Toward the Heart of America: The Royal Proclamation of 1763
and the Development of American Identity

Senior Thesis

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by
Zoe J. Waldman

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Sixteen years before Benjamin Franklin traveled to France to gain support for American independence, he rejoiced as a proud Briton. The question that inevitably comes to mind is: What changed between 1760 and 1776? In response, Whig historians charted the clear path toward American nationhood. But in a history fit for the twenty-first century, best practices require us to consider how contemporaries saw those years. The Atlantic world was on the cusp of a new era after the global Seven Years’ War. The Treaty of Paris that ended the War also tripled the size of the British Empire, forever changing the North American continent, which was home to generations of Indian, Spanish, French, and British peoples. By a swift “scratch of a pen,” the signing of the Treaty accelerated the ideological and intellectual transitions that had been occupying colonists’ minds and paved the way for an even more transformational policy. A catalyst for the seismic changes to come, The Royal Proclamation was issued by the King of England on October 7, 1763.

Students of the early American period are familiar with the Parliamentary legislation that constituted the “long train of abuses,” compelling the colonists to separate from the Crown. The Royal Proclamation, hereafter called the Proclamation, had long been in development, but it is largely overlooked in favor of other parliamentary acts and is certainly misunderstood if not

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1 Franklin wrote to Lord Kames on January 3, 1760 that he celebrated after the conquest of Canada “not merely as I am a colonist, but as I am a Briton.” As quoted in Alan Taylor, *American Colonies* (New York: Viking, 2001), 437.


forgotten. The document confirmed and organized the acquisition of British territory in North America, rewarded officers and soldiers who had served in the War with land, tightened trading requirements with the Indians, and fixed a boundary line between colonial settlements and Indian country along the crest of the Appalachian Mountains. Not only did the Proclamation usher in a new phase of geopolitical and imperial organization, but it also marked a turning point in the North Americans’ conception of their continental community and their new Empire, and, as a result, their perception of themselves.

This project began with an inquiry into American identity before 1776: Can there be a national identity without a nation? Can identity be subconscious and imposed, or must it be acknowledged and self-defined? Did the Proclamation play a role in the development of American identity? In spite of all the attention that the pre-Revolutionary War era receives, questions about the Proclamation persist: What sparked its development? What were the geopolitical and economic impulses behind it? Who wrote it? Was it temporary? How was it interpreted by various peoples? What was the purpose of the boundary line? Were land grants honored? Did it restrict land and trade companies? Did the trade regulations work? If the Proclamation accelerated contact between different peoples, what role did female and black residents play in the story? Was the Proclamation enforceable? A full evaluation of the Proclamation’s significance from inception to legacy is simply missing from historiography.

Fortunately, the historical context of the period has been skillfully covered by historians who have emphasized the challenges that British policy-makers at home faced in 1763 as they began to reconsider how they should govern a continent of two million people from the other side of an ocean. Frederick Jackson Turner’s Frontier Thesis, in which he argued that westward
expansion explained American development, brought attention to the interior of North America as did Thomas Perkins Abernethy’s *Western Lands and the American Revolution*. Clarence Walworth Alvord and Jack Sosin have both effectively shifted conversations about British policy and the American interior, then considered to be historically distinct topics, toward a discourse about the amalgam’s merits. While much attention has been given to North American pioneers’ stories, British colonial policy and its effect on various peoples’ thoughts and actions remain insufficiently explored. Also missing is a comparative discussion of different people’s visions of land, empire, and “others.” Canadian historians have paid more attention to the Proclamation than have American historians, and so have the Canadian people; in 2013, Canada celebrated the 250th anniversary of the Proclamation with national events. A discussion of the Proclamation’s centrality to the history and present-day life and governance of Canada is, therefore, of critical import.

Recent work has positively contributed to the more general reinterpretation of the American frontier and the pre-1776 American community. Patrick Griffin, Eric Hinderlaker, and Peter Mancall have discussed the backcountry and the British Empire in the west. James David Drake and Carville Earle have argued that natural science and geography helped colonists realize that they were different than their counterparts across the ocean; M.J. Daunton, Rick Halpern, and Daniel Barr have discussed British and Native encounters; and Richard Aquila and Daniel Richter have both highlighted Indians’ stories and diplomacy in their discussions about the expanding imperial world after the Seven Years’ War. No work plays a more important role in analyzing these themes than Colin Calloway’s *The Scratch of a Pen*. His account of the year 1763 demonstrates the benefits of putting the North American frontier at the center of the era’s
history. Instead of chronicling the gradual separation of the colonies and Britain, he explains the impact of imperial policies on all North American people’s lives.

