentials for offering advice on Indian affairs in the southern theatre. As resident-governor of Georgia between 1757 and 1761,²³ he gained first-hand experience in colonial- Indian affairs. He had proven himself a competent and judicious diplomat by peacefully negotiating a land settlement with the Lower Creek nation on the Crown's behalf and by convincing that same tribe to stay neutral at a critical juncture in the French-English conflict.²⁴ More significant is the fact that Ellis was the only southern governor to secure from a provincial government an act to prohibit private land purchases from Indians and to establish by legislation an enforceable system of Indian trade regulations.²⁵

Egremont concurred within Ellis's evaluation of the situation in the southern district, accepted the programme as his own, and within the limits of his authority instigated full-scale adoption of the principles it contained. On 16 March 1763, Egremont ordered Southern Superintendent of Indian Affairs, John Stuart, and the four southern governors to hold a conference with Indian representatives

22. The lesson taught by the fall of Fort Loudoun during the so-called Cherokee War was not lost on Ellis.

23. Ellis assumed the governorship of Georgia in February of 1757.

24. The text of the treaty negotiated by Ellis between Georgia and the Lower Creeks is contained in PRO, C.O. 5/18.

25. Alden, John Stuart, p. 95. To the acts regarding land purchases and trade practices, Ellis appended a rigid system of fines for those found transgressing the articles: those purchasing Indian reserved lands illegally were to be assessed a fine of £1 000; traders caught operating without a permit from the governor were charged £100 for each offence and were to suffer the complete loss of their trade goods. Refinements to these acts were passed in 1759, 1764 and 1765, and they remained on the Georgia law books until the American Revolution.

from all the neighbouring tribes. Large sections were taken verbatim from Ellis's paper and incorporated into a circular letter to these colonial and imperial officials, giving them detailed instructions on how their meeting with the Indians was to be conducted.²⁶ Stuart and the governors were advised on what to say, how to say it and what specific assurances were to be given the Indians on behalf of the imperial government. The circular letter strayed from Ellis's advice only in the destruction of the interior forts. On this point, Stuart and the governors were told merely to inform the Indians that any installations the British chose to maintain in their country would serve only to assist in commercial trade. There is, however, evidence suggesting that Egremont favoured Ellis's more extreme solution to the problem of garrisoned forts but lacked the authority to order it.

Amherst, though, had the necessary power. As the circular letters to the governors and Stuart were channelled through Amherst, Egremont took the opportunity to enclose an explanatory letter to the general. In it, he stated his opinion that it was "most advisable" that the forts be destroyed completely and repeated the same justification proffered by Ellis.²⁷

Thus, by mid-March of 1763, the ministry was committed to an imperial policy of conciliation on matters of land and trade with the Indian tribes occupying the vast trans-Appalachian interior of the continent. It would have been providential to have chosen any other course. If the interior were to be put to profitable use, it had to remain peaceful; to ensure peace, the Indians had to have their apprehensions about an increased British presence assuaged. In the north, Egremont hoped to accomplish this through example: by a prohibition on

26. "Circular Letter to Superintendent Stuart, the Governors of Virginia, North Carolina, South Carolina, Georgia," 16 March 1763. PRO, "Egremont Papers," 30/47/14/65-66.

27. Egremont to Amherst, 16 March 1763. Ibid.

unauthorized settlement on the Susquehanna River. In the south, it was to be by openly stated policy: British outposts were to be employed for the mutually beneficial purpose of trade and not, as the Indians feared, as precursors of increased colonial settlement. But these were only stopgap measures, intended to meet the demands of immediate exigencies until a more comprehensive plan could be introduced.

If the Board of Trade or the Secretary of State perceived the need to provide similar assurances to the Indians of Nova Scotia, Isle Royale or Newfoundland in the early months of 1763, no evidence remains of it. The only official government reference to these territories and their place within an expanded British empire is a proposal made by Egremont to the Board of Trade on March 24. It was his advice that the Labrador coast, from Anticosti Island to Hudson's Strait, be annexed to Newfoundland, ostensibly to exploit more effectively the east-coast fishery and to protect that territory from being viewed as derelict.²⁸

That a more plenarial and wide-reaching programme for the administration of Indian affairs in North America was under active consideration in early 1763 is alluded to in Egremont's January 27 letter to Amherst concerning the Susquehanna River settlement. With particular reference to the need for protecting Indian lands from encroachment, it should be recalled that Egremont stated, "a plan for this desirable End is actually under Consideration."²⁹ The most probable source for this remark is a document to be found in Egremont's personal and political papers entitled "Hints Relative to the Division and Government of the Conquered and newly acquired Countries in America."³⁰

28. Egremont to Board of Trade, 24 March 1763. PRO, C.O. 194/26.

29. Bates, "Fitch Papers," XVIII:224.

30. The original and one draft of the paper are in PRO, "Egremont Papers," 30/47/22/70-73 and 74-80 respectively. A copy may also be found in PRO, C.O. 5/323/16/188ff. The Historical Manuscripts Commission's Fifth Report appendix (at p.216), and survey of Landsdowne Papers, also cites the paper in Volume 48 of the Shelburne Papers. Verner W. Crane believed the document important enough to have it printed. See "Notes and Documents," Mississippi Valley Historical Review, 8 (1957): 367-373.

The paper is undated³¹ and unsigned. However, most historians familiar with the "Hints" document agree that it was probably the work of Henry Ellis.³²

The paper addressed itself to the entire question of the governance, control and administration of a newly expanded British empire. It contained recommendations for dividing the newly acquired territories into provinces, with suggestions on how they should be governed, what should be done with respect to the ecclesiastical establishment in Canada, and which territories should be settled immediately. Most importantly, it touched on the problems associated with interior settlement and counselled how this issue should be resolved.

In brief, the report recommended the division of Canada into two provinces: a lower one with Quebec as its capital and an upper one with Montreal as its main center. Civil government in each would be by a governor and council until such time as the adoption of a representative assembly was thought appropriate. Roman Catholicism should be tolerated in Canada but allowed to die a natural death.³³ The territory south of Georgia and west to the Mississippi should be divided into two provinces. The existing civil establishment in Nova Scotia and Georgia was suggested as a model which could be adopted immediately.³⁴ Georgia was to be expanded by shifting the southern boundary

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31. A proposal contained in the paper recommends the annexation of the Labrador coast to Newfoundland. As mentioned previously, Egremont sent a proposal to the Board of Trade that it consider just such a suggestion on 24 March 1763. The paper would thus appear to at least predate this.
 32. See for instance Crane, "Notes and Documents," p. 368, footnote 6. Crane guesses that Ellis is the author. He is supported by R.A. Humphreys in his article "Lord Shelburne and the Proclamation of 1763," English Historical Review, XLIX (1939):246 and by Sosin in his thesis "North American Interior," pp. 164-165, as well as by Gipson in British Empire, IX:44. Internal evidence also seems to support Crane's "guess." One recommendation was that the governments of Georgia and Nova Scotia be chosen as models for the settlement of any new colonies; another was that Georgia's limits be extended southward. Both these suggestions would likely stem from a person closely linked with both provinces as only Ellis was.
 33. The Hints paper suggested adoption of one of two options on this point: allow the regular clergy in the province to practice for their lifetime but not replace them or alternatively put the revenue of the church into government hands, pay the regular clergy stipends for life and allow them to exercise their religious functions as secular priests. Crane, "Notes and Documents," p. 371.
 34. Ibid., p. 372. Governor, council and representative assembly. This was in contrast to that recommended for Canada where representative government would await further settlement of English and foreign Protestants.

southward; Nova Scotia, by adding Isle St. Jean (P.E.I.) and Isle Royale (Cape Breton) to its territory. The Labrador coast would be annexed to Newfoundland.

The most significant proposal, however, was that suggested for the future of the continental interior:

It might also be necessary... to fix upon some Line for a Western Boundary to our ancient provinces, beyond which our People should not at present be permitted to settle.³⁵

Surprisingly, the reasons offered for restraining settlement beyond some fixed limit did not emphasize any beneficial effects the proposal might have on Indian-colonial relations, but the implications for this sector were no less apparent.

As population increased in the ancient colonies, the author reasoned, new immigrants would have to be diverted to the newly established provinces on the southern frontier or to Nova Scotia, where settlement was to be encouraged. The western barrier would discourage would-be inhabitants from:

planting themselves in the Heart of America, out of the reach of Government, and where, from the great Difficulty of procuring European Commodities, they would be compelled to commence Manufactures to the infinite prejudice of Britain.³⁶

The argument that Britain might conciliate the tribes and add to the security and protection of the older colonies by preventing settlement on interior Indian hunting lands is here abandoned for a singularly economic one.

In short, the reasoning is purely mercantile. If American coastal communities were permitted to extend westward, colonial reliance on British overseas commodities might wither; this would be to the detriment of the mother country in general and British manufacturers in particular. Colonies existed as extended home markets for British goods and not as potential commercial competitors.

The author of Hints probably knew his audience well and tailored the rationale for his policy accordingly, especially as the paper was expected to achieve a wider circulation - which it ultimately did among other ministry officials. There would have been many who knew much about Britain's economy and trade, and

35. Crane, "Notes and Documents," p. 371.

36. Ibid.

little or nothing of colonies. For them, a positive appeal for limiting westward continental settlement based on economic necessity would have made a much more comprehensible and appealing argument than one negatively formed around the potential threat to colonial security. The possibility of colonial commercial self-reliance and its implications for the home economy were to be feared more than any menace posed by potential hostile Indian insurgency. The full rationalization of a policy to preserve the interior hunting territories and to secure peace and friendship with the country's native peoples could wait. The first appeal had to be a clear and unfettered economic one.

One further point in the Hints paper should be noted here. The territory west of the line or barrier, beyond which no further settlement would be permitted, had to be under some jurisdiction,³⁷ and the author envisioned this "back country" under a form of military control. He suggested that officers commanding the distant posts were the most likely candidates for such responsibility, reserving the arbitration of any civil disputes which might arise to the care of colonial authorities in the neighbouring provinces.

The Hints paper played an important role in the eventual establishment of government policy for North America. All its suggestions, save those proposed for Canada, found their way into the royal Proclamation of 7 October 1763. Of particular note to this study are two principles which helped focus government thinking in Indian affairs. First was the idea that some prohibition should be placed on colonial expansion into the interior of the North American continent. Although such policy had been submitted before in various forms, it had never been adopted as a practical imperial programme. Second was the concept of a clear distinction between "settlement" territories, or those regions slated for increased colonization, and areas where such activities were to be discouraged or prevented. Colonial expansion had been allowed to progress in a rather haphazard and perfunctory manner. Lacking the guidance of a comprehensive settlement scheme, new colonial communities had popped up like so many wild

37. Crane, "Notes and Documents," p. 371.

mushrooms to the possible detriment of the home country. The Hints paper gave notice that such was not to be the case in future. It hinted that the time had come for a more rational and organized approach to the question of future colonial expansion in North America.

By March of 1763, correspondence between Egremont and Amherst and the submission to the former of the so-called Hints paper clearly demonstrated that the king's ministry did not suffer from any lack of ideas for the future organization of a newly expanded British empire. The important question now was: who or what government agency should be charged with examining the various suggestions and fleshing them out into a more detailed and comprehensive imperial scheme. The first and most logical choice was the Board of Trade for Plantation Affairs.

The Board, first established in 1696, by the close of the Seven Years' War had more than half a century of accumulated experience in matters of colonial trade and administration.³⁸ However, until the appointment of Lord Halifax to that body in 1748, it was little more than a custodian of colonial records and had long ceased to perform the significant functions created by its commission. The exercise of limited powers did not suit Halifax, an ambitious and talented son-in-law of then Secretary of State for the Southern Department, the Duke of Newcastle. He was determined to make the presidency of the Board a Cabinet-ranking post, with right of direct access to the king. Halifax petitioned Newcastle on numerous occasions for just such a consideration. The latter would not brook what would have amounted to a major encroachment on his own authority in colonial affairs. In March of 1752, however, Newcastle partially relented and sponsored a successful order-in-council which gave the Board authority to nominate persons to positions of rank in colonial administration.³⁹ It also

38. The most comprehensive survey of the evolution of the Board and its powers is contained in A.H. Basye, The Board of Trade, 1748-1782 (New Haven, 1928). An interpretation of the Board's role in the formation of policy in the Proclamation of 1763 is in McArthur, "Board of Trade," pp. 97-113.

39. The number and type of places under the king's direct prerogative of appointment varied from province to province. They might include the governorship, members of council, customs officers, judges, etc. For a listing of these places by province, see Henretta, "Duke of Newcastle," Appendix.

provided for all routine colonial correspondence to be directed to the Board for first consideration.⁴⁰ Halifax was momentarily appeased by these concessions but later persisted in his quest for Cabinet-rank status. In 1757, during a critical juncture in the war, Halifax threatened to resign if he were not allowed direct access to the king. The administration of Pitt and Newcastle was obliged to relent and permitted Halifax the right to confer with the sovereign on colonial matters, to sit in on Cabinet meetings when questions relating to the colonies were being discussed, and to have Cabinet rank in practice, if not in name.

The vigorous leadership of Halifax and the increasing importance of colonial affairs to government during the Seven Years' War raised the stature of the Board and gave it new life and energy. By 1761, however, the Board's position appeared to be altered once again. The war effort was winding down, a new king was in place, and a thorough re-organization of government appointments had been settled upon. Halifax was shifted to the Lord Lieutenancy of Ireland, and Lord Sandys, his replacement as Board president, held little political influence. The increased authority of the Board, gained through Halifax, was repealed by an order-in-council in May of 1761.⁴¹ Control over colonial patronage was now returned to the Secretary of State's office.⁴² For the next two years, the peace negotiations, the relative inactivity of Sandys as Lord President, and the increasing proclivity for colonial correspondence to be directed to the Secretary of State, tended to divert attention and business away from the Board of Trade.⁴³

40. Grant and Munro, Acts of Privy Council, IV:154.

41. Ibid., p. 157. The original is contained in PRO, C.O. 5/23/265 and a copy is in PRO, C.O. 391/68/265.

42. Historian Basye suggests that Pitt, Southern Secretary in 1761, used the change in the Board's presidency as an opportunity to gain back control of colonial patronage. Basye, Board of Trade, p. 108. In fairness to Pitt, it should be pointed out that he continued to allow routine colonial correspondence to be channelled through the Board. Horace Walpole, a contemporary political commentator, stated that Lord Sandys became president "on the ancient footing" and the Board was "reduced to its old insignificance." Horace Walpole, Memoires of the Reign of George III (London, 1845), I:113. P. Toynbee, The Letters of Horace Walpole (Oxford, 1902-05), V: 35-36.35-36.

43. The 1752 order-in-council provision, which directed the correspondence of colonial officials to the Board, allowed that significantly important items could go directly to the Secretary of State. After 1761, it appears that the scope of what was considered "significantly important," widened considerably. The result was that the Secretary of State's office received an increasing volume and the Board of Trade, a correspondingly decreasing one.

In late 1762, the Duke of Newcastle resigned the Treasury office and Lord Bute assumed the position of First Minister. Charles Townshend, who lacked neither ability nor administrative experience, was promised the presidency of the Board.⁴⁴

Townshend expressed a desire to renew the Halifax system, which could only be accomplished at the expense of Lord Egremont's authority as Southern Secretary. Bute effectively discouraged such a measure.⁴⁵ Townshend was sworn in as Board President on 2 March 1763 with no clear definition of his authority.⁴⁶

It seems that he retained Board control over colonial correspondence but did not regain its former role in colonial patronage. Townshend held office for slightly more than a month, but his tenure is important - if only to show the degree of confusion over exactly what powers the Board and its First Lord had when Lord Shelburne succeeded to the presidency in April of 1763.

Following the peace settlement, the future authority of the Board in colonial matters was the subject of a great deal of discussion and speculation in government circles. There seemed to be a recognition of and some anxiety over the fact that the existing machinery for the management of colonial affairs was not operating satisfactorily: the acquisition of a vastly increased colonial empire made the issue one of great consequence. The division of authority between the Board and the Southern Department was the crux of the problem.⁴⁷ The Board, while it acted as the repository and largest single source of colonial correspondence and information, lacked executive authority to act. The Secretary of State's office, while it possessed sufficient authority, had neither the depth of expertise nor the continuity offered by the Board and its permanent secretariat.

44. Townshend had served as a Board member under Halifax's presidency between 1748 and 1753. For most of 1762, he had been Secretary at War under both Newcastle and Bute. McArthur, "Board of Trade," pp. 98-99; Basye, Board of Trade, pp. 120-122.

45. Hardwicke to Newcastle, 5 January 1763. British Museum, "Newcastle Papers," Add MSS. 32 946, folio 58. Bute apparently told Townshend that as he [Townshend] would soon be Secretary of State, he should take care not to diminish the power of that office during his short stay at the Board.

46. Basye, Board of Trade, p. 121. Basye believed that it was an open question whether Townshend, under any circumstances, had access to the king. Townshend, however, claimed he had such rights and others. Historical Manuscript Commission, Report XI, Part 4, "Townshend MSS," p. 317, Lord Townshend to (son) Charles (n.d.). For other contemporary commentaries see Walpole, George III, I:193 and Russell, Correspondence of Bedford, III:210.

47. McArthur, "Board of Trade," p. 99.

The lack of a single effective mechanism to deal efficiently and knowledgeably with the magnitude and volume of colonial concerns in early 1763 threatened to become a crisis.

In February, upon hearing a rumour that the Board might be given the prime responsibility for settling American affairs and for formulating long-term policy, John Pownall,⁴⁸ Permanent Secretary to the Board, asked for and was granted a meeting with Egremont. Pownall apparently had some doubts about the Board's ability to handle the task. He told Egremont that if the Board were given the job of settling major policy, regular or routine business would undoubtedly suffer.⁴⁹ As an alternative, Pownall suggested that the king be asked to constitute a Select Committee of the Privy Council, composed of the two Secretaries of State and the Board of Trade to plot an outline of policies for North American affairs. He argued that such a Committee would combine the executive authority of the Privy Council and Secretaries of State with the experience and archives of the Board of Trade. Pownall also pointed out that this system would avoid any innovations with regard to the seniority of the respective officers and would prevent future disagreements between the offices of the Secretary of State for the Southern Department and the President of the Board of Trade.⁵⁰

48. Pownall was appointed joint-secretary to the Board of Trade in 1746 and became its chief secretary in 1758. Pownall's brother Thomas had served as governor of Massachusetts during the Seven Years' War. In 1763, John Pownall was probably the best-informed person on colonial affairs in Britain. The Board had often assigned him responsibility for drafting background or information papers for the Secretary of State's office. In 1762, during negotiations with France and Spain, Pownall was called upon to provide an analysis of the Newfoundland fishery, a matter, at the time of some extremely delicate bargaining among the three powers. PRO, "Egremont Papers," 30/47/14/232-233.

49. Pownall to Egremont 15 February 1763. PRO, "Egremont Papers," 30/47/14/234-237. It may have been the imminently anticipated succession of Charles Townshend to the Board Presidency which prompted Pownall to discourage Egremont from assigning a major responsibility to the Board at this time. Pownall may have seen Townshend, as others would later, as strong-willed, single-minded, and almost incapable of rational compromise in matters of politics and policy.

50. Ibid.

Pownall's suggestions were never followed, but one made by Lord Mansfield to the king was apparently adopted. Egremont and Halifax had resolved to write directly to the Board for recommendations on settling the new acquisitions, independent of any advice or submissions on the matter they had received previously.⁵¹ Hearing this, Lord Chief Justice Mansfield warned the king that the Board of Trade might produce "from want of lights, a plan that would be improper." He suggested that proposals for the administration and settlement of the new acquisitions should be collected from all possible informed sources and passed on to "those consulted in public affairs." The most practical suggestions would then be selected, compiled and sent to the Board as an outline for official policy.⁵² This appears to be what was done. On March 11, Egremont wrote George Grenville for his views, enclosing a map of continental North America on which were marked the military posts and all divisions of government "as according to the best ideas I have been able to collect."⁵³ There is evidence to suggest that this and other maps, reports, suggestions and plans were circulated among various government officials during the next month and a half. One example is a paper detailing what an unknown author believed to be the most advantageous distribution of British military support throughout the continent.⁵⁴ Another "Hints" paper, this one entitled "Hints relative to

51. "Draft of letter to the Lords of Trade," February 1763. PRO, "Egremont Papers," 30/47/22/37-41.

52. George III to Bute, March 1763. R. Sedgwick, ed., George III, King of Great Britain, 1738-1820: Letters from George III to Lord Bute, 1756-1766 (London, 1939), p. 202-3.

53. Egremont to Grenville, 11 March 1763. Cited in F.B. Wickwire, British Subministers and Colonial America, 1763-1783 (Princeton, 1966), p. 80. Although the map alluded to here has not been located, there is little doubt but that the divisions of government suggested by the Hints' paper are those allegedly outlined on it. There is no evidence that Egremont received any other similar suggestions concerning the future divisions of government prior to March 11.

54. "Plan of Forts and Establishments to be made and kept up in North America for the Security of our Dominions and the Establishment of our Commerce with the Indians..." (n.d.) PRO, "Egremont Papers," 30/47/22/84-87. The length of the title might suggest the author to be George Grenville, perhaps in response to Egremont's query to him of March 11. It should be noted here that for Nova Scotia, suggestions made for fortifying the province pertained solely to the protection of British fishing rights in the Gulf of St. Lawrence and to safeguarding Halifax against any possible naval attack on that port. No mention is made whatsoever of the need to guard settlements against Indian aggression.

the settling of our newly Acquired Territories in America," also exists.⁵⁵ It, too, is undated and unsigned. It deals primarily with how and by whom the new acquisitions might be settled most advantageously. A further submission, this one by William Grosvenor, followed the earliest Hints paper in suggesting that Canada be divided into two provinces and that Georgia's boundary be pushed southward.⁵⁶ Grosvenor was a confidant of Bute, and his paper was most likely penned in collaboration with George Jenkinson, Bute's private secretary.

Thus, by the end of April 1763, the ministry found itself under a virtual barrage of suggestions relative to the settling of an expanded British empire in America. Administration, security, defence, commerce, boundaries and settlement were all covered. The questions were important ones and everyone, it seems, demanded a say.

At the very time Egremont was collating the information he had received from his various sources and preparing a package to be sent to the Board of Trade, Lord Bute, the First Minister, resigned. Fortunately for government business, Bute took pains to ensure that the transition of authority to a new ministry was as smooth as could be expected. George Grenville, a long-time Pitt confidant, was persuaded to assume Bute's place at the Treasury. Ministerial continuity was ensured by the retention of Halifax in the Northern Department and Egremont in the Southern. The former chief minister, however, was eager to maintain some contact, if not influence, in the new Council. Bute first suggested replacing Egremont with his friend and trusted associate, Shelburne. Grenville balked at this idea, stating that Shelburne lacked previous experience in civil office and was therefore unacceptable as a candidate for the Southern Secretaryship.⁵⁷

55. "Hints relative to the settling of our newly Acquired Territories in America," unsigned (n.d.) PRO, "Egremont Papers," 30/47/22/93-94. This paper accepted the earlier Hints suggestion that Georgia and Nova Scotia be used as models for new settlement in other provinces. It also recommended that the French Canadians who chose to stay should be regranted their lands by the British Crown.

56. "Hints on the Acquisitions in America," William Grosvenor (n.d.). British Museum, "Jenkinson Papers," Add. MSS. 38 335, folios 1-4.

57. Grenville to Bute, 25 March 1763. W.J. Smith, ed., Grenville Papers (London, 1852), II:35. One should note here that Bute's attempt to promote Shelburne came at the same time he was promising support to Charles Townshend for the same position.

Grenville apparently had the king's support in this matter. When George III heard that Bute and Henry Fox were recommending Shelburne for a ministerial post, he informed Bute by letter that Shelburne was in his opinion an unsuitable prospect.⁵⁸ He was prepared to accept Shelburne in a lesser office as a personal favour to Bute, but made it clear that he had no particular regard for the young man.⁵⁹

For his part, Shelburne was angry at being denied a Cabinet post, especially the Southern Secretary's position, and bitterly disappointed. It had been his first and perhaps his last opportunity for high office. When offered the presidency of the Board of Trade as an alternative, he flatly refused it, although after being prevailed upon by Bute, he accepted.⁶⁰

The task of deflating Shelburne's ambition had fallen on Bute, and during discussions about the Board presidency, considerable negotiation took place over the powers which Shelburne would have in the position. Shelburne at first demanded the same access to the king enjoyed by the two Secretaries of State, as well as control of colonial patronage. Bute apparently had considerable difficulty persuading Shelburne to abandon the latter point. It did not reflect current practice under Townshend and would have meant an appeal to Egremont and ultimately an alteration in the system by the king. Also, Grenville, Halifax and Egremont, the so-called new ministerial triumvirate, had already agreed to share all ministerial patronage among themselves.⁶¹ As with Townshend, a detailed outline of Shelburne's authority at the Board was left somewhat in

58. George III to Bute, March 1763. Sedgwick, George III, pp. 199-200.

59. George III had earlier told Bute that he believed Shelburne to be untrustworthy and perhaps too ambitious for his age. George III to Bute, 11 June 1762. Ibid., pp. 117-118.

60. Grenville to Bute, 25 March 1763. Smith, Grenville Papers, II:41. See also McArthur, "Board of Trade," p. 100. Shelburne's disappointment and contempt for these proceedings can be measured in a letter he wrote to Calcraft where he stated that he had no intention whatever of remaining long at the Board of Trade. Fitzmaurice, Life of Shelburne, I:246.

61. For a more complete discussion of these proceedings see D.M. Clark, "George Grenville," Huntington Library Quarterly XIII (1950):387.

abeyance.⁶² Whatever Shelburne's precise power and relationship to the ministry may have been, he had agreed to accept the position and was installed as Board President on 20 April 1763.⁶³

Shelburne was to hold office under sufferance. He had achieved the position not because he was an able administrator nor because he had any particular knowledge of colonial affairs. Shelburne owed his advancement purely to his friendship with Bute. His ambition had already alienated him from most of the new ministry, and government officials undoubtedly suspected him of being an instrument by which Lord Bute could continue his authority in official business. He was young⁶⁴ and sorely lacking in administrative experience. His one political triumph had come with his role as intermediary between Bute and Henry Fox in negotiating the latter's support in Commons of the peace settlement. According to one historian, he was suspicious, arrogant and inept at personal relationships.⁶⁵ Those who worked for him might certainly have cause to resent, if not to dislike, the new President; but those for whom he would work should have been even more wary of the man. His immediate superior, Egremont, occupied the position which Shelburne had coveted. The relationship between the two men was, predictably, an uneasy one. Soon after his appointment to the Board, Shelburne wrote the

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62. It appears from future proceedings that Shelburne was, in fact, allowed some access to the king. It is not clear, however, that this privilege was an unlimited one. He was present at Cabinet sessions when North American affairs were discussed. Historian Basye maintains that Shelburne assumed the presidency under the same terms as Townshend. He interprets these to be no direct authority over colonial patronage but with limited access to the king. Basye, Board of Trade, p. 127.
63. One other problem had to be overcome before Shelburne assumed office: the removal of Charles Townshend. Bute had hinted to Townshend that he [Townshend] would ultimately be promoted to the Southern Department. Townshend, too, had powerful friends in both Houses of Parliament. However, when it was learned that he had attempted to manipulate the appointment of one of his associates to the Admiralty Board, Grenville had the pretext he needed to dismiss him. Atkins, "Shelburne and America," p. 10.
64. Shelburne was barely twenty-six when he became Board President.
65. McArthur, "Board of Trade," p. 102. A contemporary of Shelburne's, William Knox, who served for a short time as Shelburne's private secretary, remarked that "my own experience soon proved to me that it was not without reason those who had served him in office abhor'd him as a principal." Historical Manuscript Commission, Sixth Report, IV:284.

Southern Secretary, asking for a clarification of his [Shelburne's] authority.⁶⁶ Specifically, he wanted to know if the 1752 order-in-council which provided the Board with authority over colonial correspondence was still in effect. He also wanted to know about the disposition of correspondence with the newly acquired possessions. In his reply, Egremont confessed that he was unprepared to deal with the subject, as he had never read the original 1696 Commission which had brought the Board into existence. He also stated that he was, at present, fatigued from the duties his office had recently imposed upon him. Shelburne shot back a curt note wherein he suggested that the Secretary would likely suffer a great deal more "fatigue" before American affairs were put in order.⁶⁷

There is also evidence to suggest that some government officials attempted to exploit the obvious animosity between Egremont and Shelburne to further their own political or private purposes. George Grenville reported a conversation with one ministry official⁶⁸ who stated the king had told him that:

upon occasion of some disputes between Lord Egremont and Lord Shelburne relating to the Board of Trade, Lord Mansfield had given it as his advice to His Majesty to show favour to Lord Shelburne, in order to play one against another, and by that means to keep the power in his own hands.⁶⁹

William Knox, a vigilant political observer, later claimed that John Pownall, the Board Secretary, resented Egremont's advisor, Ellis, and goaded Shelburne to undermine Egremont on matters of colonial policy. Conversely, according to Knox, Ellis "incited the latter to thwart [Shelburne]."⁷⁰ It was, to say the

66. Shelburne to Egremont, 26 April 1763. Fitzmaurice, Life of Shelburne, I:273.

67. Ibid. See also McArthur, "Board of Trade," p. 102.

68. The Earl of Nottingham, Lord Chancellor in the new ministry.

69. Smith, Grenville Papers, II:238.

70. Historical Manuscript Commission, Sixth Report, "Knox Manuscripts," pp. 282-283. See also Walpole, George III, I:287, 295; P.C. Yorke, Life and Correspondence of Philip Yorke, Earle of Hardwicke (Cambridge, 1913), III:498, 514. That some antagonism existed between Halifax and Shelburne is hinted at in a letter from the Earl of Bristol to Pitt of 9 June 1763. Kimball, Correspondence of Pitt, II:229.

least, an uneasy and invidious collection of politicians and public servants who were charged with formulating a policy for American affairs in the spring of 1763.⁷¹

On 5 May 1763, two weeks after Shelburne's installation as President, Egremont sent the Board his long-awaited inquiry on colonial affairs. It was in the form of an extensive open letter, asking for a report on the various problems associated with the newly acquired territories in North America, the West Indies and Africa.⁷² With particular respect to the North American interior, Egremont asked the Board's advice on three basic matters: what new governments should be established and the form these should take; in what manner the colonies might raise sufficient revenue to provide for the cost of the separate administrations; and what military establishments would be required. Although only one of these questions specifically mentioned an economic aspect, the overall theme of the inquiry was commercial. Egremont wanted the Board to identify commercial or economic advantages which might be derived from the new acquisitions and how these might best be protected. It was on the basis of potential commercial advantages offered by the North American interior over other possible acquisitions from France and Spain, that Halifax, Egremont, et al. had publicly promoted acceptance of the peace settlement. It was now time to articulate those advantages more clearly.

71. Most historians familiar with the period also claim that official Board members lacked sufficient knowledge and experience to deal effectively with American affairs. For brief sketches of these people and their political connections see Lewis Namier, *England in the Age of the American Revolution* (London, 1961) p. 197 footnote 2, 204, 448, 457, 463; also L. Namier, *The Structure of Politics at the Accession of George III*, 2 vols. (London, 1929), I:137 footnote 2, 315. The members, were Soane Jenyns, John Yorke, Edward Bacon, George Rice, Edward Eliot, Lord Orwell, and Bamber Gascoyne.

72. Egremont to the Lords of Trade, 5 May 1763. Printed in Shortt and Doughty, eds., *Documents Relating to the Constitutional History of Canada, 1751-1791*, (D.R.C.H.C.), Canadian Archives, Sessional Paper No. 18 (Ottawa, 1907), pp. 93-96; also in O'Callaghan, *N.Y.C.D.*, VII:519-20.

With reference to military establishments, Egremont took the liberty of isolating what he termed "two objects to be provided for." The first of these was the "Security of the whole against any European Power," with the second being "the Preservation of the internal Peace and Tranquility of the Country against any Indian Disturbances."⁷³ There is little doubt but that Egremont felt the second to be the more pressing. "Of these two," he wrote, "the latter appears to call more immediate for such Regulations and Precautions as Your Lordships shall think proper to suggest."⁷⁴ Imperial policy for Indian affairs would have the protection and security of British colonies in North America as its main objective, with the unstated aim of creating a climate for the successful prosecution of commercial enterprise.

As the letter was an open one, the Southern Secretary was careful not to provide a public impression that the formulation of policy would be entirely given over to the Board's discretion. On the question of promoting "Peace and Tranquility" among the Indian tribes, Egremont offered some further "lights." He anticipated that the Board's most probable approach to a guarantee of protection and security for British settlements would be construction of more forts in the Indian country and warned that this was not the preferred solution:

His Majesty. . . inclines him to adopt the more eligible Method of conciliating the Minds of the Indians. . . by protecting their Persons & Property, & securing to them all Possessions, Rights and Priviledges they have hitherto enjoyed, & are entitled to most cautiously guarding against any Invasion or occupation of their Hunting Lands, the Possession of which is to be acquired by fair Purchase only.⁷⁵

The suggestions contained here are not unlike those forwarded via circular letter to the Southern Superintendent of Indian Affairs and four governors on March 16. The obvious stress was to be on conciliation - not confrontation or coercion. Indian apprehensions about their lands and their trade were to be met with firm guarantees of protection to both.⁷⁶

73. Shortt and Doughty, D.R.C.H.C., p. 94.

74. Ibid.

75. Ibid., pp. 94-95.

76. To reinforce these points, Egremont in fact draws the Board's specific attention to his March 16 circular within the text of the May 5 missive. Ibid., p. 95.

It appears that Egremont was not prepared to allow the Board much latitude in any of the "open" questions he posed for its consideration. For its "reference," Egremont enclosed in the May 5 letter the Hints paper allegedly penned by Ellis and some thirty other items for its guidance.⁷⁷ Mansfield's earlier advice to the ministry that the Board should be asked publicly for its advice but instructed privately what to report seems to have been wholly accepted.

As to Canada and the old provinces of Nova Scotia and Newfoundland, except for a general reference to the establishment of a new government and some concern over British fishing rights, Egremont's May 5 letter was non-committal. It may have been that the Secretary felt the enclosed Hints might provide more detailed guidance in these matters than what was appropriate for the main text of the letter.⁷⁸

Upon receipt of Egremont's inquiry, the Board immediately determined that some of the areas covered by the letter were more properly within the purview of other departments. For instance, the questions of the method and extent of a colonial contribution to imperial civil and military expenditure and the recommended size of British military involvement in America were never considered by the Board in the deliberations which followed.⁷⁹ The question of expenditure

77. Only a partial list of references accompanying the May 5 letter to the Board is noted in the Shortt and Doughty printed edition. Among those missing is the Hints paper. However, a complete list does appear in the Journal of the Commissioners for Trade, 11:262-3. Some of the "references" Egremont sent the Board included the Definitive Treaty of Peace, Capitulation Articles of Montreal and Quebec, Governor Murray's Report of 5 June 1762, Governor Gage's Report of 20 March 1762, and Governor Burton's Report of April 1762. In all, there were thirty-one enclosures.

78. It should be recalled that Ellis recommended dividing Canada into two parts and instituting some form of government that did not, for the present, include an Assembly. He also advised adding Isle Royale and Cape Breton to the old province of Nova Scotia, where increased settlement would be promoted. The Labrador Coast was to be joined to Newfoundland.

79. As Egremont never complained about any major gaps in the Board's official reports to him of 8 June and 5 August 1763, it is reasonable to assume that his inclusion of these matters in the May 5 letter was purely formal. He, as well as the Board, would have realized that this policy area would have been dealt with by other departments.

on imperial troops and the necessary revenue required to meet it had already been considered by the Treasury during the previous winter. By early spring, the likelihood of an American tax was a very real one.⁸⁰ While Egremont was gathering opinions on solutions to various problems in North America, George Grenville and the Treasury were commencing work which would appear later in the form of the Molasses Act.⁸¹ Furthermore, the question of the number of British troops to be kept in America had been decided the previous February⁸² and their placement by the beginning of May.⁸³ From the apparent involvement of other government departments in the questions outlined in Egremont's May 5 letter, it seems that what was required of the Board was very limited indeed. In short, it was left to consider, within the guidelines established by Egremont's letter and the Hints paper, a policy for Indian affairs, territorial boundary lines and methods of government for the newly acquired territories.

It was customary at the Board of Trade, as in other governmental committees, to turn over new correspondence to the Permanent Secretary. He would provide background information and any detail of precedents that might have a bearing on the full Board's deliberations and response. This is what Shelburne did with Egremont's May 5 letter.

80. George III to Bute, March 1763. Sedgwick, George III, Letters to Bute, pp. 201-202. The principle that American taxes were the concern of the Treasury and not of the Board of Trade is reinforced by an incident which occurred in March of 1763. Charles Townshend, Shelburne's predecessor at the Board, had put forward in Parliament his opinions on the subject of imperial revenue in general and an American tax in particular. His speech was followed by an outcry at his presumption. D.M. Clark, The Rise of the British Treasury (New Haven, 1960), pp. 116-117. See also Atkins, "Shelburne and America," p. 19.

81. Atkins, "Shelburne and America," p. 19. Improvements in the American customs service were also being instituted in the early part of 1763. All of this was directed towards an increase in imperial revenue.

82. J. Shy, Towards Lexington (Princeton, 1965), pp. 79-80.

83. W. Ellis to Keppel, 10 May 1763. British Museum, "Stevens Transcripts of the Shelburne Papers," Add. MSS. 42 257, folios 118-127. So that there would be no misunderstanding as to who should be responsible for determining troop placement in North America, Welborne Ellis, Secretary at War, informed Shelburne in July that he thought Amherst was much better qualified to determine these matters than ministers in London or their departments. W. Ellis to Shelburne, 31 July 1763. Cited in Sosin, "North American Interior," p. 160.

In its secretary John Pownall, the Board had a seasoned veteran of colonial affairs. He had been with the Board since 1746 and had, in some way, participated in almost every major decision that body made after 1757. He was strongly conservative in his approach to colonial problems and opposed further territorial expansion of existing North American colonies into the interior. He also favoured rigid control of any new colonial establishments by London. It appears that Shelburne had a close personal connection with Pownall as well as an official one. He arranged, for instance, that Pownall work in close conjunction with his personal secretary, Maurice Morgann, who seemed to share Pownall's rather doctrinaire attitude towards control of colonial affairs.⁸⁴ Having Pownall and Morgann charged with preparing the requisite preliminaries would have also suited Shelburne's style, as he often preferred to rely upon personally chosen subordinates rather than colleagues.⁸⁵

The fact that the Board was ready to present a report within three weeks of receiving Egremont's letter⁸⁶ probably attests as much to the constraints placed upon it as to any prodigious effort by Pownall and Morgann. The basis of the Board's response was to be a document that has come to be known as the "Pownall Sketch."⁸⁷ This paper requires close examination.

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84. Atkins, "Shelburne and America," pp. 20-21. R.A. Humphreys wrote: "The liberality of Morgann's views in 1763 may be estimated from his beliefs that colonists were "merely factors for the purpose of trade," that colonial charters should be surrendered, and that taxes on trade should provide the means of support of government." "Lord Shelburne," p. 247.
85. Fourteen years later, during a debate in the House of Lords relating to the ministerial responsibility for the use of Indians as mercenaries during the Seven Years' War, Shelburne declared that when he was at the Board of Trade "he well recollected he made it a point, as much as possible, to keep all official business transacted there as secret as possible." Hansard, History of England, XIX:509.
86. May 27 entry, Journals of the Commissioners for Trade, 1759-1763, p. 368.
87. "Mr. Pownal (1)'s Sketch of a Report concerning the Cessions in Africa and America at the Peace of 1763." This paper was apparently first discovered by historians among the Shelburne papers and was, according to the late R.A. Humphreys, endorsed by Shelburne as "Mr. Pownall's Sketch of a Report." Humphreys claims the former title was penciled on the document by a Mr. Priestly who first catalogued the Shelburne manuscripts. A copy of the paper is in the transcripts of the Shelburne Papers held by the British Museum at Add. MSS. 42 257, folios 118-127. It is also printed as an appendix to Professor Humphreys' article "Lord Shelburne," pp. 258-264.

The Sketch purported to deal only with the first question in Egremont's inquiry: "What new governments should be established in the countries ceded to your Majesty in America." In actual fact, it went much further than this. Pownall attempted to link the nature and extent of the new colonies to be established with the necessity of providing a rational policy to govern future Indian-colonial relations.

"It is on this question [of what new governments should be established]," Pownall began his analysis, "that. . .almost every other proposition does in some measure depend."⁸⁸ He stated that the formation and division of the new acquisitions were at the crux of what he believed to be the true interest of Britain, "either as that interest and policy arises from the nature and situation in general, or relatively to our commerce and connections with the various tribes of Indians now under [the King's] dominion and protections."⁸⁹ According to Pownall, the formation and division of the cessions to Britain should satisfy either what would suit the mother country exclusively, what would be best for her commercial relationships with the Indians, or both. By a "happy coincidence of circumstances," Pownall asserted, "[both cases] meet together in the same point, and form an exact union of system."⁹⁰

88. Humphreys, "Lord Shelburne," p. 259.

89. Ibid.

90. Ibid.

Pownall's "happy coincidence" of system was briefly this: if either old or new colonies were prohibited from expanding and making new settlements beyond "the heads of rivers which flow into the Atlantic Ocean or Gulf of Mexico," colonial development would remain accessible to the importation of British manufactured goods; at the same time, no breach of trust would occur with the interior tribes of Indians, whose prime concern was encroachments on their hunting grounds.⁹¹ Pownall thus combined the mercantile rationale espoused in Hints with the principle of ensuring "Peace and Tranquility" on the frontier advocated by Egremont into a single policy of geographic restriction on future colonial settlement.

To provide an historical justification for this recommendation, and perhaps to explain the specific geographic boundary he used, Pownall cited a number of precedents. As might be predicted, these included the treaties or agreements made at Easton (1758), at Lancaster (1760), and at Detroit (1762), as well as various pronouncements by the Board itself on the subject. For good measure, he also referred to the more recent representations made by William Johnson on "the present temper and disposition of the Indians in general."⁹²

The restriction on further settlement in the back country - the territory west of the Appalachian divide - was only the first step in Pownall's plan to establish an exclusive Indian territory within which the lands "should be considered as. . . belonging to the Indians, the dominion of which to be protected for them by forts and military establishments."⁹³ In his May 5 directive, Egremont had discouraged the Board from advocating the use of military outposts to threaten the Indians into submission. Pownall's sketch envisioned the employment of troops as a positive factor to protect the Indian Country against encroachment from non-Indian settlement. Presumably, the military would also provide imperial regulation and control over what Pownall recommended as a free trade by "all subjects" within the designated Indian territory.

91. Humphreys, "Lord Shelburne," p. 259.

92. Ibid.

93. Ibid., p. 260.

The boundaries advocated by Pownall to delineate the so-called Indian Country were: the Appalachian mountains on the east, the Mississippi River on the west, the Gulf of Mexico on the south, and to the north, all territory drained by the Great Lakes.⁹⁴ But there would have to be exceptions, he reasoned, to accommodate claims already made by Indians for lands outside their territory and by colonial land companies for lands within it. As examples, Pownall points to the Cherokees, Creeks and Catawbias in the south and the Six Nations in the north, all of whom possessed lands to the east of the Appalachian divide. Their claims, he stated, "would be unjust to violate." Conversely, Pownall cited the case of settlements made under the auspices of the government of Virginia on the western side of the mountains near the Ohio, which he stated "do not yet interfere with any claims of the Indians and which would be equally unjust and impolitic to break up and destroy."⁹⁵ Thus, according to Pownall, a large tract of Indianreserved land should be temporarily set aside, circumscribed by clear, natural boundaries and protected by the Crown from unlawful encroachment. The only exceptions would be those cases meriting specific mention in the Sketch. The single portion of Egremont's suggested policy with respect to Indians to which the Sketch did not respond was that concerning the "fair purchase" of Indian lands. Pownall offered no excuse for the omission, and it would be difficult to venture a plausible reason for his lack of comment.

From Indians and boundaries, Pownall turned to the question of new provinces and boundaries. With respect to Canada, he proposed a new set of what he considered convenient and natural limits. On the south, the province would be bounded "by the high lands which range across the continent from Cape Rozier in the Gulf of St. Lawrence to Lake Champlain,"⁹⁶ and from thence along a straight line above St. Johns at 45° N. latitude, to meet the St. Lawrence at

94. Humphreys, "Lord Shelburne," p. 260. The northern portion of this area is what Britain had, from the turn of the eighteenth century, recognized as belonging to the Six Nations.

95. Ibid. This is the land granted to the Ohio Company.

96. The use of the term "high lands" in the area above described is unquestionably a misnomer on Pownall's part. No raised land of any description continues in a line from Cape Rozier to Lake Champlain.

or near the "great falls."⁹⁷ On the north, Canada would comprise all the lands drained by rivers flowing into the St. Lawrence from the north and north-west: from the River St. Johns to the east,⁹⁸ westward along the St. Lawrence as far up as the heads of rivers flowing into the Ottawa from the south and south-west. The northwestern and southwestern boundaries of the province would serve as part of the limits for that portion of Indian Country comprising the lands drained by the Great Lakes which would, according to Pownall, be considered "in like manner and under the same regulations as those [Indian lands] lying east and west of the Great Lakes and between the mountains and the Mississippi."⁹⁹ This northwestern section of Indian Country surrounding the Great Lakes would, presumably, be bounded in the north by the southernmost limits of chartered territory belonging to the Hudson's Bay Company, as suggested by successive commissions following the 1713 Treaty of Utrecht. Unfortunately, Pownall did not clarify this point, and without a provision outlining a mutual exclusion of lands between the Indian Country and the Hudson's Bay territory, the two would appear to overlap significantly.¹⁰⁰

With regard to the organization of government in Canada, Pownall left no doubts of his intentions. He discussed as too expensive the recommendation of the Hints paper that the new province be split into two jurisdictions. He advised instead the establishment of a single authority centered at Quebec.¹⁰¹

97. Long Sault rapids near current day Iroquois, Ontario, seems to be the most plausible interpretation of what was meant by the term "great falls."

98. The River St. Johns was the suggested boundary between Labrador and Canada.

99. Humphreys, "Lord Shelburne," p. 261.

100. More will be said of this problem later.

101. Humphreys, "Lord Shelburne," p. 261.

As to Florida, Pownall admitted he lacked any "precise judgement and idea of the nature and geography of [that region] ..." and merely agreed with the Hints in recommending that it be divided into two provinces. He did, however, suggest that a survey be made to ascertain any claims the Indians might have within the area.¹⁰²

Briefly stated, Pownall accepted the main thrust of the policies recommended by Egremont in his May 5 inquiry and by the author of Hints, except for the division of Canada into two governments. The real importance of Pownall's Sketch was that it provided an appealing and comprehensible rationale for principles the British Ministry had already appeared to endorse for the management of North American affairs. His "exact union of system" for settling boundaries and for protecting Indian lands was an attractive marriage of economic necessity and administrative good sense. Colonial dependence on British manufactured goods would continue, Britain would keep her wartime promises to protect Indian lands, and the settled colonies would be spared the future threat of Indian hostilities.

Whether or not Shelburne supported all of Pownall's recommendations is difficult to ascertain. There is, however, evidence to suggest he was not altogether comfortable with the Indian-settlement boundary line as framed in the Sketch.

As Pownall was putting the final touches on his paper for full Board consideration, Shelburne was drawing up a plan for granting lands to those who had served in the British forces overseas during the war. Briefly stated, Shelburne proposed giving reduced soldiers preference to settle ungranted lands in certain specified areas.

In a letter to Lord Egremont of May 26, he suggested that orders be sent immediately to the governors of Nova Scotia,¹⁰³ New York, Virginia, and South Carolina to lay out four or five 100 000-acre townships each "for settlement of such officers and others who have served H. M'y in Inferior Stations and shall be desirous of engaging in such and undertaking."¹⁰⁴ In Nova Scotia there was

102. Humphreys, "Lord Shelburne," pp. 262-263. Presumably, these would be possible claims from the Catawbias, Creeks and Cherokees to the east of the mountain divide and would represent a specific exception to the proposed Indian-settlement boundary.

103. Who then happened to be Henry Ellis.

104. Shelburne to Egremont, 26 May 1763. PRO, "Egremont Papers," 30/47/22/43-44.

to be one township in Cape Breton, two on Isle St. Jean and two more on the St. Johns River.¹⁰⁵ Settlement in these areas would not have violated the principle of protecting Indian lands as Pownall had outlined it. However, two proposed settlements on Lake George and in the Ohio country certainly would have. The Pownall exception to protecting Indian territory west of the Appalachian divide was specifically the land already granted outright to the Ohio company of Virginia. Shelburne's proposal to lay out two new townships on the Ohio would have violated this principle. Also, Pownall had excluded territory claimed by the Six Nations in the north from the land protected for settlement east of the mountain divide. Land surrounding Lake George was surely one of those exceptions he had in mind. There had been a bitter dispute in 1760-61 between New York and the Six Nations over a proposed settlement in this area, and the Board of Trade itself had ordered New York colonial officials not to proceed with granting lands there.¹⁰⁶ Nothing further had been received in London to suggest that the Six Nations had softened their stance. It is possible that Shelburne had submitted the proposals and was willing to have settlements authorized in contentious regions, knowing that he would probably be supported by the North American commander, General Amherst. Amherst had suggested a similar plan to Egremont the previous year and Shelburne knew it.¹⁰⁷ Amherst's prior endorsement would have given Shelburne considerable leverage against Egremont or anyone else who might oppose the scheme. Whatever the case, it appears that Shelburne was prepared to push his plan. A modified version of it would appear in the Board's formal response to the May 5 letter.

105. PRO, "Egremont Papers," 39/47/22/43-44. Some soldiers with their families were already on the St. Johns River and had petitioned for grants there.

106. Order of the King in Council on a Report of the Lords of Trade, 23 November 1761. O'Callaghan, N.Y.C.D., VI:472-476.

107. Amherst to Egremont, 30 November 1762. Cited in Humphreys, "Lord Shelburne," p. 248. Professor Humphreys states that a copy of Amherst letter is among the Shelburne papers.

By June 3, one week after the Board had decided on the main outlines of a representation, a draft was prepared, ordered transcribed and signed.¹⁰⁸ By June 8 it was finished and transmitted to Egremont.

In essence, what the Secretary received in response to his May 5 inquiry was a revised and refined edition of Pownall's Sketch.¹⁰⁹ Any close comparison of the main points contained in the two documents demonstrates a difference in style rather than in substance.¹¹⁰ The Board probably did not use the Sketch itself as a response to Egremont because it lacked a certain formality in form which was expected in the circumstances. The Sketch was simply deficient in the type of window dressing which made the June 8 Report appear more comprehensive.