With increased local or regional specialization, the telling of history has lost a sense of the continental and the transnational. A new account of the period featuring a synthesis of existing scholarship and a fresh interpretation that widens the scope of unfolding events and draws individuals’ decisions into sharper focus can further illuminate details that have previously been overlooked or relegated to the shadows. Major players in this story include Indian leaders, imperial officials, military personnel, colonial governors, and colonists.

Addressing misconceptions about the Proclamation and examining the document’s central role in the development of American identity helps to explain future events while simultaneously evaluating individuals and their communities in their own time. This way, we ensure that the story of the gradual separation of the North American colonies and Britain is not misguided portrayal, but we can still challenge outdated conceptions of colonial America. By considering the development of American identity as a result of contact between peoples and reactions to ideas, this thesis also attempts to conceptualize identity in a way that opens the American community to all who lived there.

The Proclamation of 1763 fundamentally changed the continent, transatlantic relations, the residents’ sense of their place in the British Empire, and the future development of the United States and Canada.

CHAPTER 1

Conceptualizing Identity, Westward Expansion, and the Frontier

In 1760, an English visitor to Britain’s North American colonies observed forebodingly that “were [the colonists] left to themselves, there would soon be civil war from one end of the continent to the other.”¹ The idea that an American identity could possibly unite the diverse colonies from Georgia to New Hampshire seemed incomprehensible in 1760 and inevitable by July of 1776. Pinpointing when exactly this national identity materialized has rightly perplexed historians. While some scholars offer dates in the 1760s and 70s to illustrate when colonial attitudes toward the Crown began to shift, they also note that colonists continued to seek acknowledgement of their British identity from England. Historian Jon Butler may well be correct that a fully fledged identity is best found during the Revolutionary War and throughout the later period of nation-building.² However, the early stages of the development of an American identity can importantly be traced to the post-Seven Years’ War period around the issuance of the Proclamation of 1763.

Thanks to historian Colin Calloway, we know that the document altered North America’s “human geography,”³ but how can one claim that this point in time was a fertile one for the growth of identity? Research methods of other disciplines featuring quantitative mapping are useful here. Most notably, political scientist Richard Merritt argued that the development of a political community can be traced to one of the three following societal changes: the creation of


a common political structure; a series of events, one event, or the memory of events; or a changing political climate. The Proclamation transformed not one but all three components of this framework. The document created a common political structure by organizing all colonies under the same system. It reminded all North American peoples about their various experiences of gaining or losing land; and it changed the political climate since it accelerated meaningful contact between peoples and confirmed that the North American continent was essential to Britain’s imperial goals.

A large part of this process involved the many people who were called American Indians. Before expanding upon this argument, it is necessary to comment on the general use of the word “Indian” throughout this thesis, especially considering the sheer number of tribes located throughout the continent with different histories, structures, and varying amounts of contact with settlers. For the purpose of discussing this era, it is helpful to provide a consistent label for the many groups of indigenous, aboriginal, or First Nation peoples as I have also done for the many groups of European-descended emigrants whom I have labeled “colonists.” The concept of race in the colonies had not been fully defined at this point, so I have additionally refrained from imposing the descriptors “white,” “red,” and “black,” unless they appeared in the historical record.

The experiences of North American Indians were essential to the political changes that sparked the development of American identity. The year 1763 was the beginning of a transformation in their identity just as it was for the colonists. Their view of the role they played in the geopolitics of the continent changed radically after the Seven Years’ War because their

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autonomy was under threat. A significant part of the continent was suddenly under the control of one power instead of two or three as had been the case for decades.\textsuperscript{5} Their ability to “play sides” between the French and the British to get the best deal in negotiations had, therefore, been diminished if not eradicated. Historians Patrick Griffin and Daniel Richter separately concluded that points of connection between different peoples began to fade after 1763.\textsuperscript{6} While the sustainability of cultural connections and the benefits of integration were, in truth, tested often and violently, there was still enough contact between colonists and Indians for a new sense of American community to develop.