In organization and style, the Board's report followed closely the format of questioning found in Egremont's May 5 letter. It should be recalled that he had asked three questions which related to ways Britain might profit from cessions made in North America. The first and most lengthy addition to the Pownall Sketch in the June 8 Report was a comprehensive summary of just what the Board believed those advantages to be. The Report took particular note of the implications for British commerce of an unhampered coastal fishery and an enlarged fur trade in the continental interior.

British fishing could now expand to include almost the entire northeastern coast, from the Gulf of St. Lawrence to the coasts of Labrador and Newfoundland. The Report recalled the pre-war difficulties experienced by British fishermen

108. Journal of the Commissioners for Trade 1759-1763, p. 368. According to Humphreys, Maurice Morgann was called upon to help explain the draft report to the Board and to give a formal presentation of it to all the members present. The "Draft Report" for the Board's June 8 representation is in PRO, C.O. 324/21/245-290. The Report itself is at PRO, C.O. 5/65/127 ff.

109. Board of Trade to Egremont, 8 June 1763 with enclosures to the king. This document is printed in Shortt and Doughty, D.R.C.H.C., pp. 97 to 107.

110. Clarence Alvord in his pioneer work in the area does not agree. He asserted that the Pownall Sketch was quite distinct from the Board's June 8 Report but did not elaborate on the point. See Clarence Alvord, The Mississippi Valley in British Politics: A Study of the trade, land speculation, and experiments in imperialism culminating in the American Revolution (Cleveland, 1917), I:171, 174. Later commentators have allowed Alvord's contention to go unchallenged or have repeated it. See, for instance: Basye, Board of Trade, p. 129; McArthur, "Board of Trade," pp. 104-105.

along the entire Nova Scotia coast because of French encroachments. Now that French participation would be limited to the small operations from St. Pierre and Miquelon, the Report was optimistic that the fishery would prove as valuable to Britain as it had formerly been to its enemy. It warned, however, that in order to secure and protect this resource it would be necessary to discourage future French involvement by the "compleat Settlement of Your Majesty's Colony of Nova Scotia according to its true and ancient Boundaries."¹¹¹ Later in the Report the Board clarified what it meant by "ancient boundaries" when it endorsed the Hints suggestion that the islands of St. Jean and Cape Breton should be added to the Nova Scotia government.¹¹² It even went so far as to specify who it felt would be most appropriate to participate in this settlement, and here Shelburne's hand is most obvious. The Report stated that the governor of Nova Scotia should be instructed to take into particular consideration the settling of "such officers and soldiers who have served so faithfully and bravely during the late War."¹¹³ Thus, the idea that Nova Scotia should be a "settlement colony" is sustained by the Report. Encouraging increased habitation of the province would serve the commercial interests of Britain best by discouraging foreign mischief and intervention in the coastal fishery.

An expanded fur and skin trade also offered Britain a new commercial advantage. The Report urged the establishment of a closer regulation of trading activities, especially for the continental interior, where existing military posts could serve as agencies of enforcement. The Board saw the richest fur potential in the region around the Great Lakes and in the circumjacent territory which "avowedly belonged to the Six Nations of Indians."¹¹⁴ Increased benefits from the skin trade were to come from the region west of the southern colonies. A strong

111. Shortt and Doughty, D.R.C.H.C., p. 99. The report also reasoned that if Nova Scotia were settled, the French would not excite the Indians there against the British interest. To bolster Britain's control over the Labrador coast, the report also endorsed the annexation of Labrador to Newfoundland.

112. Along with the island of St. Jean and Cape Breton (or Isle Royale), the report recommended that the northern boundary of the province coincide with the southern limits of Quebec and that the western boundary be the St. Croix River.

113. Shortt and Doughty, D.R.C.H.C., p. 104.

114. Ibid., p. 100.

military presence in both areas would, the Board explained, not only serve to regulate the trade but would also preserve the "Tranquility" of the interior against Indian or foreign European power threats to British sovereignty. Trade would flourish, the Board argued, under proper control and regulations, and British manufacturers would be the ultimate beneficiaries as exclusive suppliers of the necessary European trading commodities.

Finally, the Board saw as another benefit of the new cessions, the freedom now given Britain to extend colonial settlement along the "whole coast of North America. . .from the mouth of the Mississippi to the Boundaries of the Hudson's Bay." The Board reasoned that increased European immigration and the excess population from the "ancient colonies" could now move to the northern and southern extremities of the eastern continental coastline and settle these areas, "producing Strength to [His Majesty's] Kingdom and Riches to [His] Subjects."¹¹⁵ Nova Scotia in the north and Georgia in the south would be the most obvious recipients of an increased settlement. Land would be more plentiful in these provinces and thus attractively cheaper. The benefit to Britain from this change in settlement patterns would be twofold. Firstly, by drawing off the excess population from the settled eastern coastal communities, the pressure for homesteaders to seek available lands across the Appalachian divide would be lessened. The complaints by Indians of trespass on their lands would correspondingly diminish. Secondly, by maintaining the concentration of settlement to the coast, colonial population would remain accessible to British mercantile trade. The establishment of competing colonial manufacturing enterprises, away from the control of the home country, would be discouraged.¹¹⁶

After outlining what it believed to be the most obvious advantages to British commerce, the Board turned its attention to what it considered the central theme of the Report: the division and form of government structures that would

^{115.} Shortt and Doughty, D.R.C.H.C., p. 100.

^{116.} One final commercial advantage which the Board saw Nova Scotia contributing to the national good should be noted here: the supplying of naval stores to Great Britain, especially masting for His Majesty's ships. Ibid., p. 101.

best encourage a realization of the commercial potential. This is what Pownall had characterized as his "happy coincidence of circumstances, meet[ing] together in the same point, and form[ing] an exact union of system."

For what appear to be purposes of clarification and exemplification, the Report divided territories for which a governing structure was to be considered into two distinct categories. The first of these was identified as "all such places where planting and settlement as well as Trade and Commerce are the immediate objects." It comprised Canada, East and West Florida. In these provinces, the Report reasoned, new settlers would risk their property and persons and the old inhabitants would have the "Rights and Privileges preserved to them by the Treaty," only if "regular" governments were established.¹¹⁷ The Board explained regular governments as characterized by an appointed governor and council with instructions "adapted to the most quick and speedy settlement of these Countries."¹¹⁸ Such governing structures would also be supported by the presence of a "considerable" military force to secure the public peace and sustain British sovereignty.¹¹⁹ The second category of cession was identified in the Report by the phrase "where no perpetual Residence or planting is intended." Here the Board recommended that "no such regular civil government is necessary or indeed can be established" as it would be sufficient only "to provide for the Free Trade of all Your Majesty's Subjects under such Regulations, and such Administration of Justice as is best suited to that End."¹²⁰ Three territories or regions were then identified as comprising this category or division: Newfoundland and the Labrador coast "where a temporary Fishery is the only Object";¹²¹ Senegal, then recently placed under the guidance of the Africa Committee; and finally:

117. Shortt and Doughty, D.R.C.H.C., pp. 101-102.

118. Ibid., p. 106

119. Ibid., pp. 102, 106.

120. Ibid., p. 102.

121. Ibid.

that Territory in North America which in Your Majesty's Justice and Humanity as well as sound Policy is proposed to be left, under Your Majesty's immediate Protection, to the Indian Tribes for their hunting grounds, where no Settlement by planting is intended immediately at least, to be attempted and consequently, where no particular form of Civil Government can be established.¹²²

This last-described territory is the so-called "Indian Country," outlined in Pownall's Sketch and more obliquely alluded to in Hints. The June 8 Report recommended that this country be set aside, designated as Indian hunting grounds and protected from encroachment by European settlement. The exclusion of any form of civil government over the region, as advised in the Report, however, did not receive explicit attention in the Sketch. The latter document merely suggested that some form of military jurisdiction be exercised in the region, but the Board Report saw the military as the sole governing structure in the Indian Country and an expansion of military activities as essential. The military would be responsible for enforcing regulations governing free trade by all "British Subjects" in the territory, while at the same time ensuring good treatment of the Indians. All of this, of course, would be in addition to its normal role of maintaining British sovereignty and contributing to the general defence of North America.¹²³ The Board declined, however, to offer advice on the size of the military establishment until additional information on the subject was available from the American commander-in-chief and the Superintendents of Indian Affairs - to whom it asked Egremont's permission to write immediately.¹²⁴

122. Shortt and Doughty, D.R.C.H.C., p. 102.

123. Ibid.

124. Ibid. Correspondence between the British government and these imperial officials usually passed through the office of the Secretary of State. Shelburne may very well have been testing this policy. As mentioned previously, the decision over the size of the future British military establishment in North America was decided by government agencies other than the Board.

The Report's proposed boundaries for the Indian Country corresponded roughly to those recommended by Pownall in his Sketch. Specifically, they were to adjoin Canada and Florida on the north and south respectively, the Mississippi on the west and on the east by "certain fixed limits to be laid down in the Instructions [to Your Majesty's several Governors of Your Ancient colonies]."¹²⁵ The use of the term "certain fixed limits" instead of the originally proposed Appalachian divide would presumably allow for the specific exceptions to the general settlement/hunting lands rule Pownall specified in his Sketch. Instructions to individual governors of the several eastern colonies could, in a more accurate and particular way, make allowances for authorized granted lands to the west of the divide and pockets of Indian-claimed land to the east of it.

It appears that the Board Report provided what it believed to be an unambiguous geographical outline of the province because the designated limits of Canada would effect the extent of reserved Indian territory in the north and north-east. In specifying the proposed boundaries for Canada, the Board made clear that it rejected the French notion of "an immense Tract of Country" extending "to the westward indefinitely." Instead, it favoured a more "restricted" province which would leave "all the Lands lying about the Great Lakes and beyond the sources of the Rivers which fall into the River St. Lawrence from the North, to be thrown into the Indian Country."¹²⁶ Pownall's limits for Canada are then repeated. The only small alteration to the Sketch boundaries is that specified for the province's northern extent. Pownall had suggested the northern limits to be "...all the lands which lye upon any rivers that fall into the great river St. Lawrence from the north and northwest, extending from the River St. Johns ...along the said river St. Lawrence as far up as the heads of the rivers which fall into the Ottawa River from the west and southwest." In effect, this set the northern and north-western limits of Canada along a watershed line which divided the rivers flowing southward into the St. Lawrence and Ottawa Rivers from those flowing northward into Hudson's Bay. The June 8 Report,

^{125.} Shortt and Doughty, D.R.C.H.C., p. 102.

^{126.} Ibid., p. 103.

however, proposed the northern boundary of the province to be "a Line drawn South from the River St. Johns in Labrador by the heads of those Rivers which fall into the River St. Lawrence so far as the east end of Lake Nippissin(g) upon the Ottawa River."¹²⁷ This boundary was rather more restrictive than the one offered in the Sketch. Lake Nipissing is somewhat south of the watershed line, and using it as the western terminus instead of a more consistently uniform delineation would seem to hold more potential for possible confusion. However, the Report boundary did have one advantage over that described in Pownall's Sketch and perhaps the Board had this in mind: it appeared to avoid any potential overlap of territory between northern Canada and lands chartered to the Hudson's Bay Company. This is the only plausible explanation for altering the original Pownall recommendation.

The Board must have realized the difficulty in providing only a verbal description of the limits of the three new proposed governments and the Indian Country for government officials barely familiar with North American geography. To anticipate any misconceptions ministerial officials might have as to correct placement of the recommended limits to the areas mentioned, the Board enclosed with its Report a map "in which these limits are particularly delineated, and of which Your Majesty will have a clearer Conception than can be conveyed by descriptive Words alone."¹²⁸ The map showed the northern Quebec boundary to be approximately where one might expect it to be from the Report's written description. Of particular interest is the line drawn to represent the westward limit of the eastern colonies and thence the eastern-most boundary of the Indian

127. Shortt and Doughty, D.R.C.H.C. p. 103.

128. Ibid. The map or chart referred to here is a printed version of "An Accurate Map of North America Describing and distinguishing the British, Spanish and French Dominions on this great Continent; According to the Difinitive Treaty Concluded at Paris 10th Feb'y 1763...." by Eman Bowen, Geographer to His Majesty and John Gibson, Engraver. (London, n.d.) PRO M.R. 26. A copy of this map is also referred to in C.O. 5/65, Public Archives of Canada transcripts; the one used here is in the PAC National Map Collection, Reference No. H11/1000-1763. Another copy, made for the purposes of the Labrador Boundary Case with the printed inscription "this Map is the chart which accompanied the Report from the Lords of Trade and Plantations to the King dated 8 June 1763" is in the Labrador Boundary Commission Report, Joint Appendix, Vol. III:910.

Country. In the north it commenced on the line drawn to delineate the southern boundary of Canada between Lake Champlain and the "great falls" (Long Sault)¹²⁹ and ran southward roughly along the Appalachian divide. It departed from this course, however, in several places to exclude from the Indian Country areas which appeared to be settlement communities west of the natural mountain ridges.¹³⁰ The line extended southward, meeting the northern boundary of West Florida and then directly westward along that same boundary to the Mississippi.

Unfortunately, the northern boundary of the Indian Country - that portion north of the Great Lakes - is not shown on the map, although the southern limit of Hudson's Bay Company lands is drawn in. If the Board assumed that the Indian Country should include all the lands drained by the rivers flowing into the Great Lakes waterway from the north, then there would be a significant overlap between this area and the Company's chartered territory. The Board may have concluded that since the Hudson's Bay Company lands would not be settled in the immediate future, and since no previous disputes over lands had arisen there, the distinction between Company property and Indian lands was not a sufficiently important one to belabour at this time.

The areas or provinces in which settlement would be open and actively encouraged are well marked on the map. They are hand-coloured to distinguish them from the Indian territory. These include the new provinces of Canada, the Floridas, and, of course, Nova Scotia.¹³¹

Like Pownall's Sketch, the June 8 Report established a clear distinction between areas destined for settlement and those to be protected against settlement. Both, however, failed to refer to the concept of "fair Purchase" of the latter.

129. 45° N. Latitude.

130. This boundary would seem to be what the Board of Trade had termed "certain fixed limits" beyond which the ancient colonies would not be permitted to make settlements. The line also incorporates at least one of the exceptions to the no-settlement rule proposed in the Pownall Sketch - it departs from the mountain divide to include within the province of Virginia the area east of the junction of the Ohio and Conway Rivers, where the Ohio Company had been given permission to establish its settlement.

131. It should be noted here that the uncoloured Indian territory ignores several claims by the Atlantic coast colonies to lands west of the Appalachian divide. Some of these claims were based on early provincial charters given by the Crown.

The Report also chose not to recommend what might be done about lands east of the settlement line claimed by the Indians, a point Pownall took some pains to elaborate upon. Again, the Board may have assumed that the time for elaboration of more particular elements in its programme would come with the issuance of instructions to governors of the "ancient" seaboard colonies. This, however, is only speculation.

The Board's June 8 Report closely reflected and reinforced several basic themes in Egremont's May 5 letter, the Hints and more particularly Pownall's Sketch. The new provinces of Canada and the Floridas, along with Nova Scotia, were to be settlement colonies. The scheme to set apart a large territory for the use and benefit of Indians in the interior of the continent took shape with the assignment of more-or-less fixed geographical boundaries. The fur and skin trade was to be put under some form of regulation but would be open to all subjects. Perhaps most important for ministerial acceptance and wide governmental support of the programme, the Report provided a sound commercial rationalization for the measures it recommended. On most points, the Board decided not to differ from the advice those in authority chose to give it. Where it did stray from the guidelines, such as in the proposed division and structure of Canada, it did so on firm ground. The Board of Trade was undoubtedly confident their Report would be well received by the king.

Immediately upon obtaining the Board Report, Egremont had it copied and circulated. Predictably, Henry Ellis was consulted for his comments.¹³²

Egremont himself was also to spend some time examining the Report's contents.¹³³

Egremont's own criticism of the June 8 submission seems minor. The main thrust of the programme as articulated by the Board of Trade appeared to gain his general acceptance. His dissension was confined to four points.

¹³². PRO, "Egremont Papers," 30/47/22/82-83.

¹³³. "Copy of a Report of the Board of Trade, 8 June 1763" (with underlining queries and marginal comments in Egremont's hand), PRO, "Egremont Papers," 30/47/22/45-66. See also Egremont's "Remarks on the Report of the Board of Trade." *Ibid.*, folios 67-69.

Firstly, he took issue with the rationale offered by the Board for establishing "regular" governments in Canada and the Floridas: "to secure the old Inhabitants in the Enjoyment of those Rights and Priviledges reserved to them by Treaty." Egremont stated that "There are no Rights and Priviledges whatever reserved the French by the Treaty, but the exercise of their Religion as far as is consistent with the Laws of England."¹³⁴ He based his argument on what he believed to be the spirit of understanding reached with France during the peace negotiations. Egremont asserted that the cession of Canada was "compleat and entire," and "unclogged" by any condition save religious toleration.¹³⁵ Egremont was insistent that there should be no further political or religious concessions made to the French in Canada, and in his estimation it would have been "very improper" for the French to see references to such measures in an official government paper.

Secondly, Egremont disagreed with the Board's description of Newfoundland, that it would merely serve the needs of a temporary fishery. He pointed out that he believed there was a valid argument for the establishment of a regular civil authority on the island that would better serve the outpost's seven thousand permanent inhabitants.¹³⁶

Thirdly, Egremont took issue with the Board's request that the commander-in-chief in America correspond directly with it on matters associated with the proposed Indian boundary line and imperial military defence. Egremont remarked that "whatever regards the defence of the [Indian] Country, ought

134. "Remarks on the Report of the Board of Trade," PRO, "Egremont Papers," 30/47/22/67.

135. *Ibid.* Egremont's contention is supported by a strict interpretation of the IVth Article of the Treaty of Peace, a document which he had partially written. The Board, however, seems to have been influenced by the Articles of Capitulation of Quebec of 18 September 1759, a copy of which had been enclosed in Egremont's May 5 letter. The second Article of the Capitulation states that "the inhabitants shall be preserved in the possession of their houses, goods, effects and priviledges."

136. "Remarks on the Report of the Board of Trade," PRO 30/47/22/68.

to be in correspondence with the Secretary of State." He would not have that prerogative go to the Board.¹³⁷

In the final and perhaps most substantial of his criticisms, Egremont disagreed with the Board's assertion that no form of civil jurisdiction should be exercised in the Indian Country. In opposition to the Report, Egremont believed that all of the American possessions should have some form of civil authority, however nominal. Canada, he reasoned, could extend its jurisdiction over the reserved Indian territory. In explaining his case, Egremont made it clear that he agreed with limits for Canada as prescribed in the Board's Report. But he argued that these should relate only to "matters of settlement, plantations and grants of lands."¹³⁸ Civil jurisdiction, however, must not be confined to these same boundaries; it should encompass all the Indian-reserved lands "as far to the North as where it may meet with the Grant to the Hudson's Bay Company...."¹³⁹ Egremont pointed out that if some form of civil authority were not exercised by the Crown in this region, the French and Spanish might be tempted to make encroachments there "as they used to do."¹⁴⁰

In the meantime, Henry Ellis completed his examination of the Board's recommendations and summarized his comments in a paper entitled "Particulars where in the Report of the Board of Trade differs from the Paper entitled Hints relative to the division and Government of our new Acquisitions in America."¹⁴¹ In a close comparison of Hints with the Board's submission, Ellis found no major points of disagreement. In reference to the Board's proposal that Canada retain something of the French system of one governor and two subordinates over the whole province, he conceded that this system "at least for the present"

137. "Remarks on the Report of the Board of Trade," PRO, "Egremont Papers," 30/47/22/68. As no mention is made of the matter, it would appear that Egremont was willing to concede the Board's right to correspond directly with the Superintendents of Indian Affairs.

138. Ibid.

139. Ibid. This is the first explicit reference linking the extent of the proposed Indian Country with the southern limits of the Hudson's Bay Company.

140. Ibid., folios 68-69.

141. PRO, "Egremont Papers," 30/47/22/82-83.

was better than the one contained in the Hints.¹⁴² Even on the matter of establishing the southern boundary of Georgia, Ellis accepted the Board's recommendation that it follow a more northerly and restrictive course than the Hints proposal.¹⁴³ If Egremont had counted upon Ellis's seal of approval before proceeding, he could now go ahead with assurance. Armed with the information he had gathered together in a period of about three weeks, the Secretary of State began preparations for a formal Cabinet presentation.

The Cabinet met on July 8 to consider Egremont's draft reply to the Board's Report.¹⁴⁴ The Southern Secretary had incorporated in the document his criticisms concerning Board references to French "Rights and Priviledges" and its insistence on no civil authority for the Indian Country. On the latter point, perhaps as a result of consultations with other officials, Egremont altered his recommendation of giving sole jurisdiction of the Indian Country to Canada. In the draft minute of Council, he proposed instead that civil authority over this region be divided between Canada and West Florida. Canada would have jurisdiction over the Great Lakes region, from the source of the Mississippi in the south to the Hudson's Bay Company lands in the north. West Florida would control the remainder of the reserved lands, southward to the Gulf of Mexico.¹⁴⁵ During the Cabinet deliberations, yet another alternative was suggested. This would have had the colonies of Virginia, the Carolinas and Georgia responsible for the southern region, in place of West Florida. Ultimately, the Cabinet affirmed the principle that some form of civil jurisdiction was needed in the Indian Country, but failed to come to a clear consensus on how it should be organized. It recommended instead that the matter be sent back to the Board for further discussion.¹⁴⁶ With regard to the point concerning French "Rights and Priviledges,"

142. PRO, "Egremont Papers," 30/47/22/82.

143. *Ibid.*, folio 83. The Report suggested the boundary separating Georgia from East Florida be along the Catabouche or Flint River. The Hints paper favoured the more southerly St. Marys and St. Marks Rivers.

144. "Minute (Draft) for the Council re the Board of Trade's Report of June 8, 1763." PRO, "Egremont Papers," 30/47/22/88-92.

145. *Ibid.*

146. J. Tomlinson, ed., Additional Grenville Papers 1763-1765 (Manchester, 1962) "Cabinet Minute, 8 July 1763," p. 317.

the Cabinet agreed with Egremont that the Board had been somewhat cavalier in its phraseology and recommended that the offending words "should be altered or omitted or not confirmed."¹⁴⁷

The significance of the July 8 Cabinet meeting lies not so much in what was criticized but in what was approved. It consented to the Board's recommendation that "regular governments," comprising a governor and council, be created for all three new provinces.¹⁴⁸ It also approved the nominations of James Murray to the governorship of Canada, Francis Grant to East Florida and George Johnson to West Florida.¹⁴⁹ It gave its approbation to the setting aside of a separate Indian territory that was to remain unsettled, protected from encroachment and where trade would be open to all subjects. Finally, it sanctioned the extension of the limits of Nova Scotia as outlined in the June 8 Report. Egremont was ordered to prepare a response to the Board on the basis of an approved Cabinet draft.

Egremont's formal reply to the Lords of Trade was endorsed and forwarded to the Board on July 14.¹⁵⁰ The only apparent difference between the draft response which Egremont laid before the Cabinet and his final letter to the Board concerns civil jurisdiction over the Indian Country. Whereas Egremont had argued in Council for splitting the authority between Canada and West Florida, he now reverted to his original inclination to give the whole territory to Canada. He did, however, comply with the Cabinet's advice that the Board be asked to give its preference and offered that the latter body might "suggest any other Distribution which might answer the purpose more effectually."¹⁵¹

147. Tomlinson, Additional Grenville Papers, p. 317. It appears that Shelburne, who was present at the meeting, did not attempt to defend the questioned wording in the Board's Report. George Grenville stated that "the Lords [in Cabinet] were all of the opinion that those words should be altered...." The names of those present at the July 8 Cabinet session are given in PRO, "Egremont Papers," 30/47/21.

148. Canada, East Florida, West Florida.

149. "Minute [Draft] of Council...." PRO, "Egremont Papers," 30/47/22/89.

150. A final "draft" of the letter is in PRO, "Egremont Papers," 30/47/22/105-110. (n.d.) The letter itself is printed in Shortt and Doughty, D.R.C.H.C., pp. 108-109.

151. Shortt and Doughty, D.R.C.H.C., p. 108.

Egremont also apprised the Board of his arguments to support the extension of civil jurisdiction over the Indian Country. He stated that he feared both foreign encroachments and a general lawlessness in the region if no government were given authority to manage it.¹⁵² In keeping with his preference that Canada have the jurisdiction, Egremont asked the Board to draw up a commission for the governor of Canada and to include in his jurisdiction all of:

the Lakes, viz, Ontario, Erie, Huron, Michigan, and Superior . . .with all the Country as far North & West as the Limits of the Hudson's Bay Company, and the Mississippi; And also. . .all lands whatsoever, ceded by the late Treaty, and which are not already included within the Limits of His Majesty's ancient Colonies, or intended to form the Governments of East and West Florida, as described in your Lordship's Report.¹⁵³

In short, this was the basic description of the limits of the Indian Country as put forward by the Board and interpreted by Egremont.

Egremont also used his July 14 letter to inform the Board that the king had approved the creation of three new governments in the form prescribed in its June 8 Report. It was now to prepare the appropriate commissions and instructions for the three newly appointed governors.

The Secretary of State then turned to a more specific discussion on the idea of establishing a large Indian territory. "His Majesty entirely concurs," he wrote:

In your Lordships Idea, of not permitting, for the present, any Grants of Lands, or New Settlements beyond the bounds proposed in your Report; And that all the Countries, beyond such Bounds, be also, for the present, left unsettled, for the Indian tribes to hunt in; but open to a Free Trade for all the Colonies.¹⁵⁴

The principle accepted, what Egremont felt to be the most immediate task was a more concrete prescription of the boundaries of the territory and the transmission of these to the colonial governors. The Secretary of State suggested that to accomplish this end, the Board should prepare instructions

152. Shortt and Doughty, D.R.C.H.C., p. 108. Egremont believed that the Indian Country might become a refuge for "criminals and fugitives."

153. Ibid.

154. Ibid.

and commissions for both the new governors and those of the "ancient colonies" comfortable to this purpose. The three new governors were to be given the "strongest Injunction's and Restrictions" against granting lands in the Indian Country and those of the "ancient colonies" would likewise be under similar orders to prohibit settlement beyond specified fixed limits.¹⁵⁵

Egremont also responded favourably to the Board's proposal for allotting lands to reduced military personnel in Nova Scotia. He broadened the scope of the plan, however, to include all the colonies in the settlement scheme. New instructions were to be issued to all governors with a clause directing them to take:

most particular Regard. . .in the granting of any Lands, to such Officers and Soldiers, more especially. Those residing in America, who have so faithfully and bravely during the War, and who may now be willing to undertake any New Settlements under proper Conditions.¹⁵⁶

Shelburne had apparently won his point in this matter.

The new boundaries of Nova Scotia and Georgia as outlined in the Board's June 8 Report were also to be confirmed in new commissions to the respective governors.

Lastly, Egremont addressed the question of Board correspondence with the commander-in-chief in America and the two Indian Superintendents. With regard to the latter, Egremont concurred with the Board recommendation that it deal directly with these officials and advised that appropriate instructions be issued to that effect. But, as expected, he was not so accommodating on the question of direct communications with the commander-in-chief. Egremont told the Board that the king "yet believes that all correspondence from that source should be directed to the Sec'y of State as formerly."¹⁵⁷ He did assure the Board that the Secretary's office would pass on any suggestions it had for the commander and that it would also be informed of any resolutions adopted, especially those concerning the security of the new governments and the Indian territory.

155. Shortt and Doughty, D.R.C.H.C., p. 108.

156. Ibid.

157. Ibid.

In summary, the July 14 response from the ministry was favourable to all the Board Report proposals save that concerning jurisdiction over the Indian Country. Directions for implementing specific facets of the programme ensured that ideas would soon be converted to action.

One should note that at this point there was no apparent thought given to issuing a single government edict or other instrument that would execute all new government policy for American affairs. The regulations governing the proposed Indian Country, for instance, were to be established by means of a series of references scattered throughout a variety of commissions and instructions. In a similar fashion, its limits were to be prescribed negatively through the imposition of restrictions on old colonies and a clear definition of boundaries for the new ones. The idea that a royal proclamation might effect more speedily and more efficiently all that was proposed for North America had not yet occurred.

Egremont's letter was read to the Board on July 15, discussed, and a draft representation of reply ordered.¹⁵⁸ The Board's formal response, though, was not completed and signed until August 5.¹⁵⁹

As Egremont had accepted almost every recommendation the Board had put forward, there was not a great deal with which that body could take issue. However, there was the question of jurisdiction over the Indian Country that had not yet been completely settled to the Cabinet's satisfaction. Shelburne attended the Council meeting of July 8, where the ministry had discussed but failed to resolve the problem in Egremont's favour. The Secretary of State's July 14 letter had also left open the opportunity for the Board to "suggest" an alternative to giving Canada full civil authority over the reserved Indian land. The August 5 letter of the Board seized upon the ministry's apparent irresolution in the matter and argued vigorously against the Egremont proposal.

158. Journal of the Commissioners for Trade, 1759-1763, II:374, 380.

159. A copy of the response, Board of Trade to Egremont, 5 August 1763, is in the PAC (transcripts), C.O. 42/24/107-11. It is also printed in Shortt and Doughty, D.R.C.H.C., pp. 110-112.

The Board stated that to have Canada govern the civil affairs of the Indian Country was untenable for three basic reasons. Firstly, that it would lead to future confusion regarding the basis of British title to the lands and British sovereignty over the Indian tribes who inhabited them - in particular, the Six Nations. If the territory were given to Canada, it might create the impression, especially among the Indians, that British title and sovereignty originated with the cession of the lands from France and not on a more "solid" foundation.¹⁶⁰ Secondly, that Canadian jurisdiction could lead to a superior advantage for the province in the Indian trade, to the commercial detriment of the other participating colonies.¹⁶¹ Lastly, that the annexation of the Indian territory to Canada would, by virtue of the necessity of maintaining control of the region militarily, make the governor of Canada virtual commander-in-chief of the continent. This, argued the Board, would lead to "constant and inextricable Disputes. . .between him, and the commanding Officers of Your Majesty's Troops."¹⁶²

The Board had no disagreement with Egremont on the point that the Indian Country should be placed under a single government, authorized by a commission under the Great Seal and that it should have its boundaries affirmed. It also agreed with the idea that someone or some "particular Government" should be given sufficient power to oversee the Indian trade and to prevent the Country from becoming a refuge for criminals and fugitives. But that authority should not be Canada or any other British province, new or old. The Board argued, instead, that the commander-in-chief would be the appropriate officer to preside over the affairs of the region.¹⁶³ His commission could be easily expanded to encompass the new authority.

160. Shortt and Doughty, D.R.C.H.C., pp. 110-111.

161. Ibid., p. 111.

162. Ibid.

163. Ibid.

His troops would keep order and he would, presumably, lack all commercial interest in the trade to guarantee his independence as a potential arbiter in those matters. Because of a general lack of necessary information, though, the Board felt it would be inappropriate to issue a commission immediately. While further particulars were being solicited, the commander might be given interim power to seize any fugitives or criminals in the territory and to send them back to their respective colonies for justice.¹⁶⁴

In retrospect, the real significance of the August 5 letter from the Board does not lie in its opposition to Canadian jurisdiction over the Indian Country but in another section pertaining more to administrative form than to principle. It is a recommendation that the Crown issue "immediately" a proclamation, making clear its intentions to create an inviolable Indian reservation, protected from settlement and unlawful encroachment. It was to guarantee that, in future, the Indian territory would be preserved for the benefit of those Indian nations which were subjects of the British Crown and would be open to Britons for the enjoyment of trade. The Board gave as its reason for suggesting this measure "the late complaints of the Indians, and the actual Disturbances in Consequence."¹⁶⁵

Historians most familiar with this period in British colonial and imperial history have almost universally credited the Board's August 5 recommendation for a proclamation to the pressing circumstances of the so-called Pontiac Rebellion in the North American interior.¹⁶⁶ The implications of accepting such an

164. Shortt and Doughty, D.R.C.H.C., p. 111.

165. Ibid.

166. See for instance: Alvord, Mississippi Valley, I:188 footnote 334; McArthur, "Board of Trade," p. 108; Humphreys, "Lord Shelburne," p. 252. Humphreys states:

the ordinary course of routine procedure ... was now to be delayed and broken by a series of unexpected events, in the sequel of which, the comprehensive plans of the government were to be reduced to the proportions of an emergency measure. In the first place, the alarming news had arrived of the Indian war on the American frontiers ... [and] caused the insertion of a proposal of a proclamation with the [Board's] reference to settlers and colonies.

An account of the Indian uprising is contained in Francis Parkman, The Conspiracy of Pontiac and the Indian War after the Conquest of Canada, 2 vols (Boston, 1886), and in Howard H. Peckham, Pontiac and the Indian Uprising (Princeton, 1947).

analysis are obvious for any proper assessment of measures which were later issued in proclamation form. Firstly, hypothesizing that the government was under extreme pressure to do something quickly, one is easily led to surmise that what must ineluctably result is a hastily thought-out, perhaps haphazardly-formulated set of policies. Emergency measures are seldom right-headed ones. Secondly, given the historical circumstances, an argument that the British government completely abandoned its former ideas for ones more strictly tailored to the exigencies of a new situation is a compelling one. Political organizations are not generally held up as models of principle. Because of the potential pitfalls to historical interpretation and accuracy outlined here, it is necessary to establish a plausible understanding of why, at this particular point, the Board of Trade should suddenly call for outlining Indian policy in proclamation form.

Sometime during the latter part of July, while the Board was drafting its reply to Egremont's July 14 letter, news arrived in London of hostilities on the American colonial frontier. On July 16, at least one British newspaper, the London Chronicle, published a report on what it termed an "Indian insurrection" at Fort Pitt.¹⁶⁷

It was an account based on a letter sent by Amherst to Egremont concerning "the evil designs of the Indians," which arrived in England on July 10.¹⁶⁸ But the account was sketchy and was not unlike similar rumours which had been arriving in England during the previous two years. Amherst himself didn't realize the seriousness or the extent of the troubles on the frontier when he wrote his letter to Egremont on June 11. A more detailed coverage of the hostilities was penned by Amherst in a report to the ministry on June 27, but it missed the June 28 packet boat. If it had arrived in England prior to August 5, the Secretary of State did not make it officially known to the Board.¹⁶⁹ On July 1,

167. Peckham, Pontiac, p. 178.

168. John Clarence Webster, ed., The Journal of Jeffrey Amherst, recording the military career of General Amherst in America from 1758 to 1763. Canadian Historical Studies Series. (Toronto, 1931), p. 309. The letter was written on June 11 and was sent with General Moncton who left New York for England on June 28.

169. An account of this letter is in Alvord, Mississippi Valley, I:187-188, footnote 334. Egremont's reply to Amherst's of July 11 and 27 was written on 13 August 1763 and is contained in O'Callaghan, N.Y.C.D., VII:358 ff.

Sir William Johnson also sent a fairly complete and somewhat startling account of the gravity of the situation then developing on the western frontier,¹⁷⁰ but this also failed to reach England before the Board prepared its reply to Egremont.¹⁷¹

On the same day the Board issued its response to the Southern Secretary, it sent a letter to Sir William Johnson with orders to direct all future correspondence to the Board office as authorized in Egremont's July 14 statement and to comment on what the Board had proposed for Indian affairs. Brian Slattery, who has completed a very thorough analysis of the events leading up to the issuance of the Proclamation of 1763, has remarked on the mildness of the language used in this memorandum to indicate the Board's knowledge of events in the western interior.¹⁷² The Board told Johnson that it planned to have a proclamation issued to create an Indian territory closed to grants and settlement. It explained further that this recommendation was occasioned by Britain's new responsibility for the numerous tribes recently brought under the Crown's protection and by the consequent need for "some more general & better established System" of regulating Indian affairs. Only toward the end of the letter, and almost as an afterthought, did the Board inquire about the causes of the Indians' "present apparent discontents" and ask Johnson by what means these causes may be removed "and the public tranquility restored."¹⁷³ As Professor Slattery notes, this is moderate language indeed to describe the collapse of a system of western forts and the devastation which had already occurred to British military outposts in the continental interior. In fact, it tends to provide substance to the notion that the Board knew nothing more about the existing conflict in North America than the inadequate accounts contained in the popular press.

170. Johnson to Egremont, 1 July 1763. O'Callaghan, N.Y.C.D., VII:526.

171. The letter was not officially considered by the Board until September 28. Journal of the Commissioners for Trade 1759-1763, 11:334.

172. B.J. Slattery, "The Legal Status and Land Rights of Indigenous Canadian Peoples as Affected by the Crown's Acquisition of their Territories" (D. Phil. Thesis, University of Oxford, 1979), PART IV, 'The Genesis of of the Proclamation of 1763', n.p. Professor Slattery was kind enough to allow me to consult a draft of his thesis which was then slated for submission in the spring of 1979.

173. Board of Trade to Johnson, 5 August 1763. O'Callaghan, N.Y.C.D., VII:535-536.

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170. Johnson to Egremont, 1 July 1763. O'Callaghan, N.Y.C.D., VII:526.

171. The letter was not officially considered by the Board until September 28. Journal of the Commissioners for Trade 1759-1763, 11:334.

172. B.J. Slattery, "The Legal Status and Land Rights of Indigenous Canadian Peoples as Affected by the Crown's Acquisition of their Territories" (D. Phil. Thesis, University of Oxford, 1979), PART IV, 'The Genesis of of the Proclamation of 1763', n.p. Professor Slattery was kind enough to allow me to consult a draft of his thesis which was then slated for submission in the spring of 1979.

173. Board of Trade to Johnson, 5 August 1763. O'Callaghan, N.Y.C.D., VII:535-536.

The same conclusion is suggested when one analyzes the internal evidence provided by the Board's August 5 letter to Egremont. In justification of a delay for the issuance of a commission to outline who should govern the Indian territory, the Board assured Egremont that the timing was inconsequential as "Your Majesty's Troops are in actual possession of every Post and Fort formerly enjoyed by the French."¹⁷⁴ In reality, Fort Detroit had been under siege since the beginning of May, and Fort Pitt, since June 16. Fort Sandusky had fallen on May 16, Fort St. Joseph on May 25, Fort Miami on May 27, Fort Ouiatenon on June 1, and Fort Michilemackinac on June 2. Forts Venago, Le Boeuf, and Presqu' Isle all succumbed before July 1. Thus, by June 21, according to historian L.H. Gipson, every post situated in the Great Lakes region to the west of Niagara, save Fort Detroit, had fallen to hostile Indian forces.¹⁷⁵ One is virtually forced to accept the opinion that the difficulties of communication between London and the American interior and the vagaries of the Atlantic passage prevented the Board from being aware of the very serious turn of events in North America prior to August 5.

In accepting that the source of the Board's proposal to issue a royal proclamation was not the alarming developments in the North American interior, one should not conclude that the Board's recommendation had nothing whatever to do with those developments. What little the British government knew of the frontier hostilities would have lent considerable support to the idea of an open and public declaration of future government policy on Indian affairs. The contention here is that the so-called Pontiac Rebellion was not the only motivation behind the Board's proposal.

There existed at the time a number of more practical, though perhaps mundane, reasons why the Board should have chosen a proclamation as the best vehicle to advertise government intentions with respect to Indians. In strictly legal terms, for instance, it appears that no other instrument was so well suited to the task. One legal historian has offered the opinion that a proclamation

174. Board of Trade to Egremont, 5 August 1763. Shortt and Doughty, D.R.C.H.C., p. 111.

175. Gipson, British Empire, IX:97-102, 110. Cited in Slattery, "Legal Status," Part IV, n.p.

issued under the Great Seal carried with it an authority at least equal to that of a commission and superior to that offered by formal royal instructions.¹⁷⁶

As a public document, it also suited the role of warding off potential intruders on Indian reserved land, whether they be foreign powers or British settlers.

It must be recalled that, in its August 5 letter to Egremont, the Board urged that the proclamation include provisions for encouraging settlement of the Floridas and Nova Scotia.¹⁷⁷ Here again, as a public declaration of imperial policy, the proclamation had obvious advantages over instructions, which were nothing more than private communications from the sovereign to his officers

176. Slattery, "Legal Status," Part IV, n.p.

177. It seems odd that the Board in its August 5 letter would not have included Canada along with the Floridas and Nova Scotia as a proposed settlement province. The Board does not offer any reasons for the exclusion, and one must speculate on the basis of the evidence remaining that it was merely an oversight. It should be recalled that the primary purpose of the August 5 letter to the Southern Secretary had been to comment on the problems of jurisdiction over Indian lands. It is possible that the Board felt that a complete enumeration of the settlement issue was unnecessary in a letter primarily concerned with another question. Pownall's Sketch and the June 8 Report by the Board both advocated the settlement of Canada. Also, by August 5, the administrative and bureaucratic trappings of the proposed settlement of specific North American provinces were as yet incomplete. On July 21, the Board had instructed Pownall to write to the designated governors of Canada, the Floridas, and the Islands "for their opinion by what method, the most reasonable and frugal, the new[ly] established colonies in America may be peopled and settled with usefull, industrious inhabitants." No mention was made at this time of Nova Scotia! Accordingly, Pownall wrote to Grant and Johnson concerning the two Floridas. They were both in England and replied before July 30. On August 1, Pownall wrote to Robert Melville, Governor of Grenada, concerning settlement plans there. Pownall did not write, however, to General James Murray, the new governor of Canada, who was at the time in North America. Thus, on August 4 when the Board was preparing its letter to Egremont, only the letters from Johnson and Grant were on hand. In addition to the two Floridas, as mentioned above, the Board did remember to include the colony of Nova Scotia in its August 5 letter to Egremont but overlooked both Canada and the Islands in reference to designated settlement provinces. Whatever the reason was for omitting Canada as an area, the important principle of separating settlement from non-settlement areas remained intact. See *Journal of the Commissioners for Trade 1759-1763*, 21 July 1763, 11:188, Cited in Humphreys, "Lord Shelburne," p. 252; C.O. 326/55/44, 225, 233. One should also consult the instructions which were eventually issued to Governor James Murray which ordered him to issue a proclamation, setting forth the advantages to prospective immigrants for settling in Quebec. Shortt and Doughty, *D.R.C.H.C.*, "Report on Commissions for Governors," pp. 116-117.

and reached a wider audience only by exception.¹⁷⁸ From an administrative point of view, the rewriting of commissions to each and every governor of the "ancient colonies" for the establishment of western boundaries or the "certain fixed limits" beyond which no settlement was to be permitted, would have been a very difficult and time-consuming affair indeed. Alternatively, if the limits of the Indian territory were to be confirmed by the process of a commission to the commander-in-chief in North America, it would be subject to the same unavoidable delays. Some of the so-called "ancient" British colonies had well-founded pretensions to lands designated for the Indian Country.¹⁷⁹ To publicly declare the proposed boundaries of the Indian territory however vaguely, even as an interim measure, was preferable to the other alternatives open to the British government.

In short, a proclamation seemed to be the most appropriate instrument to respond to the problems of managing Indian affairs in North America. It temporarily settled the general status and boundaries of the country to be reserved as Indian lands; it affirmed publicly the Crown's sovereignty over the Indian territory, while at the same time preventing the infiltration of settlers; and it prevented the patenting of lands by colonies holding ancient claims to lands west of the Appalachian divide. The Board chose the means that was expedient, legally sound and appropriate to the task.

One final item should be mentioned in relation to the Board's August 5 letter to Egremont: the formal recognition that the southern limits of Hudson's Bay Company lands should form a partial northern boundary to the Indian Country.

178. Shortt and Doughty, D.R.C.H.C., pp. 116-117. In 1754, Halifax, as President of the Board of Trade, questioned the legality of establishing the limits of colonies through the method of issuing instructions. The problem arose during negotiations between Britain and France over establishing a proper Anglo-French boundary in the Ohio country. It was proposed that the territory to be guaranteed to Britain would be confirmed through instructions to the appropriate colonial governors. Halifax was concerned that as a legal instrument, instructions alone would not secure British sovereignty to the area that was hers. No legal case or opinion had occurred since that time to clarify the situation.

179. Professor Alvord, in his article "The Genesis of the Proclamation," cited Massachusetts, Connecticut, New York, Pennsylvania, Virginia, the Carolinas, and Georgia as having rights, "however shadowy," to lands beyond the Appalachian Mountains. Some of these provincial claims had their origins in Charters issued to the colonies by the Crown itself. Certainly, Pennsylvania had proprietary rights to territory that was being proposed for the reserved Indian Country. Clarence Alvord, "The Genesis of the Proclamation of 1763," Michigan Pioneer and Historical Society Collections, XXXVI (1908):39.

In his July 14 letter, Egremont outlined the jurisdictional as opposed to the settlement limits of Canada and specified that the former should be bounded in the north by Rupert's Land. This meant that those boundaries for the new province of Canada given by the Board in its June 8 Report, and where settlement was to be encouraged, were accepted; but, in a jurisdictionally extended Canada, where the governor of the new province was to have civil powers (i.e., in the Indian Country), this authority would not extend northward beyond the Hudson's Bay Company line. When the Board, in its August 5 letter to the Secretary, proposed giving the Indian Country to the commander-in-chief to manage its civil affairs, it did not alter Egremont's suggested northern limits to the region. As Rupert's Land was already under some form of jurisdiction by the Crown's chartered authority to the Hudson's Bay Company, Egremont saw no reason to annex this region to Canada, and the Board accepted that there was no need to put it under the control of the commander-in-chief. Its status would remain unchanged. It would not be categorized as a place where settlement was to be encouraged, nor was it to be protected as Indian reserved lands. Any proposal that would have suggested an alteration in the designation of Rupert's Land would have needlessly created interminable difficulties between the British government and the Company. Also, at this point in time, neither the Hudson's Bay Company nor the Indians would argue that the commercial future of Rupert's Land lay in anything other than hunting, trapping and trading.

At its August 5th meeting, the Board adjourned for its annual summer recess.¹⁸⁰

The differences which existed between the Board and Egremont over jurisdiction of the Indian Country were not to be resolved between those two same parties.

Egremont died of apoplexy on August 21.¹⁸¹

180. This is further proof that the issuing of a proclamation was not quite the emergency measure some historians have portrayed it to be.

181. Two copies of the Board's August 5 letter can be found in the Egremont Papers at the P.R.O. However, there are no notations or queries on either of these to suggest what Egremont's reaction was to the Board's proposals. PRO, "Egremont Papers," 30/47/22/95-98.

The death of the Southern Secretary heightened long-time conjecture in government circles that a major reorganization would take place in the king's administration. For eager and energetic politicians outside the mainstream of ministerial power and decision-making, change inevitably meant new opportunities. The rumours and speculation concerning a grand alteration in the existing system were not lost on Shelburne. From the beginning of July, he was engaged in some rather confusing and extended political intrigue whose main object was the overthrow of the ministerial triumvirate of Grenville, Halifax and Egremont. At first, the ministers almost became willing participants in their own demise. They had agreed that the administration needed a broader base of support and had entertained the notion of approaching a few powerful individuals to strengthen Cabinet ranks. However, they would not and could not brook taking in an entire body or party of associates. Under the pretence of carrying out a pre-arranged ministerial design, but in reality against the explicit instructions of the triumvirate, Shelburne caused both Lord Hardwicke and the Duke of Newcastle to be broached with an offer of office.¹⁸² Predictably, they declined entering into an administration without Pitt and the other Whig Lords in a system "as had been practiced in (George II's) time." This initial failure made Shelburne uneasy and alienated him further from his ministerial colleagues. Three days after the Board of Trade had adjourned for the summer, he told a confidant, the Earl of Gower, that "every day, the present system grows more precarious" and that now, more than any other time, it was necessary to have "some fixed ideas about men and things" before a ministerial alteration actually occurred.¹⁸³ Shelburne was now desperate. When an offer arrived from Lord Bute to initiate negotiations with Pitt, Shelburne readily accepted. Bute hoped that Pitt might be persuaded - without the prior knowledge or compliance of the triumvirate - to enter office with the king's support. Shelburne, it should be recalled, was an experienced hand in such matters and employed his old friend John Calcraft to deal with

182. Smith, Grenville Papers, II:191.

183. Shelburne to Gower, 8 August 1763. Fitzmaurice, Life of Shelburne. Gower to Shelburne 10 August 1763. Ibid., I:204.

Pitt's second, Lord Temple.¹⁸⁴ Until mid-August, deliberations with Pitt were slow, tedious and relatively non-committal on both sides. However, Egremont's death brought a new urgency to the tenor and pace of the negotiations.

Grenville and Halifax decided that, for the present, the latter should assume the business of both the Northern and Southern Departments until some new arrangements could be settled upon. The ministry found itself in a very delicate and precarious position. Grenville himself had to admit to the king that only three options remained: bring in as few new men as possible to buttress the existing group; attempt to form a coalition between the present ministry and either the Bedford or Pitt Whigs; or give the government completely over to Pitt and his colleagues.¹⁸⁵ At this point, Grenville was unaware of the deliberations with Pitt that had already taken place. The king favoured the first alternative offered by his prime minister and Shelburne arranged a meeting between Pitt and the monarch. George III hoped to detach Pitt from his colleagues by offering him the Southern Department and a single nomination to the Cabinet. Pitt would have nothing of it. In two audiences with the king, on August 27 and 29, Pitt made it clear that he would not serve with anyone who had supported the peace settlement and declared in the strongest terms that he should have a free hand in exorcizing from the ministry anyone he found objectionable.¹⁸⁶ The king saw Pitt's demands as excessive and an affront to his own authority. He was forced back to a reliance upon Grenville and Halifax.

It was not until September 7 that Grenville learned of Shelburne's complicity in the "plot" against his ministry. Shelburne, however, knew when the negotiations between Pitt and the king broke down on August 30, that his participation in

184. Calcraft to Lord Temple, 10 August 1763. Smith, Grenville Papers, II:90-91.

185. Ibid. "Grenville Diary," Notation for August 23, Meeting with the King, pp. 193-195.

186. Ibid. Diary notation for August 27-29, pp. 197-198. See also Grenville to James, Lord Strange, 3 September 1763. Ibid., II:105.

the existing government was finished. He had gambled and lost.¹⁸⁷ On September 2, Grenville wrote in his diary:

The king told (me) that Lord Shelburne had been in his closet to desire leave to resign his office of First Lord of Trade; he says he means to support the King's Government and has no dislike of the present administration but finds the business of the Board disagreeable to him and attended with too many difficulties, and subjecting him to too close an attendance.¹⁸⁸

The reasons Shelburne allegedly gave the king for his resignation are difficult to accept as true. During June, July and August, the Board held a mere ten meetings, and the Cabinet, where Shelburne's attendance was required, convened only once. He had given over most of the detailed report writing on American affairs to Board official John Pownall and to his private secretary, Maurice Morgann. In reality, Shelburne's departure had a great deal more to do with political intrigue than administrative fatigue.