A common British identity at home in England, Scotland, and Wales was also conveniently maturing at the same time. The war had altered Britons’ perspectives on their Empire. They now saw that they could be effectively galvanized behind a common imperial goal.\textsuperscript{7} Another feature of their developing identity was strikingly similar to America’s: Britons were increasingly seeing themselves in opposition to “the other” as their access to the world expanded. Part of their sense of self was based on this simple “us vs. them” dynamic.\textsuperscript{8} Historian J.H. Elliot extended this observation to Europe at large after the Seven Years’ War. He noted that when Europe transformed America “as a prelude to its transformation of the world,” its image of itself also transformed.\textsuperscript{9} One can see how this cyclical process became central to nationalism,

\textsuperscript{5} Calloway, \textit{The Scratch of a Pen}, 66.


\textsuperscript{7} Calloway, \textit{The Scratch of a Pen}, 11.


colonialism, and by extension, racism. But on the eve of the Revolutionary War, when colonists did not yet have a nation or an empire, they were still able to see contrasts between themselves and their European counterparts; they were simple, frugal, and industrious, while Europeans were characterized by imbalances between extravagance and poverty.

Self-identification through comparison is merely one part of the concept of identity. From the Latin root *idem*, meaning same, identity is no longer tethered to its linguistic origin and no longer mandates coherency in its application. As historian Carroll Smith-Rosenberg has explained, due to feminist and post-colonial theories, identity is now accepted as contradictory, multi-layered, and shifting. The influence of this alternative definition means, for example, that when we look back on North American residents of this era, we can see that their identity could have come from the influence of an authority figure just as it could have come from contesting that same figure’s authority. Additionally, the idea of a burgeoning community identity could be subconsciously present in one person, at the tip of another’s tongue or pen, or worn on another’s sleeve. The interplay between externally-imposed (subliminal) and self-defined (acknowledged) identity structures should also encourage us to look deeply at the ideological climate in 1763 and beyond.

In addition to this enhanced ideological environment, American identity was significantly shaped by the continent’s physical environment. Although early westward expansion is the focus of this thesis, it is first important to understand the general concept of movement throughout

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11 Carroll Smith-Rosenberg, *This Violent Empire: The Birth of an American National Identity*. (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture by the University of North Carolina, 2010), 17.

American history. Between 1775 and 1800, no colonial region retained much more than 60 percent of its original population.\textsuperscript{13} This trend was inspired by hunger for new opportunities. With new opportunities came property. Property, and more specifically land, was essential to an individual’s sense of personhood or a group’s identity throughout human history. People without land were diminished by their peers, for example, while property owners were held to a higher standard.\textsuperscript{14} In America, land offered individuals at least the idea of autonomy and at most the reality of political independence.

Establishing farms in less-inhabited regions and organizing communities around new agricultural opportunities encouraged a New World outlook and inspired self-reliance, frugality, and tenacity.\textsuperscript{15} As colonists “tamed the wilderness” they became increasingly aware of their place in the continent. Self-awareness has played a key role in American identity. Historians writing between 1670 and 1790, including William Hubbard, Cotton Mather, Thomas Prince, Thomas Hutchinson, and Jeremy Belknap, sought to tell the story of the formation of the country for the benefit of posterity. These historians hoped that future generations would recognize that America represented the “dawn of a new civilization” and that Americans were the “freest of men”\textsuperscript{16} who had prepared for a mental revolution since their arrival.\textsuperscript{17} Additionally, they hoped that their descendants would remember their “founding forefathers” and would appreciate that their


\textsuperscript{16} Ibid., 46-56.

actions paved the way for a government operating by the consent of the governed. This self-awareness about the American experience also had early geopolitical undercurrents. Toward the end of the eighteenth-century there existed what has been described as “sectional self-consciousness.” Colonists and their counterparts at home in Europe conceptualized the North American continent by geographical regions. For example, the “back country” was where small farmers lived while “Indian country,” the real wilderness, was presumed to be further west.

Westward expansion into these regions has become part of the American historical lexicon, especially since Frederick Jackson Turner delivered his Frontier Thesis in 1893. Historian Louis De Vorsey’s explanation of the interest in the American west in the first place is helpful. Soil exhaustion, decreased crop yields, and rising land values in the east in addition to increasing frustration with rigid eastern society, he argued, propelled colonists to move westward. Due to propaganda about the west and the promise of cheap land of good value, movement simply seemed too beneficial of an opportunity to waste. Scholars have disagreed about the implications of this movement. Historian Pekka Hämäläinen recently reflected on westward expansion, which he described as “a process of Anglo-Americans, either opportunistically or blindly, stepping into deep historical currents that carried them westward across the continent.”

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uncontested march;” instead, it was a series of conquests for land. U.S. President Theodore Roosevelt echoed this sentiment in *The Winning of the West* in which he stated that the American east had struggled for independence while the west had a “war of conquest.”

It was this movement and subsequent conflict that profoundly inspired and strengthened the American cause leading up to the Revolutionary War and preceding the rise of nationalism. This argument reflects Turner’s Thesis in which he explained how westward expansion furnished the features of the American character. The frontier, he said, was a “fertile field for investigation” because it was the “line of most rapid and effective Americanization.” He called the frontier a “meeting point between savagery and civilization.” Turner’s framework is surely deserving of modernization.

Before one can understand how early westward expansion and the development of American identity were inextricably linked, one must understand what and where the frontier was and how it was uniquely American. In the eighteenth century, the word “frontier” meant boundary line or conflict zone. The earliest recorded use of the phrase “frontier settlement” was in 1789, but early eighteenth century colonists called people who lived to the westward “frontier settlers.” Historians now consider the frontier to be a zone of interaction between peoples which existed wherever colonists and Indians met under any circumstance.

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should also be considered “spatially and chronologically flexible”27 instead of specifically located and descended from the concept of the backcountry. Because people had “[a] shared sense of weakness, combined with an acute sense of vulnerability from without” on the frontiers where they met, diverse people were “willing to embrace others across . . . cultural divides.”28 Relationships on the frontiers were not all constructive, however. In this vein, Robert R. Reynolds explained that every frontier actually had two components: the frontier of those who were advancing and the frontier of those who were being “advanced upon.”29 Frontiers were more active than he implied, however. They were not colanders through which various peoples traveled; they were dynamic blenders of the ideas various peoples carried with them and the practical experience all peoples took away.

The era of the Proclamation is a fertile one on which to examine the interaction of these ideas. During this time, there were multiple frontiers both within colonies and on the other side of the mountains. Individuals were not the only ones who gained experience on the frontiers; organized land and trading companies made their marks on western land and forged their own identity. All kinds of peoples came into momentary contact on the frontiers through trade, negotiations, and captivity like never before, and there were also marriages and affairs that long intertwined the lives of colonists and Indians. This type of racial and pluralistic “mixing” was uniquely North American and was supported by the ideological and physical environment of the New World. Europe, by contrast, had not had a frontier within their own continent in recent memory.

27 Ibid., 3.
28 Hämäläinen, ”The Shapes of Power.”
With essential knowledge about identity, westward expansion, and the frontier, one is best equipped to explore a variety of visions of North America, empire, and “others” that set the stage for an analysis of the Proclamation of 1763.
CHAPTER 2

Foundations of the Proclamation of 1763

“But nationalism does not need a nation for its existence. In the absence of a nation, nationalism can take the form of an aspiration, a blueprint, or, in this case, a geopolitical vision for the future.”

— James David Drake

Mention “The American West” to anyone around the world who has ever seen a Hollywood film and they will tell you that the west was where there were cowboys and Indians. Although cinematographically manufactured, this modern-day vision of a shared habitat is helpful for historical interpretation. But the seemingly natural pairing of Indians and their European-descended counterparts is actually best understood a century before the “west was won.” To fully examine the “zones” where Europeans and Indians interacted in eighteenth-century North America, one must understand the inhabitants’ early visions of the land, the land’s people, and the purpose of Empire. In particular, as colonists’ and British officials’ ideological conceptions of the continent and their Empire were challenged by their actual experiences on the ground and in the board room, their visions for the future and their self-perception were refined.

When discussing the ideological visions and experiential realities of North America, it is essential to first consider the Indians’ perspective. Contrary to eighteenth-century English belief, Indians did not “wander aimlessly” around the continent, but instead worshipped the land that was their home. When tribes did move, they went westward with purpose, avoiding settlers who

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2 Philip Morgan, “Encounters Between British and ‘Indigenous’ Peoples, c.1500-c.1800.”