On August 30, the Board of Trade held its first formal gathering after the recess; it was the last to be attended by Lord Shelburne. No mention is made in the minutes concerning any general consideration of American affairs.¹⁸⁹ The apparent lack of urgency for settling American policy could be attributed to the domestic ministerial difficulties that ensued after Egremont's death. All business, save that most vital to the day-to-day running of government, suffered in the wake of the political uncertainty which existed during this time. It was

187. In the light of Pitt's terms, it is difficult to imagine how Shelburne would have been provided with an important office in a Pitt ministry had one been formed. Shelburne had been a strong public advocate of the Peace and had helped engineer Henry Fox's support of it in the House of Commons. The Earl of Sandwich was to remark later that "Pitt most certainly abased Shelburne to the King in a most outrageous manner, but I believe that was only to prove to him unfit to be at the head of the board of trade for I since understood he was to have some court office (but not of business)...." Earl of Ilchester, Letters to Henry Fox, Lord Holland with a few Additional to his Brother Stephen, Earl of Ilchester (London, 1915), p. 180. Cited in Sosin, "North American Interior," pp. 176-177, footnotes 38.

188. Smith, Grenville Papers, "Grenville Diary," Notation for 2 September 1763, II:203.

189. Journal of the Commissioners for Trade, 1759-1763, p. 380.

not until the middle of September that further official action was taken on the question of a proclamation.¹⁹⁰

On September 16, Halifax, who had now been appointed to the Secretaryship of the Southern Department,¹⁹¹ placed a draft response to the Board's August 5 letter before the Cabinet. It was approved that same day.¹⁹² On September 19, the Board received the Cabinet recommendations in the form of a memorandum from Lord Halifax.¹⁹³

190. At least one historian contends that a Proclamation was drafted and ready as early as 10 August 1763 that Shelburne's intentions were to have it sent out by the August packet ship to America. Atkins, "Shelburne and America," p. 31. The only source of support offered as proof is a letter from William Penn to Governor Hamilton of August 10 in which Penn tells the governor that he has seen a proclamation that will shortly be issued to the colonies in America, J.P. Boyd, ed., The Susquehanna Company Papers, 1750-1772. (Wilkes-Barre, 1930-33) II:261-263. That Board Secretary Pownall may have begun work on drafting the appropriate document shortly after the Board's August 5 meeting is quite likely; that he would have finished his work by August 10 is not probable. There was as yet the issue of jurisdiction over the Indian Country to be resolved. Specific details concerning the size of allotments to reduced soldiers had not yet been officially decided upon. It was also highly unlikely that Board members, many of whom took to the country during August, could have been brought together to endorse a final policy before the end of August. Even if the Proclamation did clear the Board, it would have been necessary to call the cabinet together to consider the document and the king asked to sign it. Shelburne's alleged hope that a proclamation could be sent out by the end of August was optimistic indeed. One Board member who appears to refute the Penn story is S. Jenyns. He told former Chancellor Lord Hardwicke in early September that the minds of government officials were occupied by concerns other than American policy over the preceding weeks. Jenyns to Harkwicke, 4 September 1763. British Museum, "Hardwicke Papers," Add. MSS. 35 631, folios 51-52.

191. Smith, Grenville Papers, II:205-206. A new ministry was formed on September 8. Grenville, alienated from both Pitt and Bute, had approached the Bedford Whig faction to support his ministry. He met with success. Bedford was made Lord President of the Council and his friend, The Earl of Sandwich, through whom the negotiations had taken place, became Secretary of the Northern Department. See also Grenville to Welbore Ellis, 8 September 1763. Ibid., II:115.

192. Cabinet Minute, 16 September 1763. Tomlinson, Additional Grenville Papers, pp. 317-318.

193. Halifax to the Board of Trade, 19 September 1763. A printed copy of this is in Shortt and Doughty, D.R.C.H.C., pp. 112-113.

There was nothing that could be termed novel in the Secretary of State's letter. The question of civil jurisdiction over the Indian Country was settled, at least partially, in favour of the Board. The idea of giving the governor of Canada or any other colonial governor authority over the Indian Country was abandoned. However, making the commander-in-chief responsible for the Indian reserved lands did not achieve unqualified ministerial support either. Halifax told the Board that the king preferred to hold this matter in abeyance until such time as "Experience and future Information" made the Board's proposal "expedient and practicable."¹⁹⁴ Thus, both the jurisdictional and the settlement limits for Canada would be one and the same - those proposed in the Board's June 8 Report and its accompanying map.¹⁹⁵

Halifax also accepted the Board's recommendation that a proclamation be issued which would prohibit, "for the present," grants and settlements within a territory to be reserved for the use of the Indians. But the Secretary of State did not agree that the document should be limited to policy relating to Indians and the settling of reduced soldier. He stated, "His Majesty is of opinion that several other Objects, of much Importance to his Service, might, with great Propriety, be provided for at the same time."¹⁹⁶ Specifically, Halifax suggested that a public declaration of British policy in the form of a proclamation might best serve many ends: promotion of a speedy settlement of the new colonies; achievement of friendship with the Indians; reconciliation of differences with the Indians "more speedily and effectually;" prevention of difficulties in the Indian territory from a lack of civil jurisdiction in the area; establishment of boundaries for the new colonies and confirmation of the additions to Newfoundland and Nova Scotia; promulgation of the constitution of the new governments as then established and intended for the future as well as the general powers of the governors for granting lands within them; prohibition of private purchases of lands from the Indians; declaration of free trade for

194. Shortt and Doughty, D.R.C.H.C., p. 112.

195. Halifax also informed the Board that the name to be formally adopted for the new province was Quebec. This would presumably distinguish the more restrictively bounded Quebec from the much larger old French province of Canada. Ibid.

196. Ibid.

all British subjects with all the Indians, under licence, security and proper regulations; and finally, authorization of all military officers and agents for Indian affairs, within the reserved lands, to seize any criminals or fugitives and to return them to be tried by their respective colonies.¹⁹⁷ There is certainly nothing new contained here with respect to intended government policy for North America. All of these items had received serious consideration by either the Board of Trade or by Halifax's predecessor, Lord Egremont. What is important to note, however, is that the proclamation, first conceived as an appropriate instrument for declaring government measures on a narrow range of subjects pending the preparation of new instructions and commissions, here took on much greater significance in the application of government policy. It was now intended as the sole instrument to transmit all of the government's immediate programme for American affairs. Commissions and instructions would still be issued, but these could wait. What Halifax now seemed to deem urgent was an open statement that would comprehensively signify government intent on all pressing matters associated with American affairs.¹⁹⁸

Finally, the September 19 letter provided final confirmation of the Cabinet's compliance with the proposal to encourage allotments of land, by rank, to retired service personnel. To those whom the Board recommended as eligible for grants, Halifax added reduced naval officers who had served on British ships during the reduction of Louisbourg and Quebec.¹⁹⁹

197. Shortt and Doughty, D.R.C.H.C., pp. 112-113.

198. That the issuance of Instructions and Commissions would follow the Proclamation, to confirm particular details of the government programme, is betrayed by Halifax's use of the terms "make known" and "declare" when referring to the intent of the Proclamation measures. Ministry officials, it seems, were also concerned that the new Cabinet face the beginning of the autumn Parliamentary session with a clear outline of policy for colonial affairs. Lord Shelburne told Henry Fox, now Lord Holland, that the ministers now felt "fully prepared to stand examination" with regard to what had been accomplished in that "important and extensive branch of Business, [the colonies]." Before Parliament met, everything was to be done to demonstrate that these affairs had not been neglected. If inquiry should be made as to what had occasioned the delay, Sandwich stated, "it will appear that it was chiefly owing to ... Shelburne's intriguing disposition," and the fact that as President of the Board of Trade, he "chose rather to draw up representations that might occasion contest and differences of opinion" with Egremont and the rest of the administration. Sandwich to Holland, 26 September 1763. Ilchester, Letters to Henry Fox, p. 181. Cited in Sosin, "North American Interior," p. 178.

199. Shortt and Doughty, D.R.C.H.C., p. 113. Field officers were to receive 5 000 acres each; a captain, 3 000 acres; subalterns or staff officers, 2 000 acres; non-commissioned officers, 200 acres; privates, 50 acres.

From this point until the issuing of the royal directive on 7 October 1763, government machinery moved very quickly. Halifax ordered the Board to prepare and transmit a draft of the intended proclamation immediately, and Pownall began work on it at once. The Board did not meet officially to consider Halifax's September 19 letter until September 28, but it had already been at the Board office and under the Secretary's consideration for more than a week. The reason for the Board's delay in not formally meeting earlier was the absence of Lord Hillsborough, the newly appointed President, who was in Ireland.²⁰⁰

The members of the Board who were assembled together on September 28, save for Lord Hillsborough, were no strangers to the spirit of the policy contained in the Halifax letter. The Board that was reconstituted and recommissioned on September 17 had the same membership as the one which had been presented with Egremont's first major directive on American affairs on the previous May 5; only the presidency had changed. The Board met only long enough to give its official approval for the preparation of a draft proclamation.²⁰¹ The next day, September 29, Pownall presented Hillsborough and the other Board members with this work.²⁰² There was no reason why it should have taken any longer to prepare. Pownall had more than a week to work out its details and nearly two months to map out the portions concerning the Indian territory and reduced officer settlement. By the beginning of August, the Board and the former Cabinet had agreed on every major tenet, save that concerning jurisdiction over the Indian Country. Every aspect of the policy had appeared in one or more exchanges between the Secretary of State and the Board, beginning with Egremont's May 5 letter.

200. Hillsborough returned to London in the third week of September. At the time of his appointment, he held the position of Lord Lieutenant of Ireland. He undoubtedly owed this appointment as well as that to the Board to his friendship with Lord Halifax and Grenville. The friction that had developed between Shelburne and Egremont probably led Halifax to conclude that it was imperative to have someone at the Board with whom he could work as Southern Secretary. Also, Hillsborough's complete lack of experience in North American colonial affairs virtually guaranteed that he wouldn't be in a position to challenge the policy which had already been decided.

201. Journal of the Commissioners for Trade, 1759-1763, p. 381.

202. Ibid.

The Board took the afternoon of September 29 and set aside the morning of October 1 to discuss the fine print contained in the proclamation draft. At noon on October 1, it was ordered transmitted to Attorney General Charles Yorke for his legal appraisal.²⁰³ Yorke found nothing in the document contrary to law. He queried only "whether so many words are necessary?" and suggested a few technical amendments of no apparent significance.²⁰⁴ John Pownall also went over the draft and made a few verbal alterations.²⁰⁵ The revised proclamation was presented to Halifax on October 4 and approved by the Privy Council on the 5th, in conjunction with the commissions for the governors of Quebec, the Floridas, Grenada and Nova Scotia,²⁰⁶ and signed by the king on the 7th. On October 8, Halifax ordered the Board to transmit the approved document "to the Governors of the Colonies and the Agents for Indian Affairs."²⁰⁷ The imperial bureaucracy had completed its task. The controversy could now begin.

203. Journal of the Commissioners for Trade 1759-1763, pp. 384-385.

204. Charles Yorke to Lords of Trade, 3 October 1763. C.O. 323/16/337. A clause which enjoined the establishment of courts of judicature in the new colonies for determining civil and criminal cases "according to law and equity and agreeable to the laws and constitutions of the mother country" was altered to read "according to law and equity, and near as may be agreeable to the laws of England" -- a famous phrase.

205. "Draft of the proclamation with amendments by Yorke and Pownall," C.O. 324/21/321-340.

206. Shortt and Doughty, D.R.C.H.C., "Proceedings of the Privy Council, 5 October 1763," p. 115. A final draft of the Proclamation which was considered at this meeting is in C.O. 5/65/231.

207. Shortt and Doughty, D.R.C.H.C., pp. 119-122.

PART VII

THE PROCLAMATION OF 7 OCTOBER 1763: AN ANALYSIS

The royal Proclamation issued by the Court of St. James on 7 October 1763¹ and subsequently sent to all British possessions in North America was a veritable pot-pourri of regulations and policies. As a reflection of several areas of concern which imperial administrators and politicians had shared before and since the signing of the Treaty of Paris, the document contained little that hadn't been thoroughly debated, either at the Board of Trade or in the Privy Council chambers. In essence, the Proclamation dealt with four general policy areas: the disposition of recently acquired French and Spanish territories, including boundaries of both new and old British colonies within these lands; the establishment of constitutional provisions and governing structures for the new colonies; the establishment of regulations for land grants to reduced soldiers who had served during the last war; and finally, the laying down of policy and provisions to regulate matters affecting the continent's Indian peoples.

If the several policy areas which the Proclamation attempted to cover were diverse, so too was the geographic application of the various provisions contained in the document. Some measures applied only to the new colonies whose boundaries the Proclamation established; others were exclusive to the so-called "ancient" or older colonies, while yet others pertained to both old and new. It is principally for this reason that each of the major policy areas must be examined separately and on its own terms.

Ceded Territories, New Colonies and Old: The Disposition of Former French, Spanish and Disputed Lands.

The Proclamation began by announcing the new boundaries of seven provinces, four of these being completely new creations and another three colonies having

1. The Proclamation was entered on the Patent Roll for 4 George III (1764) and is now located at the PRO c. 66:3693. The most commonly cited version of the text appears in Shortt and Doughty, eds., Documents Relating to the Constitutional History of Canada 1759-1791, Ottawa, (Canadian Archives, Sessional Paper No. 18, 6-7 Edward VII, 1907). However the printed version which appears to bear the closest resemblance to the original text is one contained in Clarence S. Brigham, ed., British Royal Proclamations Relating to America, Transactions and Collections of the American Antiquarian Society, Vol. 12 (Worcester Mass., 1911), pp. 212-217. This text is given as Appendix I.

their limits extended beyond previous boundaries. The four new colonies were Quebec, East Florida, West Florida and Grenada; the three existent colonies whose boundaries were altered were Newfoundland, Nova Scotia and Georgia.²

The territorial limits specified for Quebec followed very closely those specified for Canada in the Pownall Sketch of May 1763³ and were almost identical to those outlined in the Board of Trade Report of 8 June 1763.⁴ Briefly, the new province of Quebec was to be bounded: on the north by a line drawn from the head of the St. John River in Labrador to the south end of Lake Nippising; on the south-west by a line drawn from the south end of Lake Nippising to the St. Lawrence River at about Long Sault; on the south by a line drawn about Long Sault, eastward, above Lake Champlain to the Baye des Chaleurs; on the east by a line extending from the Baye des Chaleurs along the coast of the Gulf of St. Lawrence to the west end of Anticosti Island and then northward to the River St. John in Labrador. In connection with the limits described here for Quebec, it is important to note that they include neither territories around the Great Lakes of Ontario, Erie or Huron nor lands to the north around Lake Superior. Thus, British Quebec formed only a small portion of what the French had formerly claimed as belonging to Canada.

On the southern end of the continent, the former Spanish territories comprising the Florida peninsula and lands situated on the Gulf of Mexico westward to the Mississippi became the new British colonies of East and West Florida.⁵

The peninsula proper comprised the new East Florida, and the Gulf coastal lands

2. Brigham, Royal Proclamations, pp. 212-213.

3. Humphreys, "Lord Shelburne," pp. 260-261.

4. Report of the Board of Trade, 8 June 1763. Shortt and Doughty, D.R.C.H.C., pp. 102-103. See also the coloured map which accompanied the Board Report as described in this text, chap. VI, footnote 128.

5. Brigham, Royal Proclamations, p. 213. The suggestion that Spanish Florida be split into two provinces seemed to originate with the Hints paper submitted to Lord Egremont prior to March of 1763. See Crane, "Notes and Documents," p. 372. The idea was later endorsed by Egremont in his submission to the Privy Council of 8 July 1763. See "Minute (Draft) for the Council re the Board of Trade Report of 8 June 1763." PRO, "Egremont Papers," 30/47/22/88-92.

made up West Florida. It is important to note here that West Florida was the only British province whose limits were officially acknowledged to extend as far west as the Mississippi River.

The colony of Grenada, the Proclamation stated, was to be formed by the islands of Grenada, Dominique, St. Vincent and Tobago. This measure appears irrelevant to other Proclamation policies outlined for continental America.

From an outline of new colony boundaries, the Proclamation turned to alterations in boundaries for the old possessions of Newfoundland, Georgia and Nova Scotia.

Based on an argument that tighter control of the Labrador coastal fishery was necessary, Newfoundland was given all of Labrador - from the St. John River to Hudson Strait, including the islands of Anticosti and Madelaine.⁶ This measure actually formalized earlier plans made by both Egremont and the Board of Trade, who feared that if Labrador were not better monitored and protected, foreign powers might consider the territory derelict and lay claim to it and its offshore fishery.

To mainland Nova Scotia, the Proclamation ordered the additions of Isle St. John (Prince Edward Island) and the Isle Royale (Cape Breton). Again, these measures were consistent with advice found in the Hints paper, Pownall's Sketch and the Board of Trade Report of 8 June 1763. The idea behind expanding Nova Scotia was to provide some civil jurisdiction over the former French islands and to encourage the "compleat Settlement of Nova Scotia according to its true and ancient Boundaries."⁸ It was thought that only when Nova Scotia

6. The Hints paper was the likely origin of this proposal and it was supported by both Pownall in his Sketch and the Board of Trade in its Report of 8 June 1763. See Crane, "Notes and Documents," p. 369; Humphreys, "Lord Shelburne," p. 261; and Report of the Board of Trade, 8 June 1763, D.R.C.H.C., p. 103.

7. Egremont to the Board of Trade, 24 March 1763. PRO, C.O. 196/26.

8. Report of the Board of Trade, 8 June 1763. Shortt and Doughty, D.R.C.H.C., p. 99.

was peopled with British or British-allied colonials, would the French be discouraged from meddling in the province's coastal fishery. Also, as a human repository for those who could no longer find cheap arable land in the older provinces to the south, Nova Scotia was slated to serve as a safety valve for pressure on the western frontiers of the original thirteen colonies.

Finally, the southern limits of Georgia were extended to the north shore of the St. Mary's River. This closed the land gap created when the northern boundary of East Florida was set down as the south shore of that same river.⁹ This was a measure which appeared to merit support from almost everyone who submitted ideas on North American post-war boundaries to the Board of Trade and to the Privy Council.

Government in the New Provinces

The second major policy area addressed by the Proclamation concerned the type of government prescribed for the three new British colonies of Quebec, East Florida and West Florida. It is stated that to "contribute to the speedy settling [of] Our said new Governments" letters patent for the respective appointed governors would allow the summoning of assemblies and councils as soon as circumstances permitted.¹⁰ Governors, with the consent of their councils and assemblies were to:

make, constitute, and ordain Laws, Statutes, and Ordinances for the Publick Peace, Welfare, and Good Government of Our said Colonies... as near as may be agreeable to the Laws of England.¹¹

However, until such councils and assemblies were called, the inhabitants of the three new colonies could "confide in Our Royal Protection for the Enjoyment of the Benefit of the Laws or Our Realm of England...." To guarantee this protection, governors' commissions would provide them with the appropriate authority to erect

9. Brigham, Royal Proclamations, p. 213.

10. Ibid., pp. 213-214.

11. Ibid., p. 214.

courts for hearing both civil and criminal cases "according to Law and Equity, and as near as may be agreeable to the Laws of England."¹² Superficially at least, it would appear that the Proclamation guaranteed to all those who would settle in the three new American colonies: British laws, British courts, British justice, and - sooner rather than later - British governing institutions.

The second part of the policy section concerned with governance of the three new continental colonies outlines the authority to be given governors for the granting and settling of lands. In brief, this authority was to be like that provided other governors of royal provinces - the power to make grants in fee under moderate terms.¹³

Neither the Hints paper attributed to Henry Ellis nor John Pownall's Sketch had gone quite so far as to propose the immediate settlement of French-populated Quebec under the auspices of British laws and governing institutions. These documents suggested a policy that would have Quebec await a sizable increase in the British population prior to official consideration of a representative assembly. The 8 June 1763 Report of the Board of Trade, however, came somewhat closer to the Proclamation's final position when it advocated immediate establishment of "regular Governements in all such places where planting and Settlement, as well as Trade and Commerce are the immediate Objects."¹⁵ It argued, as did the Proclamation, that in order to persuade British settlers to risk their persons and property in taking up new lands, it was necessary to provide them with institutions and laws familiar to them. The magnitude of the problems which later developed between French and English in Quebec over the too-speedy introduction of British laws and institutions was unfortunately not anticipated by either the Board of Trade or the Privy Council.

12. Brigham, Royal Proclamations, p. 214.

13. Ibid., pp. 214-215.

14. The Hints paper even suggested that two governors and councils be appointed for the old French province of Canada and that the colony be divided into two separate civil jurisdictions. Crane, "Notes and Documents," p. 371.

15. Report of the Board of Trade, 8 June 1763. Shortt and Doughty, D.R.C.H.C., pp. 101-102, 106.

Lands for Soldiers and Sailors

The third major policy area upon which the Proclamation made pronouncements was the provision of lands to demobilized or reduced military and naval personnel. The group to benefit was made up of soldiers, sailors and officers who had served during the previous war. According to the Proclamation, these persons were to receive specific quantities of land in proportion to rank held, and governors of all the North American colonies, old and new, were to make lands available for this purpose.¹⁶ Presumably this meant that a serviceman could choose his grant from Nova Scotia, Newfoundland, Quebec, the Floridas or any of the thirteen ancient colonies.

The purpose behind land grants to reduced allied and British servicemen was twofold: the program rewarded those who had fought on the side of the British during the Seven Years' War and it encouraged the speedy settlement of large areas of newly acquired territories by allegedly loyal and dependable immigrants. It was also a measure which received overwhelming approval from all quarters. Lord Shelburne had earlier proposed a similar scheme in May of 1763.¹⁷ The Board of Trade endorsed the concept in its 8 June 1763 Report to the Privy Council.¹⁸ And finally, Lord Halifax approved it in his final instructions to the Board for drafting the Proclamation on 19 September 1763.¹⁹

Policy Relating to Indians: Land and Trade

The section of the Proclamation pertaining to Indians opens with a statement on the rationale for adopting measures to protect Indians in the possession of certain lands. The first paragraph begins with the following introduction:

And whereas it is just and reasonable, and essential to Our Interest and the Security of Our Colonies, 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 ²⁰ by Us, are reserved to them, or any of them, as their Hunting Grounds

16. Brigham, Royal Proclamations, p. 215.

17. Shelburne to Egremont, 26 May 1763. PRO, "Egremont Papers," 30/47/22/43-44.

18. Report of the Board of Trade, 8 June 1763. Shortt and Doughty, D.R.C.H.C., p. 104.

19. Halifax to the Board of Trade, 19 September 1763. Shortt and Doughty, D.R.C.H.C., p. 113

20. Brigham, Royal Proclamations, p. 215.

The argument for protection was twofold: firstly, that such protection was "just and reasonable"; secondly - and perhaps more important to British political and commercial concerns - that protecting lands possessed by Indians was essential to British commercial interests and to the security of British North American colonies. This latter argument would be the more convincing of the two for imperial and colonial officials. These men were anxious to see Britain reap the benefits of the commercial empire it had gained. It made sense that this could best be accomplished in an atmosphere of inter-racial co-operation rather than of confrontation. To encourage peace on the American colonial frontier, Indians had be provided with some basic guarantee that the land they occupied and hunted upon would not be unilaterally seized or altered in such a way as to deprive them of a livelihood.

Similar language was used by Egremont in his open letter of 5 May 1763 to the Board of Trade. Suggesting measures for securing and extending new-found British commercial advantage on the American continent, the Southern Secretary told the Board that to preserve the internal "Peace and Tranquility of the Country against Indian Disturbances," Indians should have secured to them "all the Possessions, Rights and Priveleges they have hitherto enjoyed and are entitled to..."²¹ Thus, the relationship between formally securing to Indians the lands to which they were entitled and peace on the colonial American frontier was emphasized. At the same time, recognition was given to the fact that peace on the frontier was necessary to commercial prosperity on the North American continent.

The introductory statement of the Proclamation section on Indian affairs also provides notification as to which Indians would have lands protected under the document's provisions and which lands, generally, merited protection.

As to whose lands would be protected, the Proclamation specified that it would be those of "the several Nations or Tribes of Indians, with whom We are connected, and who live under our Protection." The only clear and indisputable qualification was that the Indians were to inhabit "Parts of Our Dominions and Territories."

21. Egremont to the Lords of Trade, 5 May 1763. Shortt and Doughty, D.R.C.H.C., p. 94.

Disputes have arisen concerning the interpretation of the two phrases "with whom We are connected," and "and who live under our Protection." One view would have it that Indians, to qualify, must have been both formally connected with Britain by treaty or some other agreement and be under British protection. Unfortunately, such an interpretation would exclude from protection all of those tribes which had been allied to the French during the previous war and which had not made formal peace with the British either during or after hostilities. One might ask, however, if it had not been for the benefit of these tribes in particular that the Board of Trade informed Sir William Johnson on 5 August 1763 that "a proclamation should be issued"?²² Also, if one major object of the Indian section of the Proclamation was to further the "Interest and the Security of [the British] Colonies" would it not be injudicious to exclude such a large, potentially hostile, portion of the Indian population from the benefits of the policy contained in the document?