were encroaching on their eastern lands or searching for new hunting grounds. Colonists and Indians came into contact despite this movement, and when they did, differences in community structures became noticeable. The English, for example, recognized both civil and natural ownership of land. Indians did not recognize civil ownership, but they did value natural ownership of the land on which they had been living and planting for generations. The English fenced in their lands while the Indians allowed their livestock to roam free. Nevertheless, Indians understood that their possessions had limits. They were known to recognize boundaries between tribes based on natural landmarks; there are references to the Tombigbee River, for example, which separated the Choctaw and Creek tribes. Thomas Pownall, the Clerk of the imperial Board of Trade, explained the “map sense” that the eastern Indians, in particular, seemed to possess: “The Ranges of the Mountains, the Courses of the Rivers, the Bearings of the Peaks, the Knobs and Gaps in the Mountains,” he wrote, “are all Land Marks, and picture the face of the Country on [the Indian’s] Mind.” French visitor Jean Baptiste Trudeau was astonished by the ways in which they understood their surroundings. He noted that

[although the Indians have no more knowledge of geography than of the other sciences, they make delineations upon skins, as correctly as can be, of the countries with which they are acquainted . . . They mark the northern direction to the polar star, and conformably to that mark out the windings and turnings of the rivers, the lakes, marshes, mountains, woods, prairies and paths.]

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5 Philyaw, Virginia's Western Visions, 28-29.
7 Louis De Vorsey, The Indian Boundary in the Southern Colonies, 45.
8 Ibid., 46-47.
9 Ibid., 46. From Trudeau’s “Remarks on the Manners of the Indians Living High up the River Missouri,” published in 1808.
Trudeau’s observation is helpful to our understanding of the Indians’ conception of their continent and their self-perception. Tribes recognized the geographic bounds between peoples and were also aware of the physical, racial differences between Indian nations’ and colonists’ “skins.” This early observation of race was rare, but it set the stage for the developing concept of the “other.” By the 1750s, when colonists’ encroachment on Indian lands was especially common, Indians began to note the boundaries between their own territory and Britain’s North American colonies. At a 1751 meeting between French settlers and Indians, the speaker of the Six Nations expressed his irritation with shifting allegiances within the continent. “[H]ow comes it,” he asked, “that you have taken our Brothers as your Prisoners on our Lands? Is it not our Land (stamping on the Ground and putting his Finger to the [representative’s] Nose.”¹⁰ This lack of acknowledgement of Indian possessions and the general vision of divided land became central to the development of the Proclamation.

Unlike the Indians who connected with the earth and celebrated its features, the Spanish had an elementary understanding of the continent. Over the course of two centuries, Spanish explorers only managed to reach a fraction of North America: the Gulf of Mexico, New Mexico, California, and part of Florida.¹¹ Though they did not fully grasp the scope of the continent, they were aware that the American heartland was a special region. They called it tierra adentro, literally inside land. Spanish explorer Alvar Nuñez Cabeza de Vaca landed in Florida in 1528, made his way to the Gulf of Mexico, and lived with local Indians as their captive for nine years. In his captivity narrative, he wrote about the harsh reality he was faced with in the North


American wilderness. The “region is so broken and so overgrown,” he described. Although the land itself provided difficulties, de Vaca was humbled by his experience with the Indians. He discussed many tribes’ “remarkable customs” including generosity toward each other and intense mourning rituals for the deceased. By the end of the narrative, he even used the collective voice when describing the difference between Indians and colonists. Compared to the Christian Spaniards, he wrote for example, “[w]e [the Indians] had come from the sunrise, they from the sunset; we healed the sick, they killed the sound.” Spanish officials attempted to incorporate the Indians into their Empire in order to control their territory in North America, but they were met with limited success; they could only offer Indians salvation in contrast to the French who knew the Indians better and handed out more attractive gifts of alcohol and weapons.

The French had more experience with North American land than the Spanish, and became a major player in the global war to retain their piece. They saw the land as a boundless “treasure house” and they imagined that rivers connected all of the land to the Pacific Ocean. New France’s governor from 1747-1749, Marquis de La Galissonière, described the country as “immense” in his memoir. The French author of Democracy in America, Alexis de Tocqueville, later referred to North America’s land as “the forests of the New World.” Well before the Governor’s tenure and de Tocqueville’s journey throughout America, explorer Samuel de Champlain studied the features of North American land. He was well versed in the flora and

15 Alexis De Tocqueville, Eduardo Nolla, and James T. Schleifer, Democracy in America (Indianapolis: Liberty Fund, 2012), 768.
fauna of the continent by the time he established settlements in New France. In the early 1600s, when discussing settlement, de Champlain explained why one would choose to settle in certain areas of the continent instead of others. The interior, he said, was “where the people are civilized, and where it is easier to plant the Christian faith and establish such order as is necessary for the protection of a country, than along the sea-shore, where the savages generally dwell.” He also suggested that settlements be removed from “jealous” and “barbarous” tribes. Champlain was quick to distinguish between North American regions and was also early to address the benefits of settler and Indian separation. To all French eyes, exploring and settling the land to the westward would at least be challenge and at most would be like winning the global lottery.

Although the word “west” was not part of English speakers’ vocabulary until 1798, according to Mitford M. Matthews’s Dictionary of Americanisms, they discussed America’s land enough to conceptualize the western part of the continent. Upon arrival, the New England Puritans looked across the continent from the east coast and worried that the American wilderness would impact their European identity. As colonists settled more of North America, they became increasingly aware that this place was fundamentally different from anywhere they had known. Even though they observed enough of the flora and fauna to compare the Old World and the New World environments, Britons on both sides of the Atlantic still had a limited knowledge of the continent. The first large-scale British map of the Empire in North America was created by Henry Popple in 1733. Depicting British possessions in red, French in blue, and

19 Calloway, *New Worlds for All*, 7.
Spanish in yellow, the map was strikingly distorted. British land seemed to be everywhere while French and Spanish land was sparse.\textsuperscript{20} By this time, British officials were writing generally about “[t]he uncultivated parts of North America” that contained “the greatest forests in the world.”\textsuperscript{21} Lieutenant Governor of Pennsylvania, Sir William Keith, for instance, marveled over the “uninhabited vacant Lands of America.” Governmental leaders were also quick to emphasize the sheer size of their possessions, albeit in general terms. They wrote about the importance of settling people in all corners of America in order to test different regions’ abilities to grow provisions for the benefit of imperial commerce.\textsuperscript{22} Economic impulses for the cultivation of the land, however, were not overshadowed by the ideological. The colonists’ lack of concrete knowledge about the continent led them to develop a “geography of the mind,”\textsuperscript{23} to borrow David Lowenthal and Martyn Bowden’s phraseology. In other words, colonists were able to organize their understanding of North America based on geographic details they had both amassed and imagined.\textsuperscript{24} For example, when they looked westward, they saw that there were different parts to their new home. They made distinctions between the “eastern frontiers,”\textsuperscript{25} also known as the “back country,”\textsuperscript{26} and the regular frontiers where the Indians lived. They also

\textsuperscript{20} Drake, \textit{The Nation's Nature}, 75.

\textsuperscript{21} William Guthrie, James Ferguson, and John Knox, \textit{A New Geographical, Historical and Commercial Grammar and Present State of the Several Kingdoms of the World} (Philadelphia: Johnson & Warner, and for Sale at Their Book Stores, 1809), 641.

\textsuperscript{22} Horn, Ransome, and Douglas, \textit{English Historical Documents, 1714-1783}, Vol. 10, 731. From Sir William Keith’s writings on the relationship between the mother country and its colonies, 1738.

\textsuperscript{23} Drake, \textit{The Nation's Nature}, 2. This phrase comes from David Lowenthal and Martyn Bowden. Britons in the eighteenth century believed that continents had inherent traits.

\textsuperscript{24} \textit{Ibid.}, 8. “Metageography,” a phrase from Martin Lewis and Karen Wigen was a set of spatial structures through which people ordered their knowledge of the world.

\textsuperscript{25} Horn, Ransome, and Douglas, \textit{English Historical Documents, 1714-1783}, 266. Massachusetts Governor Belcher wrote to the Board of Trade on January 5, 1732/3 that he toured the “eastern frontiers” to survey forts.

\textsuperscript{26} Guthrie, Ferguson, and Knox, \textit{A New Geographical, Historical and Commercial Grammar and Present State of the Several Kingdoms of the World}, 668. Colonists considered the backcountry to be everywhere watered by the Ohio River.
imagined what the Appalachian Mountains and the land on the other side were like. They called the three or four-thousand foot tall mountains the “Endless Mountains,” and they suspected that the land over the crest was terra nullius, empty space. One of the earliest expeditions to explore Virginia had to stop short because of these intimidating peaks. Dr. Walker, the leading man of the voyage, named a gap in the mountains the “Cumberland Gap,” which pioneer Daniel Boone used; the gap eventually became the chosen route for railroad connections between Kentucky and Virginia. Colonists’ ideological visions, therefore, gradually mixed with reality.