The more plausible interpretation of the wording is that all "Nations or Tribes of Indians" would have lands protected so long as they occupied "British Dominions and Territories" and were either formally connected to Britain or lived under British protection. With this interpretation, the "and" separating the two phrases becomes disjunctive rather than conjunctive, extending the scope for beneficiary status considerably.

British officials on both sides of the Atlantic worried at this time not only about being abandoned by their traditional Indian allies, but also about antagonizing all Indians, friends and former enemies alike, into a universal Indian uprising. It was this general anxiety which had prompted Johnson to venture out to Detroit in 1761. The same anxiety lay behind orders in January 1763 to Governor Fitch of Virginia to do all he could to prevent further settlement on Delaware Indian-claimed lands in the Wyoming Valley.²³ It also prompted a circular letter in March of 1763, in which the four southern colonial governors were asked to conciliate

22. Board of Trade to William Johnson, 5 August 1763. O'Callaghan, *N.Y.C.D.*, VII:535. The Board told Johnson that "A regular and constant correspondence... is now become essentially necessary for the great number of hitherto unknown tribes and nations, which are now under His Majesty's immediate protection, and the necessity there is of speedily falling upon some method of regulating the Indian Commerce & policy, upon some more general and better established system than has hitherto taken place. It is with a view to this object that we have proposed to His Majesty that a proclamation should be issued."

23. Lord Egremont to Governor Fitch, 27 January 1763. Bates, "Fitch Papers," XVIII:224-225.

the good will of "all Indian nations" and to explain "His Majesty's just and equitable Intentions."²⁴ If the Proclamation were to have any meaning whatsoever, in light of these and other related events, the measures it promised would have to apply to all Indians occupying any lands then under British sovereignty. The benefits would accrue to Indians whether they were British allies at the time, formerly allied to the British or traditional sworn enemies of Britain and its colonies.²⁵

With particular regard to the type of lands the Proclamation sought to guarantee protection, the introductory paragraph of the Indian section states only that these be comprised 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....

It was, then, reserved hunting lands in the possession of Indians and situated within that part of North America over which Great Britain held sovereignty that were to be protected. Such lands were never to have been ceded to or purchased by Great Britain.

The wording in the introductory section is important in that, in spite of several apparent qualifications, the restrictions on what lands should receive protection from the Crown are really very minimal. In a final draft of the Proclamation, completed for approval by John Pownall before it went on the Privy Council, the lands to be protected were described as:

such Parts of Our Dominions and Territories, ²⁶as are occupied by or reserved to them, as their Hunting Grounds....

24. "Circular letter to Superintendent Stuart, the Governors of Virginia, North Carolina, South Carolina, Georgia," 16 March 1763. PRO, "Egremont Papers," 30/47/14/65-66.

25. It should also be noted here that Article XL of the Articles of Capitulation of Montreal promised "The Savages or Indian allies" of the French king that henceforth they would be given British protection in maintaining "the Lands they inhabit" and if they chose to remain on those lands they would not be "molested on any pretence whatsoever." It appears that after the capitulation of New France, those Indians "having carried arms, and served his most Christian Majesty [of France]" were considered to be under the "protection" of the King of Great Britain. Articles of Capitulation, Montreal, 8 September 1760 (trans.). Shortt and Doughty, D.R.C.H.C., p. 27.

26. The complete draft and Pownall's changes are contained in PRO, C.O. 324/21/180-190. The document was enclosed with a covering letter sent to Lord Halifax on 4 October 1763.

Pownall changed the final wording as quoted above and incorporated into the final document which was signed by the king. If the original wording had been allowed to stand, the protection of Indian hunting lands would have apparently required a prior act of reservation - i.e., governors or the imperial government would have had to designate certain lands as "reserved" lands before protection could have been provided. However, under the eventual wording, if lands were in the "possession" of Indians, situated within British territories and not previously ceded to or purchased by Great Britain, such lands would be considered "reserved" and would automatically receive protection under Proclamation measures.

Continuing with the introductory paragraph of the Indian section, the Proclamation outlines the first of three measures designed to protect Indian reserved lands.

It states:

No Governor or Commander in Chief in any of Our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also, that no Governor or Commander in Chief in any of Our other Colonies or Plantations in America, do presume for the present, and until Our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantick Ocean from the West and North-West, or upon any lands whatever, which, not having been ceded to, or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.²⁷

Several points are worth noting here. Firstly, governors of the three new colonies of Quebec, East Florida and West Florida were not to grant warrants of survey or to patent lands beyond the boundaries established in their respective commissions. Plainly speaking, settlers originating within or migrating to these "New Colonies" were to find their lands within the geographic limits assigned to each colony. Secondly, governors from the older colonies were prohibited from granting lands or warrants of survey west of the Appalachian watershed in the continental North American interior. Thirdly, governors were not to grant warrants of survey or to pass patents to "any Lands whatever" which had not been "ceded to or purchased by [Great Britain]" as outlined in the first part of the introduction to the Indian affairs section. This third point becomes particularly important when the geographic foci of the Proclamation are to be determined.²⁸

27. Brigham, Royal Proclamations, p. 216.

28. The question of whether lands contained within the "New Colonies" are covered by terms of the third point will be taken up later.

The notion of establishing some form of geographic demarcation to separate settlement lands generally from areas which could be formally recognized as belonging to the Indians was not a new concept. At the Albany Conference in 1754 delegates recommended "That the bounds of [those] Colonies which extend to the South Sea [Pacific Ocean] be contracted and limited by the Allegheny or Appalachian mountains."²⁹ The Albany Commissioners believed that by marking off a physical boundary, beyond which settlement would not be permitted, much of the conflict between Indians and colonials over the use and occupation of the continental interior would ease. Further, it was hoped that traditional haphazard westward colonial expansion would be temporarily checked until a more rational and universally acceptable settlement policy could be adopted by all the colonies.³⁰ During the Easton Treaty negotiations in 1758, one of the most persistent demands made by both Delaware and Iroquois Indians was that Britain give up all pretensions to lands lying west of the Allegheny Mountains and the Susquehanna River.³¹ Later in a proclamation issued from Fort Pitt in October of 1761, Colonel Bouquet gave assurances to all the tribes residing west of the Allegheny Mountains that their lands remained as Indian territory and that no British subject was to hunt or settle these lands³² without express permission from the commander-in-chief or governor of his respective province.³³

When submissions began to filter into the Privy Council office after the war concerning administration of the newly acquired territories, the idea of a settlement line was revived again. In the Hints paper presented to Lord

29. "Albany Conference Proceedings: Meeting of the Commissioners," 9 July 1754. O'Callaghan, N.Y.C.D., VI:888.

30. The fact that some of the most powerful tribes in North America had also looked to the mountains as the most acceptable barrier to British settlement can be shown by the 1754 negotiations between the Six Nations and Conrad Weiser for possession of the Susquehanna River lands. Weiser wanted the province he represented, Pennsylvania, to assume all rights to lands from the Susquehanna River westward to the Ohio. However, Hendrick and several of the other Iroquois chiefs argued that the westernmost boundary to the tract should be the Allegheny Mountain chain. The rationale put forward was that all the land west of the Alleghenys should be left unsettled Indian "Hunting Grounds." See Wallace, Conrad Weiser, pp. 358-359.

31. "Easton Conference Proceedings," Colonial Records of Pennsylvania, VIII: 199-205.

32. Described as lying westward of a line following the crest of the mountains.

33. Proclamation of General Bouquet, 9 October 1761. British Museum, "Bouquet Papers," Add. MSS. 21 657, folio 10.

Egremont in the spring of 1763, it was recommended that:

It might also be necessary... to fix upon some Line for a Western Boundary to our ancient provinces... beyond which our People should not at present be permitted to settle.³⁴

John Pownall in his Sketch suggested that colonies should be temporarily prohibited from establishing new settlements beyond "the heads of rivers which flow into the Atlantic Ocean or Gulf of Mexico."³⁵ The rationale offered for this policy to confine British settlement to lands along the eastern seaboard was twofold. Firstly, it would ease Indian anxieties about possible seizure of their interior hunting grounds by the British. Secondly, it was hoped that such policy would discourage westward expansion by colonials who, beyond the control of colonial officials, might be tempted to start their own commercial enterprise and thereby short circuit the important and valuable mercantile activities of the mother country. Achieving these two ends, by implementing the simple but effective measure of a "settlement barrier," was what Pownall, in self-congratulation, styled his "happy coincidence of system."

Beyond the idea of a temporary but clearly defined "settlement line," the concept of protecting Indians in the possession of lands generally (i.e., within the colonies deemed appropriate for settlement) extends at least as far back as 1761. In that year, in response to a report in which General Amherst and New York Governor Cadwallader Colden were promoting settlement in New York on lands claimed by the Iroquois,³⁶ the Board of Trade condemned the practice of colonies unilaterally seizing Indian lands and stated that such action was "dangerous to the Security [of the Colonies]... a measure of the most dangerous tendency."³⁷ A more formal order, which grew out of the Board of Trade's concern for colonial - Indian land dealings in New York, informed all governors of British North American colonies that they must not:

34. Crane, "Notes and Documents," p. 371.

35. Humphreys, "Lord Shelburne," p. 259.

36. In particular, on lands along the Mohawk River and Lake George.

37. "Order of the King in Council on a Report of the Lords of Trade," 23 November 1761. O'Callaghan, N.Y.C.D., VII:473.

upon any pretence whatever... pass any Grant or Grants to any persons whatever of any lands within or adjacent to the Territories possessed or occupied by the said Indians on the Property (,) Possession of which has at any time been reserved to or claimed by them.

A signal that such policy would be relatively widely applied and that lands possessed by Indians, even within the settled areas of newly acquired regions, were to be protected appeared in the formal Articles of Capitulation for Montreal after its loss to the British in September of 1760. Article XL states:

The Savages or Indian allies of his most Christian Majesty (of France), shall be maintained in the Lands they inhabit; if they chuse to remain there; they shall not be molested on any pretence whatsoever, for having carried arms, and served his most Christian Majesty....³⁹

During the preparation stages of the Proclamation, John Pownall made mention in his Sketch of particular cases where Indians had claims to lands within parts of settled British colonies situated on the east side of the Appalachian divide. Pownall cited the Iroquois as having legitimate claims to lands within the assigned boundaries of established seaboard colonies, and he pointed to claims in the south made by the Cherokees, Creeks, and Catawbas which, he stated, "would be unjust to violate."⁴⁰ Thus, certain lands both within and without British North American colonies were considered to be "reserved to the said Indians" and would, under the several provisions of the royal Proclamation, be guaranteed protection.

The importance of the measures in the introductory paragraph, which forbid governors of the new colonies from granting warrants of survey or patents beyond their boundaries and which also prohibit governors of the older colonies from granting warrants of survey or patents westward beyond the Appalachian watershed, does not become fully apparent until one reads the second paragraph of the Indian section.

This second paragraph states:

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under Our Sovereignty, Protection, and Dominion, for the Use of the said Indians, all the Lands 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 Lands 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 especial Leave and Licence for that Purpose first obtained.

38. "Instructions for the Governor of Nova Scotia... New York... forbidding them to grant lands...", 9 December 1761. O'Callaghan, N.Y.C.D., VII:478.

39. "Articles of Capitulation," Montreal, 8 September 1760. Translated and printed in Shortt and Doughty, D.R.C.H.C., p. 27.

40. Humphreys, "Lord Shelburne," p. 260.

What these provisions do is to define, negatively, an area reserved to Indians within the continental interior. Briefly stated, the reserved area extended: indeterminately westward, from Quebec's western boundary; northward, to the southernmost boundary of Rupert's Land (i.e., the Hudson's Bay Company lands); southward to the northern limits of the Floridas; and eastward to the Appalachian watershed. It comprised a vast area of land, covering at least a third of the North American interior and perhaps more.⁴¹

In addition to prescribing the general limits of the reserved area, measures contained in the second paragraph were meant to preserve the territory for Indian use. Within the reserved area, no one was permitted to make purchases or to settle without prior approval of the king or the king's ministers in London. One must conclude from these provisions that the pretensions of such colonies as Virginia, Pennsylvania, North Carolina and Connecticut to lands beyond the Appalachian barrier were now temporarily denied. Only through express permission of the Crown could grants be made and the barrier to westward colonial expansion and settlement be broken.

The idea of creating a reserved Indian territory or country in the heart of the North American continent complemented the provision contained in the introductory paragraph of the Indian section establishing a distinct frontier settlement line along the crest of the Appalachian divide. The prohibition against Quebec making grants beyond its commissioned limits was intended to preserve the extreme northern reaches of the reserved areas, while the same prohibition in the Floridas preserved the far southern portion of the reserve. Likewise, the measure preventing the eastern seaboard colonies from granting lands beyond the mountains was designed to protect the middle section of the reserved area from new settlement.

The exact source of the plan to reserve a large block of interior American lands to Indian use is not clear. The roots of the idea certainly extended back for almost a decade prior to 1763. During negotiations between France and Great Britain before the start of the Seven Years' War, the suggestion had been made that both countries evacuate all the territory drained by the Ohio

41. Just how much land was included in this reserved area depends upon the extent to which the reserve stretched westward. This point will be discussed later.

and its tributaries and that the land be returned to the Indians.⁴² Under this plan, trade and the free movement of non-military goods through the reserve would have been permitted. However, it would have prohibited all military installations and settlement in the region. While this plan, like all others put forward during the time, failed to prevent military conflict over the American boundaries of the two empires, the idea of an Indian "neutral" zone in the interior of North America persisted.

Following the end of hostilities, the idea of creating a reserved area was revived, but this time for different purposes. In general, it was thought that by preserving a large territory at the back of the seaboard colonies, unregulated westward expansion of the colonies would be checked and new immigrants to North America would be encouraged to settle in the northern and southern extremes of an expanded British empire. In his Sketch, John Pownall envisioned a large Indian territory west of the Appalachian divide, where military outposts would protect the sanctity of the reserve and at the same time would direct non-Indian populations away from the unsettled western frontiers. The boundaries delineated by Pownall for the reserved Indian Country closely approximated those found in the Proclamation - i.e., the Appalachian divide on the east, north of the Great Lakes on the north and the Gulf of Mexico on the the south. The only major difference between the two plans was that Pownall made the Mississippi River the western limit of the reserved area and the Proclamation omitted specifying any western boundary.⁴³

In the 8 June 1763 Report of the Board of Trade, a great effort was made to outline measures for defining and explaining terms for an "Indian Country" within the continental North American interior. The Board referred to the proposed reserve area as:

that Territory in North America which in Your Majesty's Justice and Humanity as well as sound Policy is proposed to be left under Your Majesty's immediate Protection, to the Indian Tribes for their hunting grounds, where no Settlement by planting is intended, immediately at least⁴⁴

42. "A Project for the proper separation of the British and French Dominions in North America," (n.d.) c 1755. Attributed to Sir William Baker, London merchant. Printed in Pease, Boundary Disputes, pp. 84-85.

43. Humphreys, "Lord Shelburne," p. 259.

44. Report of the Board of Trade, 8 June 1763. Shortt and Doughty, D.R.C.H.C., p. 102.

The Board proposed that this area be set aside and designated as Indian hunting grounds, protected from encroachment by European or colonial settlement by the Crown itself. The Report presented the scheme as not only an expedient one in the circumstances but also as a just and humane solution to some very old problems. Indian concerns about the untrammelled alienation of large tracts of hunting grounds were to be assuaged and future settlement would be subject to closer scrutiny by the imperial government in London. Finally, the Board Report, like the Proclamation, envisioned areas where settlement, planting and related activities were to be encouraged and other areas where such activities were to be prohibited completely - i.e., the Indian reserve area.

The third paragraph of the Indian section, while not introducing any further reservation of lands, outlines measures to protect those already reserved. It also demonstrates the seriousness with which Britain intended to treat any infringement on its policy to protect Indian reserved lands. The third paragraph states:

And We do further strictly enjoin and require all Persons whatever, who have either wilfully 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, forthwith to remove themselves from such Settlements.⁴⁵

The Crown's protection of Indian reserved lands was thus made retroactive, and those persons who had either intentionally or inadvertently taken up residence upon the reserved lands were to leave them.

The measures outlined in paragraph three, although they appear to be a drastic ones, were again not entirely new to Indian affairs policy. It should be recalled that in December of 1761, British North American governors were instructed, by circular letter from the king, to prosecute all persons possessing or occupying lands claimed by Indians. Such lands were to be recovered, if necessary, by the Courts and returned to Indian possession.⁴⁶ Two years later in early 1763, when confronted with the

⁴⁵. Brigham, Royal Proclamations, p. 216.

⁴⁶. Circular letter of 9 December 1761. O'Callaghan, N.Y.C.D., VII: 477-478.

problem of unauthorized settlement along the Susquehanna River in Pennsylvania, the Board of Trade sent orders to have the settlements broken up and the disputed lands returned to the Indians.⁴⁷ In this latter instance, cautions had been issued to the governors of several colonies where immigrants to the Susquehanna area originated, but to no avail. When Indian complaints grew intense, the Board acted, and acted resolutely. Indian interests were to be protected by government and, if necessary, by law.

The fourth paragraph of the Indian affairs section begins with a final provision for the protection of Indian reserved lands:

And whereas great Frauds and Abuses have been committed in the purchasing Lands of the Indians, to the great Prejudice of Our Interests, and to the great Dissatisfaction of the said Indians; in order therefore to prevent such Irregularities for the future, and to the End that the Indians may be convinced of Our Justice, and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of Our Privy Council, strictly enjoin and require, that no private Person do presume to make any Purchase from the said Indians of any Lands reserved to the said Indians, within those Parts of Our Colonies where We have thought proper to allow Settlement; but that if, at any Time, any of the said Indians should be inclined to dispose of the said Lands, the same shall be purchased only for Us, in Our Name, at some publick Meeting or Assembly of the said Indians to be held for that Purpose by the Governor or Commander in Chief of Our Colonies respectively, within which they shall lie: and in case they shall lie within the Limits of any Proprietary Government, they shall be purchased only for the Use and in the Name of such Proprietaries, conformable to such Directions and Instructions as We or they shall think proper to give for that Purpose....⁴⁸

This passage openly admits that, in the past, Indians had been dealt with unscrupulously with respect to alienation of their lands. It also acknowledges, by implication, that one of the greatest problems was private purchase of lands from Indians without government consent or authorization. In order to ameliorate this situation, the Proclamation demanded that no private purchases be made of Indian reserved lands within the colonies where settlement was to be allowed. Secondly, should the Indians wish to dispose of reserve lands within the "settlement" colonies, a strict public procedure was to be followed: lands were to be purchased in the name of the Crown only; any purchase was to take place at a public meeting called for that express purpose; every public meeting called to purchase Indian

47. For a discussion on the Board of Trade actions concerning the Susquehanna River settlement problem, see McArthur, "Board of Trade," p. 104.

48. Brigham, Royal Proclamations, pp. 216-217.

reserved lands was to take place with the knowledge and authority of the governor or commander-in-chief of the colony where the lands were situated; finally, if the lands were situated within a proprietary government they were to be purchased in the name of the proprietary and then only for Crown-authorized purposes.

The prohibition against private purchase of Indian lands was probably the oldest policy or custom practised in British-Indian affairs. It existed almost throughout the long history of British colonial enterprise in North America. As early as 1638, Maryland incorporated into legislation the principle that prior government approval was necessary before any lands were bought by Maryland residents from Indians.⁴⁹ It should be recalled that after 1655 Virginia required its people to gain approval from the provincial Assembly before Indian land purchases were made.⁵⁰ In 1697, the Board of Trade issued instructions to the governor of New York, Lord Bellomont, informing him that no further private purchases of Iroquois lands would be tolerated by the Crown's representative in that colony.⁵¹ These measures were similar to more informal recommendations sent to the North Carolina governor, Sir William Berley, thirty years previously, suggesting that anyone who had already purchased and settled upon Indian hunting lands without provincial consent should be removed from the lands in question.⁵² In 1753 the British government issued its most unequivocal statement on the private purchase of Indian-held lands. In his instructions to Sir Danvers Osborn, then newly appointed governor of New York, the king informed Osborn that he was to make no grants whatever of any lands purchased from Indians by persons "upon their own accounts."⁵³ Further, it was stipulated that, in future, Osborn was to ensure that all purchases of Indian-held lands within his jurisdiction

49. Royce, Indian Land Cessions, pp. 571-572. The Maryland measures were confirmed again in that colony's laws in 1649. Ibid.

50. Hening, Statutes at Large, I:396.

51. Instructions from the Lords of Trade to Lord Bellomont, 31 August 1697. O'Callaghan, N.Y.C.D., IV:289-290.

52. Saunders, North Carolina, I:51.

53. Lords of Trade to Sir Danvers Osborn, 18 September 1753. O'Callaghan, N.Y.C.D., VI:854-855.

be done at the public charge. A year later, at the Albany Conference, the attending commissioners endorsed the policy outlined for Osborn as a good general principle and recommended that all colonies adopt similar measures voluntarily. Specifically, the Albany delegates agreed that: in future, all Indian-held lands that were to be patented and settled should be purchased through the government where the lands were located; and, to protect Indians as a community from its own members who might unscrupulously alienate tribal lands for personal gain, no government purchases were to be recognized as valid unless the transactions were completed in public between the Crown's representative and the Indians as a body.⁵⁴

The Albany conference recommendations, like the several pronouncements on the subject made over the years by the British government and individual colonies, were not strictly adhered to by all colonies all of the time.⁵⁵ Yet, during the wartime period that immediately followed the conference, the notion of maintaining Crown control over the purchase of Indian lands continued to be a policy favoured by those closest to problems associated with British-Indian relations. In 1756, Superintendent Johnson's secretary, Peter Wraxall, in commenting upon Indian land dealings in New York, outlined succinctly what he believed to be the source of great "mischief" in British-Indian relations. "Patents," he stated:

have been lavishly granted (to give it no worse term) upon the pretense of fair Indian purchases, some of which the Indians have alleged were never made, (but) forged....⁵⁶

Wraxall's solution was simple and to the point. In future, the "unrighteous conduct" of land-hungry colonials could be checked only if the Crown sanctioned all purchases from Indians and "no Patents might be granted, but for land sold at their General and public meetings."⁵⁷

54. Meeting of Commissioners, Albany, 9 July 1754. O'Callaghan, N.Y.C.D., VI:888.

55. It should be recalled that the British government never formally adopted the Albany Conference recommendations as official imperial policy.

56. "Some Thoughts upon the British Indian Interest in North America," 9 January 1756. O'Callaghan, N.Y.C.D., VII:17.

57. Ibid.

When serious discussions pertaining to future imperial policy in an expanded British empire began in early 1763, the subjects of Indian land transactions and public purchases arose once again. One of the "lights" or ideas offered by Lord Egremont in his public letter to the Board of Trade on 5 May 1763 was that "fair Purchase" was the only method deemed acceptable in acquiring any Indian hunting lands.⁵⁸ While John Pownall and others who worked on policy outlines for the final Proclamation document did not elaborate upon this aspect of government policy, there was little need for Cabinet discussion or debate on the proposal because sufficient precedent existed in government instructions, commissions, circular letters etc. What was stated in the third paragraph of the Proclamation on the method of future acquisition of Indian lands within the settlement colonies was in reality a formalization of a policy that had long been considered appropriate and equitable by British and colonial administrators alike.

It should be noted here that the Proclamation really denotes two types of reserved areas where Indian-held lands were to be protected from non-Indian encroachment. The first was Indian reserved territory situated within the interior of the continent, beyond the Appalachian or Allegheny Mountains and forming one continuous block of Crown-protected land lying beyond the limits of the British seaboard colonies. The boundaries of this reserve area are delineated negatively in paragraph two of the Proclamation. The second type of reserved area is described in the introductory paragraph of the Indian affairs section of the document as "any Lands whatever" and in the third paragraph as "any other lands." This type of reserved area denotes what were undoubtedly several distinct and separate parcels of land within colonies where settlement was to be permitted, yet which had not been formally ceded to or purchased by Great Britain. The source of the two types of reserved areas was the same in that neither type had previously been "ceded to or purchased by Us [Great Britain]." The only qualitative difference between the two types was the degree of protection to be afforded each one. Direct imperial control and protection was to be exercised over the reserved area beyond the colonial boundaries. It should be recalled that for this reserved area no settlements or purchases were to be made without "Our

58. Lord Egremont to the Lords of Trade, 5 May 1763. Shortt and Doughty, D.R.C.H.C., p. 94.

especial Leave and Licence for that Purpose first obtained." This is in contrast to the other class of reserved area situated within colonies where local authorities - e.g., a governor or commander-in-chief - could authorize purchase of Indian-reserved lands in the name of the Crown, at public meetings with the Indians concerned. Thus, notwithstanding their location, the only difference between the two reserve types was the degree of imperial control that the Crown was to exercise in their protection.