Discussing the American mountains was common in England as well. Thomas Pownall wrote that by 1755, all the British settlements were pressed up to the mountains so much so that one step more would have put them in new territory. As Britons wrote about North America’s western expanse during the early eighteenth century, they expressed that they actually did not know who owned what. British political theorist Edmund Burke expressed this environment of confusion best:

> It is somewhat difficult to ascertain the bounds of the English property in North America to the Northern and western sides; for to the northward, it should seem, that we might extend our claims quite to the pole itself . . . but to the westward, our bounds are

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28 Eliga H. Gould, *The Persistence of Empire: British Political Culture in the Age of the American Revolution* (Chapel Hill, NC: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, VA by the University of North Carolina, 2000), 113.


disputed by our enemies, and do not seem well agreed upon amongst ourselves.\textsuperscript{32}

Burke also noted that some people thought the western limit of British land was the base of the Appalachian mountains. This uncertainty about the extent of Britain’s possessions persisted.

Britons’ visions of the North American land and Indians were not all positive. After King Philip’s War ended in 1676, colonists and Britons at home were aware that their relationship to the western land could become turbulent. And, in light of “frontier wars,”\textsuperscript{33} which had cost colonial lives, fears about Indian violence were heightened. In 1755, Pownall addressed the differences between the colonists and the Indians. They are “the most dangerous enemies in such a wilderness,” he wrote, because in the wilderness, “[they] are masters and possessed of every hold and pass.”\textsuperscript{34} Moravian missionary from Pennsylvania Christian Frederick Post found the Indians to be temperamental. They “will not easily trust, any body,” he explained, “and they are very easily affronted, and brought into jealousy.”\textsuperscript{35} The colonists’ concept of the “other” was beginning to come together.

These concerns about violence in the west did not negatively shape all colonists’ visions of the land. Geography greatly interested the educated elite, including George Washington, John Adams, and Thomas Jefferson, who owned collections of books about geography and science.\textsuperscript{36}

\textsuperscript{32} Edmund Burke and William Burke, \textit{An Account of the European Settlements in America In Six Parts. Each Part Contains an Accurate Description of the Settlements in It, Their Extent, Climate, Productions, Trade, Genius and Disposition of Their Inhabitants: The Interests of the Several Powers of Europe with Respect to Those Settlements ; and Their Political and Commercial Views with Regard to Each Other} (London: Printed for R. and J. Dodsley, 1757), 31.


\textsuperscript{34} De Vorsey, \textit{The Indian Boundary in the Southern Colonies}, 11.

\textsuperscript{35} Thwaites, \textit{Early Western Travels}, 231.

\textsuperscript{36} Drake, \textit{The Nation’s Nature}, 20.
The Library Company of Philadelphia had access to London’s Magazine and Gentleman’s Magazine, so they were able to publish 50 maps for members before the Seven Years’ War. Colonists’ earlier ideological visions of the land, or the “geography of the mind,” were transitioning into intellectual visions of the land. Colonists were beginning to identify themselves as a “geographically distinct people” who shared a “naturally unified land.” Soon their intellectual visions would give way to practical experience.

Early travelers who journeyed through the mountainous boundary toward the frontiers for the first time left detailed accounts of the geographic features and human communities they encountered. Virginians became the colonies’ first organized explorers of the land to the westward once Edward Bland and Captain Abraham Wood led a company southwest in 1650. By the beginning of the eighteenth century, Virginia’s frontier shifted from a place where exploration was the ruling passion to a place where gentlemen could “easily engage in licentious behavior,” especially since it was difficult to find “good women” there. Pennsylvania had a different outlook. Because they had more mountain passes into the Ohio valley than any colony, they dominated exploration and trade. Christopher Gist exemplified the colony’s spirit. A “woodsman of the highest order,” Gist had a “considerable knowledge of [Pennsylvania’s] mountain paths and passes.” He established the first English-speaking Trans-Appalachian settlement near Mount Braddock, Pennsylvania, in 1753 after blazing a trail from the Potomac to