Returning to the Proclamation itself, the latter part of the fourth paragraph of the Indian affairs section addresses the long-standing problems associated with colonial-Indian trade. It states:

And We do, by the Advice of our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever; provided that every Person, who may incline to trade with the said Indians, do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of Our Colonies respectively, where such Person shall reside; and also give Security to observe such Regulations as We shall at any Time think fit, by Ourselves or by Our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade; And We do hereby authorize, enjoin, and require the Governors and Commanders in Chief of all Our Colonies respectively, as well Those under Our immediate Government as those under the Government and Direction of Proprietaries, to grant such Licences without Fee or Reward, taking especial Care to insert therein a Condition, that such Licence shall be void, and the Security forfeited, in Case the Person, to whom the same is granted, shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.⁵⁹

The first few lines are devoted to announcing that, in future, trading activities with Indians would be free and open to all British subjects. This measure was an attempt to ensure that a monopoly trade, public or private, would not be perpetrated in any of the British American territories. This measure would rule out then-current trade practices in Nova Scotia as well as those of a number of the southern colonies. The paragraph goes on to explain that while no one could monopolize the trade, neither would there be a totally free and unrestricted reign for those who were engaged in it. Every person trading would have to obtain a licence from the governor or commander-in-chief of the colony concerned. And to ensure that all those engaged in the trade respected any imperial regulations which might be issued or sanctioned from London, security had to be provided by those licenced to trade. If a trader failed to obey the laws or regulations issued, his security would be forfeited and he would lose his licence. These

⁵⁹. Brigham, Royal Proclamations, p. 217.

measures put the future direction and policy of the commercial Indian trade in the hands of imperial authorities in London, but placed the onus for enforcement squarely upon colonial officials in North America.

The Indian trade policy outlined in the Proclamation signalled an attempt by the British government to achieve two important and closely linked goals. Firstly, British officials saw the desirability of reintroducing the concept of competition to the Indian trade in North America. Prior to the Seven Years' War, Anglo-French commercial rivalry had helped guarantee a relatively open market for the exchange of furs and European commodities. After the war, Indians feared that a too-closely regulated trade by Britain would fix prices for furs and skins low and the cost of trade goods high. British officials hoped that measures adopted in the Proclamation to prohibit trade monopolies, would give adequate assurance to Indians of an open and competitive market among licenced British traders. Secondly, free trade among "licenced" traders was thought to be the best and most moderate solution to the long-standing problem of providing "equal Security and Stability to the rights and interests of all (British) Subjects" in North America.⁶⁰ The Board of Trade had long expressed the desire for a "Reformation" in commercial Indian trading practices, especially one which would ensure that Indians were treated fairly and openly in their dealings with British colonial entrepreneurs. Lord Egremont, commenting in 1761 on "the shameful manner in which business is transacted between (the Indians) and (British) traders," had stated that no other aspect of British Indian relations had contributed more to the alienation of the tribes from the British interest than the commercial trade practices of British subjects.⁶¹ Also, there was at the same time a desire to be fair to all of those who wished to enter the trade. While the British government did not desire to restrict the trade to a few politically well-connected and affluent businessmen in the colonies, it did want a tighter control exercised over the industry. Making the trade open, yet demanding some form of screening by colonial officials to ensure that traders would abuse neither the system nor

60. "Order of the King in Council on a Report of the Lords of Trade," 23 November 1761. O'Callaghan, N.Y.C.D., VII:473.

61. Lord Egremont to General Amherst. 12 December 1761. C.O. 5/214/486.

their Indian clients, seemed to be the best compromise available. Both John Pownall in his Sketch⁶² and the Board of Trade in its 8 June 1763 Report concurred in the adoption of a free but licenced trade to promote British-Indian "Tranquility" on the North American frontiers.⁶³

The fifth paragraph of the Indian affairs section of the Proclamation provides the last policy provision of the document. Briefly, it outlines how order was to be maintained within the Indian-reserved area west of the Appalachian divide:

And We do further expressly enjoin and require all Officers whatever, as well Military as those employed in the Management and Direction of Indian Affairs within the Territories reserved as aforesaid for the Use of the said Indians, to seize and apprehend all Persons whatever, who, standing charged with Treasons, Misprisions of Treason, Murders, or other Felonies or Misdemeanors, shall fly from Justice, and take Refuge in the said Territory, and to send them under a proper Guard to the Colony where the Crime was committed of which they stand accused, in order to take their Tryal for the same.⁶⁴

This provision placed responsibility for keeping the peace upon both military officials and those appointed to manage Indian affairs. In effect, criminals found in the reserved area were to be seized and returned to the colony where their alleged crime or crimes had been committed to stand trial. This was probably the least jurisdiction that could have been prescribed for the interior reserved area without leaving it entirely devoid of civil authority. It was also closer in substance to the option recommended by the Board of Trade in its 8 June 1763 Report than it was to the scheme proposed by Lord Egremont a month later. The Board had argued that no civil jurisdiction over the Indian Country should be given to any single governor, as it would make that person virtual commander-in-chief of the entire continent, especially in matters of trade and military affairs. The Board later commented that such an arrangement would lead to "constant and inextricable Disputes ... between him, and the commanding Officers of [the British] Troops."⁶⁵ In contrast, Egremont wished

62. Humphreys, "Lord Shelburne," p. 260.

63. "Report of the Board of Trade," 8 June 1763. Shortt and Doughty. D.R.C.H.C., p. 100.

64. Brigham, Royal Proclamations, p. 217.

65. Board of Trade to Lord Egremont, 5 August 1763. Shortt and Doughty, D.R.C.H.C., p. 111.

to see civil jurisdiction over the Indian territory or country given to the governor of Canada. He feared that if such jurisdiction were not placed within the king's commission to some civil authority, other countries might argue that the territory was derelict and claimable.⁶⁶ The Board countered that if the territory were left within the purview of the real military commander-in-chief, most of the problems associated with overlapping jurisdiction and boundaries would be solved and no foreign power would dare claim rights to a territory within British dominion and control. While this latter recommendation was not carried specifically into the Proclamation, the document favoured giving to military officials much of the responsibility for keeping the peace in the reserved territory.

Interpretive Problems Associated with the Royal Proclamation of 1763

Nature of Land Rights Reserved to Indians

The introductory paragraph to the Indian affairs section of the Proclamation states:

And whereas it is just and reasonable, and essential to Our Interest and the Security of Our Colonies, 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....⁶⁷

This paragraph outlines the general intent of the Indian affairs section of the Proclamation pertaining to lands. The language used is important and worth scrutinizing. In describing the lands reserved to Indians, the document outlines four basic characteristics required. In short, lands were to be: in the "Possession" of Indians; "Hunting Grounds"; situated within the Dominions and Territories of Great Britain; and finally, perhaps the most crucial qualification of all, they were never to have been previously "ceded" nor "purchased" by Great Britain. No phrase or term within the introductory statement or in any other part of the Proclamation, for that matter, states or implies that the Proclamation in and of itself created

66. "Remarks on the Report of the Board of Trade," (n.d.) July, 1763. PRO, "Egremont Papers," 30/47/22/68.

67. Brigham, Royal Proclamations, p. 215.

this reserved status or established Indian rights in reserved lands that did not already exist. Reserved lands already existed in North America by virtue of the presence in 1763 of territories which had never been "ceded to" or "purchased by" Great Britain. All the Proclamation purported to do was to outline measures to protect Indians from being disturbed in the quiet possession of those reserved lands.

In practical terms, the Proclamation is a confirmation rather than an originator of Indian interest in North American lands. Also, by virtue of statements made in other portions of the document, such reserved lands were deemed not only to be situated within the primeval forest and heartland of North America but existed as well in those regions designated as "settlement" colonies by the British government. In the latter part of the introductory paragraph, colonial governors were prohibited from granting survey warrants or patents "upon any Lands whatever, which, not having been ceded to, or purchased by Us as aforesaid, are reserved to the said Indians."⁶⁸ In the third paragraph, any persons settled upon lands either in the interior reserve or "upon any other Lands, which, not having been ceded to, or purchased by Us, are still reserved to the said Indians"⁶⁹ were instructed to remove themselves from such lands. Finally, in the formative portion of the fourth paragraph, persons were forbidden except under strict guidelines from purchasing "any Lands reserved to the said Indians, within those Parts of Our Colonies where We have thought proper to allow Settlement."⁷⁰ Again, this was a confirmation of Indian interests existing in reserved lands within British colonies.

The second point to note with respect to the prior existence of Indian interests in reserved lands is the nature of that interest as revealed in the language used in various places within the document. In the second paragraph of the Indian affairs section, the Proclamation declares that lands reserved under the "Sovereignty," "Protection" and "Dominion" of Great Britain are so reserved "for the Use of

68. Brigham, Royal Proclamations, p. 216.

69. Ibid. Emphasis added.

70. Ibid., p. 217.

the said Indians."⁷¹ No other purpose is stated and no other, more concrete, Indian interest or right in the land is implied. Again, in the fifth paragraph, where provision is made for the seizure of criminals in the interior reserve, the description of reserved lands as being "for the Use of the said Indians" is repeated.⁷²

The obvious stress in the document on the intent to preserve Indian "Use" of the land as opposed to preserving Indian title to the land or Indian ownership of the land appears to confirm the idea that, as early as 1763, the British government recognized no other Indian interests in reserved lands than those of possession, occupancy, and use. The notion that Britain held actual title to the soil, whether by conquest, discovery or whatever, is never challenged or undermined by language contained in the document. In fact, Britain's ownership of the land seems to be reinforced in at least two places in the Proclamation. In the introductory paragraph of the Indian section, the phrase used to describe where reserved lands must be situated is, "such Parts of Our Dominions and Territories."⁷³ It is not termed Our shared Dominions or even the Dominions: it is Our Dominions. Again, in the second paragraph a commitment is made to keep reserved lands under "Our Sovereignty, Protection and Dominion."⁷⁴ This was not a commitment to preserve Indian Sovereignty or Dominion over the lands but rather to use British Sovereignty, British Protection and British Dominion to guarantee that the Indian interests in the land were not violated. In both instances, in the introductory and in the second paragraph, the presumption is held that Indians have interests in land to protect. However, it is equally true that the language betrays the equally strong presumption or conviction that British rights in the land were greater than Indian interests upon it.

Documents written during the immediate preparation of the royal Proclamation are not conclusive on the nature of Indian interests vis-à-vis reserved land. Egremont, in his May 5 letter to the Board of Trade, spoke of the importance of securing to Indians:

71. Brigham, Royal Proclamations, p. 216. Emphasis added.

72. Ibid., p. 217. Emphasis added.

73. Ibid., p. 215. Emphasis added.

74. Ibid., p. 216. Emphasis added.

all Possessions, Rights and Privileges they have hitherto enjoyed and are entitled to (,) most cautiously guarding against any invasion or occupation of their Hunting Lands, the Possession of which is to be acquired by fair purchase only⁷⁵

The obvious emphasis here is on Indian "Possession" of Hunting Lands and the need to acquire Indian "Possession" by fair purchase. It is not Indian "title" which is to be acquired nor is it Indian Possessions, Rights and Privileges and Titles that are to be enjoyed or protected from invasion. It seemed obvious to at least Lord Egremont that the protector, or Britain, held title; the Indians, possession.

Egremont employed similar language in the circular letter which went to all North American governors in December of 1761 concerning the protection of Indian-claimed lands. Governors were prohibited from making grants:

of any lands within or adjacent to the Territories possessed or occupied by the said Indians or the Property (,) possession of which has at any Time been reserved to or claimed by them.⁷⁶

Clearly the emphasis is on Indian possession and occupation, not on title or ownership.

Finally, it should be recalled that throughout the entire contact period it was the Indian complaint about British "use" of the land for agricultural purposes, forestry cutting, and settlement that was at the root of British-Indian conflicts in North America. Indians found that, almost invariably, British use of land conflicted sharply, if not totally, with traditional and commercial Indian pursuits on the land. The Proclamation's emphasis upon preserving the quiet use and possession of reserved lands to Indians was not only an expedient measure but also an appropriate one considering the nature of the long-standing conflicts between natives and British colonials on the American frontier.

75. Lord Egremont to the Lords of Trade, 5 May 1763. Shortt and Doughty, D.R.C.H.C., pp. 94-95.

76. "Circular Letter to the Governors..." O'Callaghan, N.Y.C.D., VII:478.

The Temporary Nature of the Proclamation's Measures

In the introductory paragraph of the Indian affairs section of the Proclamation, colonial governors are forbidden to grant warrants of survey or to pass patents for "any Lands beyond the Heads or Sources of any Rivers..." etc., "for the present" and "until our further Pleasure be known."⁷⁷ In the second paragraph of the Indian section, governors are further prohibited from granting warrants of survey or passing patents within the western interior, beyond the Appalachian divide and outside the limits of the three New Governments and the Hudson Bay Company lands, etc., again, "for the present as aforesaid."⁷⁸

The point which appears to be made here is that lands reserved to Indians generally and lands reserved to Indians within the continental interior would not be reserved forever, but would at some future time be open to surveys and settlement.

Controversy has arisen over the temporary aspect of some parts of the Proclamation and it can generally be categorized into two main issues. The first of these concerns the characterization of the entire Indian affairs section of the document as a temporary expedient, giving perhaps undue weight to the phrases "for the present" and "until our further Pleasure be known" appearing in the first two paragraphs. The implication here is that the whole policy to protect Indian reserved lands was only then in the "Interests and Security" of the British, and that it was formulated specifically as a stopgap measure to forestall any Indian uprising on the American frontier. Historian C.W. Alvord remains the leading proponent of this view. Alvord believed that the mounting crisis between colonists and Indians on the American frontier demanded the establishment of some conspicuous landmark to serve as a boundary between settlement and Indians. He reasoned that because the crisis which spawned the policy to erect a boundary was temporary, so too would be the boundary itself. In his work on the Illinois country and American westward expansion, Alvord wrote about the Appalachian boundary discussed in the Proclamation and the context within which it was proposed:

77. Brigham, Royal Proclamations, p. 216. Emphasis added.

78. Ibid. Emphasis added.

this was no time to parlay about the rights of individuals ... or to run by a surveyor's chain an imaginary line over hills and across rivers; a conspicuous landmark was demanded and the Appalacian divide was chosen. Thus the Indian boundary line became even more temporary in character than [any] one previously proposed.

He termed the policy contained in the document "only the framework of a policy," "temporary," and "ephemeral."⁸⁰

The second controversy centres around the argument that it was not certain policies regarding Indian lands that were of a temporary nature, but rather the fundamental recognition of Indian interests in land by the British to which the temporal limits "for the present" and "until Our further Pleasure be known" applied. This second controversy is really linked with the first. Both viewpoints share the assumption that measures put forward to protect Indian reserved lands were mere expedients and would be forgotten when peace was restored on the North American frontiers.

With regard to the first argument, that the Proclamation and all its Indian provisions were merely a hurried and fleeting response to Pontiac's rebellion, much of this has already been dealt with in Part VI of this study. It should be sufficient to state here that most of the measures outlined in the document and the policy which governed them predated the frontier conflict which began in the summer of 1763 by some considerable time. Several of the provisions, such as those governing the purchase of Indian reserved lands by the Crown, already had a significant though uneven history in North America. While the particular form of policy declaration - i.e., by Proclamation - may have been influenced by pressing circumstances across the Atlantic, the measures it contained were not. The royal Proclamation was a document whose ideas had been shaped and reshaped by more than six months of analytical critique and which ultimately was assembled by some of the most experienced and seasoned officials in British government at the time.

The second assertion, that it was Indian interests in land and not the policy measures themselves that were of a temporary nature, requires a more detailed response.

79. Alvord, Illinois Country, p. 254.

80. Ibid.

The first point to be made with regard to the second controversy is that it is vitally important to scrutinize the context within which the crucial relevant phrases appear. In the introductory paragraph of the Indian affairs section it is not the recognition of Indian interests in reserved lands to which temporal limits seem to apply but rather to the general provision against the passing of surveys or patents for reserved lands. It is a fine, yet no less important distinction. In the second paragraph, protection is promised to reserved lands situated in the continental interior beyond the Appalachian divide, against purchases or settlements "for the present as aforesaid." Here again, it is not Indian interests in reserved lands for which an implied time limit exists, but rather the prohibition against the purchase and settlement of the reserved area. The point here is that the Proclamation is a statement of Indian interests in reserved lands rather than the creator of those interests, and that ultimate protection was vested in the integrity of that interest, not in any process which would either confirm or deny those interests. In brief, reserved lands were to remain reserved lands whether they were situated in the continental interior or within a settlement colony until the Indian possession of those lands was purchased by or ceded to Great Britain.

This view is confirmed by the fact that in both types of locations, where reserved lands were taken to exist, respective conditions were established for British acquisition of those lands at some future time. In the case of the interior reserved area, imperial control over the alienation process was nearly absolute. No reserved lands of this type could be purchased or settled without special leave and licence from the home government in London.⁸¹ One would expect that obtaining the licence or special leave would be the first step in the alienation process, prior to approaching the Indians concerned. In the case of reserved areas within settlement colonies, Crown acquisition could be obtained from Indians at a publicly held meeting with those Indians possessing the lands, and afterwards, grants could be made for settlement by the governor or commander-in-chief of the colony within which the former reserved lands were situated. In neither case would unilateral action by the Crown dispossess Indians of their reserved areas.

81. Brigham, Royal Proclamations, p. 216, (Paragraph 2 of the Indian affairs section).

The second important point with respect to the second controversy, is that neither Great Britain nor the American colonies expected to close permanently to settlement lands reserved for Indian use. By 1763, fighting had barely stopped in a war officially lasting some seven full years, over the issue of the disposition of lands situated in the American continental interior. There is no reason to believe that Britain, after winning dominion of those lands from the French, would desire to have interior lands forever closed to settlement. What the mother country did want, however, was a more orderly expansion of its existing seaboard colonies - one that would preserve peace with the Indians along the western frontiers and at the same time discourage the development of colonial commercial enterprise in remote frontier areas, out of the view and control of Great Britain. A temporary halt to the previously unplanned and undirected western spread of British settlement, it was thought, would achieve both these ends - hence the establishment of a geographically distinct settlement line at the Appalachian divide, and the laying down of strict guidelines for bridging that line and proceeding to the western side of it.

The preparatory materials to the Proclamation appear to confirm the conclusion that the temporary aspect of the document related to the maintenance of the reserved areas and not to the integrity of Indian interests in reserved lands. In the Hints paper submitted to Egremont in the early spring of 1763, the author makes the point:

It may also be necessary ... to fix upon some Line for a Western Boundary to our ancient Provinces, beyond which our People should not at present be permitted to settle.⁸²

Note here that it was settlement within the ancient colonies that was to be temporarily fixed and not the recognition of Indian interests in western lands. In June of 1763, in the Board of Trade's Report to Lord Egremont, in discussing measures for establishing a free trade area in the continental interior, the Board refers to:

82. Crane, "Notes and Documents," p. 371. Emphasis added.

that Territory in North America which, in Your Majesty's Justice and Humanity, as well as sound Policy, is proposed to be left, under Your Majesty's immediate Protection, to the Indian Tribes for their hunting grounds; where no Settlement by planting is intended, immediately at least, to be attempted⁸³

The temporarily limiting phrase "immediately at least" does not refer to Indian rights or interests in hunting grounds but rather to the prohibition against "Settlement by planting."⁸⁴ It should also be recalled here that it was John Pownall, one of the principal drafters of the Board's 8 June 1763 Report, who inserted the phrases "for the present" and "until Our further Pleasure be known" into the final draft of the Proclamation before it received Privy Council approval.⁸⁵

Finally, the point should be made with respect to the temporary nature of the Appalachian boundary, that such colonies as Virginia, Connecticut, the Carolinas and Georgia would not have willingly accepted the imposition of a political boundary prohibiting settlement beyond the mountains forever. These colonies had at various times claimed rights to lands extending as far west as the "South Sea" (Pacific Ocean). The Proclamation had to permit means for these colonies to further their settlements westward at some future time.⁸⁶

In conclusion, the temporary aspect of the Proclamation referred to the preservation of Indian reserved areas and not to the integrity of the interests held by Indians in unceded, unpurchased Indian reserved lands.

83. Report of the Board of Trade, 8 June 1763. Shortt and Doughty, D.R.C.H.C., p. 102. Emphasis added.

84. The same view is implied by Egremont in his 14 July 1763 response to the Board's June 8 Report. Here the Secretary of State asserts that:
 "His Majesty entirely concurs in your Lordships Idea, of not permitting for the present, any Grants of Lands or New Settlements, beyond the Bounds proposed in your Report; And that all the Countries beyond such Bounds, be also, for the present, left unsettled for the Indian Tribes to hunt in;"

Egremont to the Board of Trade, 14 July 1763. Shortt and Doughty, D.R.C.H.C., p. 108.

85. "Draft of the Proclamation...." C.O. 324/21/321-340.

86. As events progressed, the colonies themselves participated even in the laying out of the formal boundary that was to follow the Appalachian divide. Along various points of the so-called Proclamation Line, accommodations were made among Indians, colonists and Superintendents Stuart and Johnson. The Indian Superintendents were told in 1764 that they were to:

"ascertain and define the precise and exact boundary and limits of the lands which it may be proper to reserve to (the Indians) where no settlement whatever shall be allowed"

For the next three years, the Superintendents worked diligently to complete the formal line. The deliberations culminated in the Treaty of Stanwix in 1768. See "Plan for the Future Management of Indian Affairs," Enclosure in a letter to Wm. Johnson from the Board of Trade, 10 July 1764. O'Callaghan, N.Y.C.D., VII:637. For a discussion on the process and events surrounding the establishment of a Proclamation line see M. Farrand, "The Indian Boundary Line," A.H.R. X (July 1905):782-791.

The Geographic Application of Proclamation Measures to Protect Indian Reserved Lands

As with the other three sections of the document, that part of the Proclamation pertaining to Indians contains directions for the geographic application of the various measures outlined in its testimonial. It is this aspect of the document, the determination of where the various measures are to apply, which has perhaps caused the greatest controversy.

The application of provisions, especially those pertaining to the protection of Indian lands, implied various obligations or responsibilities which colonial governments had to respect when dealing with Indian lands. As some of those obligations or responsibilities have since been judged to have certain legal merit, the need to establish the geographic loci of the Indian affairs measures has taken on significance. While the task here is not to speculate upon the legal effect of the Proclamation or upon the extent of its legal import, no study of the Proclamation would be complete without offering some analysis of where the document's provisions were to apply.

What will be attempted here is to provide some clue as to the historical intent of application and, where necessary, to point out how the document's language either supports or is at variance with that original intent.

Quebec

The introductory paragraph of the Indian affairs section of the Proclamation declares that protection will be provided to Indians for 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."⁸⁷

No limitations are expressed here that would prevent the application of measures to protect Indian reserved lands so long as those lands were in Indian possession and were situated within the Dominions and Territories of Great Britain. Indian occupied lands in Quebec would certainly seem to possess all of the criteria for Crown protection. The territory comprising the province of Quebec was ceded to Great Britain by France and contained within its borders several tribes of Indians who had never formally given up the lands they possessed to either Crown, French or British. However, it is in the latter part of the introductory paragraph of the Indian affairs section where problems of interpretation arise concerning the protection of Indian lands in Quebec. The Proclamation states:

87. Brigham, Royal Proclamations, p. 215.

We do therefore, with the Advice of Our Privy Council, declare it to be Our Royal Will and Pleasure, that no Governor or Commander in Chief in any of Our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also, that no Governor or Commander in Chief in any of Our other Colonies or Plantations in America, do presume, for the present, and until Our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantick Ocean from the West and North-West, or upon any Lands whatever, which, not having been ceded to, or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.⁸⁸

The instructions contained here imply that the governors of the "New Colonies" of Quebec, East Florida and West Florida were given orders which varied significantly from those provided for governors of the older, "other Colonies or Plantations in America" for the protection of Indian reserved lands. In brief, a casual reading of the subject paragraph could lead to the conclusion that while governors of the new colonies, including Quebec, were forbidden to grant warrants of survey or to pass patents to lands beyond their boundaries, governors of the older colonies were forbidden to grant warrants of survey, etc. both beyond and within their limits. The implication, of course, is that only the older, seaboard colonies were required to protect Indian reserved lands generally (i.e., inside their borders and beyond the Appalachian divide) and that the new colonies had only the obligation to protect reserved lands beyond their bounds, in the interior continental reserve.

A more generous and perhaps more plausible interpretation of the same passage can be had, however, if the final phrase of the subject paragraph, which restricts surveys and grants, is appended to both clauses preceding it. This new grammatical interpretation would have it that neither governors of the new colonies nor of the other colonies or plantations in America would be permitted to:

pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions... or upon any Lands whatever, which, not having been ceded to, or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

This view or reading would provide equivalent restrictions re surveys and patents on Indian reserved lands for both old and new colonies. Most importantly, it would stipulate that no patents could be passed nor surveys granted upon Indian reserved lands within the colony of Quebec, the boundaries for which were constituted by an earlier section of the same document.

88. Brigham, Royal Proclamations, pp. 215-216.

This latter interpretation is also consistent with the remainder of the Indian affairs section of the Proclamation where in at least three separate instances identical provisions are outlined for both old and new Colonies. In the second paragraph, wherein the interior Indian reserve is negatively defined, all colonies are similarly prohibited from settling or purchasing lands in the reserve without specific permission from the imperial government. Then, in the third paragraph, persons settled upon reserved lands, either in the interior of the continent "or upon any other Lands" are informed that they must remove themselves forthwith. No specific exclusion to this measure is provided for Quebec or any other British colony. Finally, in the fourth paragraph, restrictions are outlined for the future purchase from Indians "of any Lands reserved to the said Indians, within those Parts of Our Colonies where We have thought proper to allow Settlement." With regard to this measure, not only is there no distinction made between old and new colonies, but the inclusion of the phrase "where We have thought proper to allow Settlement" surely must comprehend the colony of Quebec. It was, one should recall, in the second part of the Proclamation that Quebec was classed as a definite settlement area and its governor given appropriate authority to cause the "speedy" settling of the province.⁸⁹ Paragraph four alone should provide sufficient force to the argument that Indian reserved lands in Quebec were meant to be protected by the Proclamation.

Other documentation nearly contemporary with the Proclamation itself would tend to support the view that Britain intended to protect Indian reserved lands in Quebec. As mentioned previously, Article XL of the terms of capitulation for Montreal (September 1760) pledged that:

The Savages or Indian allies of his most Christian Majesty, shall be maintained in the Lands they inhabit; if they chuse to remain there; they shall not be molested on any pretence whatsoever, for having carried arms, and served his most Christian Majesty....⁹⁰

This article provides a clear indication that, from the time of the surrender of Canada to British forces, Britain committed itself to a policy of protecting Indian possession of traditionally held Indian lands. Proof that this commitment extended beyond the issuance of the Proclamation is provided in the instructions issued to Quebec Governor Murray in December of 1763. Murray was told

89. Brigham, Royal Proclamations, pp. 213-214.

90. "Articles of Capitulation (Montreal)" 8 September 1761. Trans. and printed in Shortt and Doughty, D.R.C.H.C., p. 127.

to "maintain a strict Friendship and Good Correspondence" with the "Several Nations and Tribes of Indians" inhabiting his province.⁹¹ A later provision (Article 61) directed the new governor that he was "upon no Account to molest or disturb [the Indians] in the Possession of such Parts of [Quebec] as they at present occupy or possess."⁹² Finally, in the last article of the instructions dealing with Indians (Article 62), Murray's attention was drawn directly to the royal Proclamation provisions, and he was reminded not to allow the purchase or settlement of Indian reserved lands without the observance of the appropriate procedures and restrictions.

Indian reserved lands within the province of Quebec were to be given the same protection as any other lands possessed by Indians within British North American colonies.⁹³

Nova Scotia

With regard to the application of the Indian affairs section of the Proclamation to Nova Scotia, it must again be recalled that the introductory paragraph of the section provides that Indians will 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.⁹⁴

Later in that same paragraph, colonial governors are prohibited generally from granting warrants of survey or passing patents "upon any Lands whatever, which, not having been ceded to, or purchased by Us as aforesaid, are reserved to the said Indians or any of them."⁹⁵ In the third paragraph, the further stipulation is made that settlers currently occupying lands within the continental interior reserve "or upon any other lands" must remove themselves

91. "Instructions to Governor Murray," 7 December 1763 (Article 60). Shortt and Doughty, D.R.C.H.C., p. 132.

92. Ibid.

93. It is worth noting here that B.J. Slattery in "Legal Status" notes three instances where measures outlined in the Proclamation were used by Quebec officials to prevent settlement upon Indian reserved lands within the province. All of the examples cited by Professor Slattery involved lands on the Restigouche River during the period 1766 to 1768.

94. Brigham, Royal Proclamations p. 215. Emphasis added.

95. Ibid., p. 216. Emphasis added.

from said lands.⁹⁶ Finally, in the fourth paragraph, purchases of Indian reserved lands are forbidden except by strict public procedure "from the said Indians of any Lands reserved to the said Indians, within those Parts of Our Colonies where We have thought proper to allow Settlement."⁹⁷ In each of the above cases, the geographic scope is sufficiently general to have comprehended the entire province of Nova Scotia. Indians undoubtedly possessed and occupied lands in Nova Scotia which had never been ceded to or purchased by Great Britain. Also, from a literal interpretation of the wording in paragraphs three and four of the Indian affairs section, Indian lands in Nova Scotia should have been accorded the same protection against encroachment and non-Indian occupation as any other parts of the British dominions at this time.

It is only upon examination of other, then-contemporary documentation that serious opposition to the application of measures to protect Indian reserved land arises. It should be recalled that in 1762 Nova Scotia Lt-governor Johnathan Belcher expressed the popular notion that any Indian interests in Nova Scotia lands had long been alienated by the French, who in turn ceded the whole of Nova Scotia to the British in 1715 at Utrecht.⁹⁸ Such logic had it that all Indian interests in Nova Scotia lands were thus extinguished twice over. This thinking was carried through the mid-eighteenth century, despite the fact that only Treaties of Peace and Friendship and not formal land cession agreements were ever negotiated between any European power and Nova Scotia's native peoples.

The same general attitude towards Nova Scotia, that consideration of Indian interests in lands in that province was unnecessary or at least unimportant, recurs in the preparatory documentation for the Proclamation. Here, submissions to the Secretary of State and the Board of Trade tended to view Nova Scotia in one or all of three narrowly defined ways: as a source of new settlement lands for British immigrants, sailors and soldiers; as a model government for emulation by the administration of the New British colonies in North America; and finally, as a

96. Brigham, Royal Proclamations, p. 216. Emphasis added.

97. Ibid., p. 217. Emphasis added.

98. Belcher to the Lords of Trade, 2 July 1762. PAC, C.O. 217/19/25-26.

means of increasing geographic size so as better to protect the entire Acadian shoreline against Indian or foreign incursions in the Nova Scotia coastal fishery. None of these intended futures for Nova Scotia included the protection of Indian reserved lands. In fact, it might be argued that the first and third suggestions were mildly incompatible with, if not potentially detrimental to, the protection of Indian-occupied lands. When John Pownall in his *Sketch* listed examples of Indian-held land requiring protection east of the Appalachian divide, all were for territories lying within New York and other colonies to the south.⁹⁹ No support appears to have existed for the notion of Crown protection of Indian reserved lands in Nova Scotia.

In fairness to British administrators of the time, there was little reason for them to associate Nova Scotia with the need to protect Indian reserved lands. Both Micmacs and Malecites had always been, more or less, allies of the French and hence troublesome to successive British governments and military regimes in the province. As a result there was not the real sense of obligation on the part of the British which the Iroquois as allies enjoyed at the close of the Seven Years' War. Also, by the early 1760's Nova Scotia was perceived as being somewhat different from the other provinces in that it was one of the few areas in British North America where settlement might be encouraged almost without reservation. Nova Scotia could accept literally thousands of new immigrants without any anticipated loss of British imperial control over the population and its maritime activities. In fact, it was hoped that Nova Scotia would accommodate much of the "excess" colonial population from the more southern seaboard colonies and hence assist in halting the westward thrust into the American interior.¹⁰⁰ In light of these hoped-for developments, Indian interests were not paramount in the minds of British imperial planners.

That British officials did not wish to see Indian-occupied lands protected is further borne out by events both prior to and following the royal Proclamation's issue. In early 1762, it should be recalled that Nova Scotia Lt-governor Belcher, in spite of his belief that Indians had no legal interest in Nova Scotia lands,

99. Humphreys, "Lord Shelburne," p. 260.

100. See especially Board of Trade Report, 8 June 1763. Shortt and Doughty, D.R.C.H.C., p. 104.

issued a proclamation to reserve and protect for the Indians of the province, almost half the colony's eastern and northern coastline. Belcher's apparent misinterpretation of imperial orders¹⁰¹ met with extreme opposition from politicians and administrators within Halifax and London. The Board of Trade, at the urging of several powerful figures from Nova Scotia, ruled that Belcher erred in his judgement to protect such lands for Indian use and condemned the lieutenant-governor for his short-sightedness. Then, in 1764, six months after the proclamation was made public, Nova Scotia Governor Montagu Wilmot was ordered to inform the Indians that any claims they might have as a result of Lt-governor Belcher's proclamation, had been "Disallowed," since the document was "inconsistent with His Majesty's Rights" and "injurious to the Commercial Interests of His Subjects". Wilmot was to assure the Indians that while they could not enjoy exclusive rights to any part of the Nova Scotia coastline, they were to have free liberty to use the shoreline for the benefit of Fishing "in a like manner as His Majesty's other Subjects."¹⁰²

In the case of Quebec, articles contained in the formal Instructions to Governor Murray following the Proclamation reinforced the application of measures designed to protect Indian lands in that province. However, in Nova Scotia, no similar reinforcement can be found. When Governor Wilmot received his instructions in the spring of 1764, no encouragement whatsoever was provided for implementing Proclamation measures for Indian reserved lands. Wilmot was told merely to cultivate a good friendship with the Nova Scotia tribes, to induce them to become good British subjects and to grant a sum of money to any British subject who married a native Indian.¹⁰³ There was no hint of protecting Indian lands, of acknowledging that Indians retained interests in provincial lands or of recognizing any such claims should they arise.

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101. Belcher had merely responded to the king's orders telling him to reserve to the Indians:
 "any lands within or adjacent to the Territories possessed or occupied by the said Indians or the Property, Possession of which has at any time been reserved to or claimed by them."
 Circular letter, 9 December 1761. O'Callaghan, *N.Y.C.D.*, VII:478.
102. Lords of Trade to Montagu Wilmot, 20 March 1764. PAC, C.O. 218/6/387-388.
103. Instructions to Governor Montagu Wilmot: Enclosure in a letter from the Board of Trade, 20 March 1764 (Articles 63, 64).

Thus, while the language of the Proclamation admits inclusion of Nova Scotia as an area where Indian lands were to be protected, then-contemporary statements by British imperial and colonial officials never recognized this fact.

Rupert's Land

In the second paragraph of the Indian affairs section of the Proclamation, the interior Indian reserve is negatively defined by the exclusion of territories or provinces geographically contiguous to the reserve boundaries. One of the excluded territories, which defined the northern limits of the reserve, is the area known as Hudson's Bay Company Territory or Rupert's Land. The fact that Hudson's Bay lands were explicitly excluded from the interior Indian reserved area has led some legal and historical observers to the conclusion that Hudson's Bay territory was not subject to any of the Proclamation's provisions for protecting Indian reserved lands.

While it may not have occurred to colonial or imperial administrators that Indian reserved lands needed protection within the vast tract of territory known as Rupert's Land, a total exemption from measures to protect Indian reserved lands within the Territory cannot be justified on the basis of the Proclamation's wording. It should be recalled that the opening statement of the Indian affairs section gave notice that Britain wished to provide Crown protection to lands possessed by Indians generally so long as those lands had never been ceded to or purchased by Britain and that they formed part of the British territories or dominions in North America. Hudson's Bay Company lands would certainly fit within the scope of this general pledge or commitment.

The second point worth making with respect to Hudson's Bay Company Territory and measures to protect Indian lands, is that throughout the Indian affairs section, the two sub-categories of lands within which Indian holdings were to be protected were: lands situated within the interior reserve as defined in paragraph two and lands situated "within those Parts of Our Colonies where we have thought proper to allow Settlement." The first type area (i.e., the interior reserve) provided an explicit exclusion for Hudson's Bay Company lands. As to the second type area (i.e., within colonies where settlement was to be permitted), it is a debatable point as to whether Rupert's Land would qualify. Rupert's Land, chartered in 1670 to the Hudson's Bay Company, was primarily thought of, even by the

mid-eighteenth century, as an area for the commercial exploitation of skin and furs. It was never envisioned as a potentially attractive "settlement" area. In fact, settlement of the land would run counter to any commercial advantage the Hudson's Bay Company would have had at this time under its charter.

It is probably not the case that imperial officials wished in 1763 to exclude Indian-possessed lands in the Hudson's Bay Company territory from protection against encroachment. It is more likely that these officials could not envision a conflict ever arising between the Company and the Indians over use of the lands. As to the potential for settling this region, Rupert's Land was and still is perhaps among the most inhospitable terrain in North America. Hence, there was never any thought that non-native encroachment would be a problem in the area. The Floridas, Quebec and Nova Scotia presented much more attractive locations to the potential immigrant farmer or businessman than did Rupert's Land.

The conclusion is that as Indians were unlikely to be "molested" or "disturbed" in their possession of Hudson's Bay Company lands, no special provision was made for their protection in the Proclamation. However, within the general terms and provisions of the document, it could be argued that Hudson's Bay Company lands should be subject to measures adopted for the protection of Indian lands against encroachment.

Western Lands

In paragraph two of the Indian affairs section of the Proclamation, the boundaries of the interior reserved area are negatively defined, save for the western limit, where no boundary is established. Also, no other section or part of the Proclamation provides a clue as to what imperial officials envisaged as the western extent of the reserve. Undoubtedly, south of the Great Lakes, it was assumed that the Mississippi River would form the western boundary. Lands situated westward of the River comprised Spanish Louisiana and were not among the "Territories" or "Dominions" of Great Britain. It should also be recalled that the Board of Trade's 8 June 1763 Report to Lord Egremont suggested specifically that the Mississippi be the western boundary of the "Indian Country."¹⁰⁴

¹⁰⁴. Board of Trade to Lord Egremont, 8 June 1763. Shortt and Doughty, D.R.C.H.C., p. 102.

The real problem arises when attempting to discern a western limit for the reserve area north of the Mississippi River's source. In this instance, documentation leading up to the final drafting of the Proclamation is only helpful to a very limited degree. The Board of Trade's June 8 Report, for instance, is extremely vague as to how far west into what is now the northern United States and western Canada the reserve area should extend. The Report states that it would prefer to have "thrown into the Indian Country":

all the lands lying about the great Lakes and beyond the sources of the Rivers which fall into the River St. Lawrence from the North¹⁰⁵

This statement would appear to indicate that the Board wished to see included in the reserve area, at least those lands drained by the Great Lakes water system. However, the language used by the Board would not necessarily exclude other lands from the reserve.

That British officials believed in 1763 that they could prescribe policy for lands lying as far westward as the Pacific Ocean is indisputable. In the same 8 June 1763 Report quoted above, the Board described the French territory known as Canada which was ceded to Great Britain by the Treaty of Paris as:

an immense Tract of Country, including as well the whole lands to the westward indefinitely, which was subject to their Indian Trade, as all that Country from the Southern Bank of the River St. Lawrence where they carried on their Encroachments.¹⁰⁶

It is equally certain at this time, from extensive cartographic evidence, that neither Britain nor France nor any other European country knew a great deal about the lands lying "to the westward indefinitely." The central question (i.e., whether Crown protection could be extended to far western lands that were largely terra incognita appears to be one of legal rather than historical argument. That Indian reserved lands lying within British Territories or Dominions were promised protection by the Proclamation is an indisputable fact. Whether those British Territories or Dominions actually extended much beyond the shores of Lakes Superior and Michigan in 1763 is a matter for legal rather than historical conjecture. It is also a question which goes somewhat beyond the scope of this study.

105. Ibid.

106. Ibid. Emphasis added.

APPENDIX

1763, October 7. A PROCLAMATION BY THE KING

The following text was originally published in
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by Clarence S. Brigham and is reprinted here
courtesy, American Antiquarian Society.

1763, October 7.

[Establishing New Governments in America.]

BY THE KING.

A PROCLAMATION

GEORGE R.

Whereas We have taken into Our Royal Consideration the extensive and valuable Acquisitions in America, secured to Our Crown by the late Definitive Treaty of Peace, concluded at Paris the Tenth Day of February last;¹ and being desirous, that all Our loving Subjects, as well of Our Kingdoms as of Our Colonies in America, may avail themselves, with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation; We have thought fit, with the Advice of Our Privy Council, to issue this Our Royal Proclamation,² hereby to publish and declare to all Our loving Subjects, that We have, with the Advice of Our said 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, West Florida, and Grenada, and limited and bounded as follows; viz.

First. The Government of Quebec, bounded on the Labrador Coast by the River St. John, and from thence by a Line drawn from the Head of that River through the Lake St. John to the South End of the Lake nigh Pissin;³ from whence the said Line crossing the River St. Lawrence and the Lake Champlain in Forty five Degrees of North Latitude, passes along the High Lands which divide the Rivers that empty themselves into the said River St. Lawrence, from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs, and the Coast of the Gulph of

¹ Text of treaty can be consulted in Chalmers' *Collection of Treaties*, 1, 467.

² The events leading up to the issuing of this proclamation have been so thoroughly treated in C. W. Alvord's "Genesis of the Proclamation of 1763" in *Michigan Pioneer and Historical Collections*, vol. xxxvi, p. 20, and in C. E. Carter's *Great Britain and the Illinois Country* (Prize Essay of the Amer. Hist. Assoc., 1910) that any explanatory notes in this place seem unnecessary.

³ *Nipissim* in proclamation as printed in the *London Gazette*.

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St. Lawrence to Cape Rosieres, and from thence crossing the Mouth of the River St. Lawrence by the West End of the Island of Anticosti, terminates at the aforesaid River of St. John.

Secondly. The Government of East Florida, bounded to the Westward by the Gulph of Mexico, and the Apalachicola River; to the Northward, by a Line drawn from that Part of the said River where the Chatahouchee and Flint Rivers meet, to the Source of St. Mary's River, and by the Course of the said River to the Atlantick Ocean; and to the Eastward and Southward, by the Atlantick Ocean, and the Gulph of Florida, including all Islands within Six Leagues of the Sea Coast.

Thirdly. The Government of West Florida, bounded to the Southward by the Gulph of Mexico, including all Islands within Six Leagues of the Coast from the River Apalachicola to Lake Pentchartrain; to the Westward, by the said Lake, the Lake Mauripas, and the River Mississippi; to the Northward, by a Line drawn due East from that Part of the River Mississippi which lies in Thirty one Degrees North Latitude, to the River Apalachicola or Chatahouchee; and to the Eastward by the said River.

Fourthly. The Government of Grenada, comprehending the Island of that Name, together with the Grenadines, and the Islands of Dominico, St. Vincents, and Tobago.

And, to the End that the open and free Fishery of Our Subjects may be extended to and carried on upon the Coast of Labrador and the adjacent Islands, We have thought fit, with the Advice of Our said Privy Council, to put all that Coast, from the River St. John's to Hudson's Streights, together with the Islands of Anticosti and Madelaine, and all other smaller Islands lying upon the said Coast, under the Care and Inspection of Our Governor of Newfoundland.

We have also, with the Advice of Our Privy Council, thought fit to annex the Islands of St. John's, and Cape Breton or Isle Royale, with the lesser Islands adjacent thereto, to Our Government of Nova Scotia.

We have also, with the Advice of Our Privy Council aforesaid, annexed to Our Province of Georgia all the Lands lying between the Rivers Attamaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling Our said new Governments, that Our loving Subjects should be informed of Our Paternal Care for the Security of the

Liberties and Properties of those who are and shall become Inhabitants thereof; We have thought fit to publish and declare, by this Our Proclamation, that We have, in the Letters Patent under Our Great Seal of Great Britain, by which the said Governments are constituted, given express Power and Direction to Our Governors of Our said Colonies respectively, that so soon as the State and Circumstances of the said Colonies will admit thereof, they shall, with the Advice and Consent of the Members of Our Council, 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; and We have also given Power to the said Governors, with the Consent of Our said Councils, and the Representatives of the People, so to be summoned as aforesaid, to make, constitute, and ordain Laws, Statutes, and Ordinances for the Publick Peace, Welfare, and Good Government of Our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England, and under such Regulations and Restrictions as are used in other Colonies: And in the mean Time, and until such Assemblies can be called as aforesaid, all Persons inhabiting in, or resorting to Our said Colonies, may confide in Our Royal Protection for the Enjoyment of the Benefit of the Laws of Our Realm of England; for which Purpose, We have given Power under Our Great Seal to the Governors of Our said Colonies respectively, to erect and constitute, with the Advice of Our said Councils respectively, Courts of Judicature and Publick Justice, within Our said Colonies, for the hearing and determining all Causes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the Sentences of such Courts, in all Civil Cases, to appeal, under the usual Limitations and Restrictions, to Us in Our Privy Council.

We have also thought fit, with the Advice of Our Privy Council as aforesaid, to give unto the Governors and Councils of Our said Three New Colonies upon the Continent, full Power and Authority to settle and agree with the Inhabitants of Our said New Colonies, or with any other Persons who shall resort thereto, for such Lands, Tenements, and Hereditaments, as are now, or hereafter shall be in Our

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Power to dispose of, and them to grant to any such Person or Persons, upon such Terms, and under such moderate Quit-Rents, Services, and Acknowledgments as have been appointed and settled in Our 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.

And whereas We are desirous, upon all Occasions, 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 all other Our Governors of Our several Provinces on the Continent of North America, to grant, without Fee or Reward, to such Reduced Officers as have served in North America during the late War, and to such Private Soldiers as have been or shall be disbanded in America, and are actually residing there, and shall personally apply for the same, the following Quantities of Lands, subject at the Expiration of Ten Years to the same Quit-Rents as other Lands are subject to in the Province within which they are granted, as also subject to the same Conditions of Cultivation and Improvement; viz.

To every Person having the Rank of a Field Officer, Five thousand Acres. — To every Captain, Three thousand Acres. — To every Subaltern or Staff Officer, Two thousand Acres. — To every Non-Commission Officer, Two hundred Acres. — To every Private Man, Fifty Acres.

We do likewise authorize and require the Governors and Commanders in Chief of all Our said Colonies upon the Continent of North America, to grant the like Quantities of Land, and upon the same Conditions, to such Reduced Officers of Our Navy, of like Rank, as served on Board Our Ships of War in North America at the Times of the Reduction of Louisbourg and Quebec in the late War, and who shall personally apply to Our respective Governors for such Grants.

And whereas it is just and reasonable, and essential to Our Interest and the Security of Our Colonies, 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; We do therefore, with the Advice of Our Privy

Council, declare it to be Our Royal Will and Pleasure, that no Governor or Commander in Chief in any of Our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also, that no Governor or Commander in Chief in any of Our other Colonies or Plantations in America, do presume, for the present, and until Our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantick Ocean from the West and North-West, or upon any Lands whatever, which, not having been ceded to, or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under Our Sovereignty, Protection, and Dominion, for the Use of the said Indians, all the Lands 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 Lands 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 especial Leave and Licence for that Purpose first obtained.

And We do further strictly enjoin and require all Persons whatever, who have either wilfully 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, forthwith to remove themselves from such Settlements.

And whereas great Frauds and Abuses have been committed in the purchasing Lands of the Indians, to the great Prejudice of Our Interests, and to the great Dissatisfaction of the said Indians; in order therefore to prevent such Irregularities for the future, and to the End that the Indians may be convinced of Our Justice, and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of Our Privy Council, strictly enjoin and require, that

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no private Person do presume to make any Purchase from the said Indians of any Lands reserved to the said Indians, within those Parts of Our Colonies where We have thought proper to allow Settlement; but that if, at any Time, any of the said Indians should be inclined to dispose of the said Lands, the same shall be purchased only for Us, in Our Name, at some publick Meeting or Assembly of the said Indians to be held for that Purpose by the Governor or Commander in Chief of Our Colonies respectively, within which they shall lie: and in case they shall lie within the Limits of any Proprietary Government, they shall be purchased only for the Use and in the Name of such Proprietaries, conformable to such Directions and Instructions as We or they shall think proper to give for that Purpose: And We do, by the Advice of Our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever; provided that every Person, who may incline to trade with the said Indians, do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of Our Colonies respectively, where such Person shall reside; and also give Security to observe such Regulations as We shall at any Time think fit, by Ourselves or by Our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade; And We do hereby authorize, enjoin, and require the Governors and Commanders in Chief of all Our Colonies respectively, as well Those under Our immediate Government as those under the Government and Direction of Proprietaries, to grant such Licences without Fee or Reward, taking especial Care to insert therein a Condition, that such Licence shall be void, and the Security forfeited, in Case the Person, to whom the same is granted, shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.

And We do further expressly enjoin and require all Officers whatever, as well Military as those employed in the Management and Direction of Indian Affairs within the Territories reserved as aforesaid for the Use of the said Indians, to seize and apprehend all Persons whatever, who, standing charged with Treasons, Misprisions of Treason, Murders, or other Felonies or Misdemeanors, shall fly from Justice, and take Refuge in the said Territory, and to send them under a proper Guard to the Colony where the Crime was committed of which they stand accused, in order to take their Tryal for the same.

Given at Our Court at St. James's, the Seventh Day of October, One thousand seven hundred and sixty three, in the Third Year of Our Reign.

GOD SAVE THE KING.

London: Printed by Mark Baskett, Printer to the King's most Excellent Majesty; and by the Assigns of Robert Baskett. 1763.

1 p. folio. Copies in Antiq., and P. C.; also in Mass. State Archives, and John Carter Brown Library. Entered on Patent Rolls; entered in Privy Council Register, III Geo., vol. 3, p. 102. Printed in "London Gazette," October 8, 1763, and in several of the colonial newspapers, as the "Providence Gazette," December 17, 1763; also in the "Annual Register," vi, 208, Knox, "New Collection of Voyages," 1767, ii, 265, and elsewhere.

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The following abbreviations have been used in footnotes and bibliography:

Add. MSS.	Additional manuscript
British Museum or	British Library
C.C.C.	Canadian Criminal Cases
CHAR	<u>Canadian Historical Association Report</u>
CHR	<u>Canadian Historical Review</u>
C.O.	Colonial Office
<u>D.R.C.H.C.</u>	<u>Documents Relating to the</u> <u>Constitutional History of Canada,</u> edited by Shortt and Doughty
King's MSS.	King's manuscripts
MG	Manuscript group
MR	Map room
<u>N.Y.C.D.</u>	<u>Documents Relative to the Colonial</u> <u>History of New York,</u> edited by E.B. O'Callaghan
PAC	Public Archives of Canada
PANS	Public Archives of Nova Scotia
PRO	Public Records Office, London
RG	Record group
W.O.	War Office

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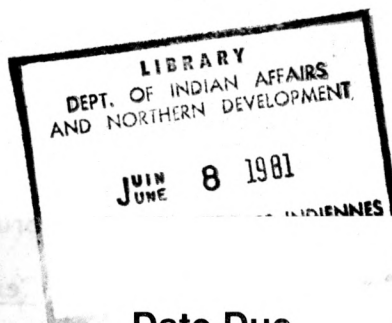
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