37 Ibid., 21.
38 Ibid., 11-19.
42 Lyman Copeland Draper Manuscripts, C, Daniel Boone Papers, Volume 3, Wisconsin Historical Society, Madison.
part of the Monongahela River. Many families joined him.\textsuperscript{43} The Ohio Company, which was founded in 1748 by Virginians who wanted to make money from the Indian trade west of the mountains, had sent Gist on an earlier mission to find good land. If he was successful, he was to describe the land’s boundaries.\textsuperscript{44} Another company, the Indiana Company, had a similar vision for North American land. Led by traders William Trent, Samuel Wharton, Thomas Wharton, George Morgan, and William Franklin, who were familiar with frontier life, the Company was encouraged by Benjamin Franklin.\textsuperscript{45} Connecticut founded the Susquehanna Company to settle the Wyoming Valley of Pennsylvania. They purchased 200 miles in 1754.\textsuperscript{46} Founded by an English charter in the late 1600s, the Hudson Bay Company had been monopolizing the Indian fur trade in Canada’s Hudson Bay region for decades. All of these companies envisioned that they would find success on the frontiers by trading with the Indians. The Proclamation would later aim to restrain them.

Colonies also sent individuals to explore. In 1748, Pennsylvania tasked Conrad Weiser, an interpreter to the Iroquois Indians of the Ohio, with scoping out the region. He wrote in his journal that he crossed the “Alleghany Hill” before coming to a clear field, which he walked through for four days before arriving at a Delaware Indian town. Equipped with wampum belts for diplomatic efforts, Weiser communicated with the Indians. They “used us very kindly,” he said, and promised that they would secure his dwelling place against danger. He was given an Indian name, Tharachiawagon. Weiser next spent time in Lawrence County, Pennsylvania, also


\textsuperscript{44} Kenneth P. Bailey, \textit{The Ohio Company of Virginia} (Glendale, CA: Arthur H. Clark Co., 1938), 17.

\textsuperscript{45} George Elmer Lewis, \textit{The Indiana Company, 1763-1798: A Study in Eighteenth Century Frontier Land Speculation and Business Venture} (Glendale, CA: A.H. Clark, 1941), 32.

\textsuperscript{46} Billington, \textit{Westward Expansion}, 104.
known as Chief Shingas’s Old Town, which was a starting place for many border raids. A mention of the town, he warned, filled frontier settlers with fear.\textsuperscript{47} Terror, which could spread like wildfire at the mention of a potential raid or attack, was very real and affected colonists and colonial administrators alike. One of the reasons that the Board of Trade was committed to settling the Ohio valley region in the first place was that pushing settlements westward would subsequently push dangers of attack farther from the coast.\textsuperscript{48}

Indians and colonists increasingly came into contact in both diplomatic and violent manners, further developing the concept of the “other.” In September of 1748, Conrad Weiser met with the Chiefs of the Wyandot tribe of the Iroquois Indians who had just negotiated a Treaty of Friendship and had exchanged belts of wampum with the Governor of New York. The Indians expressed their good wishes to the King of England and his people and told Weiser that they were pleased he “look’d upon them as Brethren of the English.”\textsuperscript{49} Alliances like this one became known as the “Covenant Chain.”\textsuperscript{50} Weiser’s own influence was growing, and he soon had the ear of Pennsylvania’s Council. He used his position to recommend that a western Pennsylvania settler be appointed to help maintain Indian relations. Born in Ireland before the potato famine, George Croghan (pronounced Crawn) fled his home and took refuge in British North America where he traveled through more of the west than anyone else had.\textsuperscript{51} Like many colonists, Croghan envisioned the continent as “exceedingly pleasant, being open and clear for many

\textsuperscript{47} Thwaites, \textit{Early Western Travels}, 23-26.


\textsuperscript{49} Thwaites, \textit{Early Western Travels}, 30. This tribe had recently left the protection of the French because the French had mistreated them.

\textsuperscript{50} Richter, \textit{Facing East from Indian Country}, 147.

\textsuperscript{51} Thwaites, \textit{Early Western Travels}, 47-48.
He was good at his job, and became a deputy to Sir William Johnson, affectionally called “Sir William,” who later was named Superintendent of Indian Affairs. Western Indians, in particular, came to rely on Croghan and would not make significant decisions without his advice. Since he engaged with the physical environment and played a major role in relations between peoples, he epitomized a true American. As his biographer described, Croghan “forcibly expressed the democratic spirit which was to be America.”

During this time, each colony managed its own relations with the Indians, a practice that supported rivalries over trade. No colony was more competitive with regard to western land possessions than Virginia. In January of 1749, Virginians petitioned the King to extend British trade beyond the mountains on the “western Confines” of the colony. The petitioners were hoping to settle upon the Ohio River. This period was, therefore, characterized by an acknowledgement of boundaries but a desire to spread beyond them. As individual colonies developed their visions for the west, the contest for land between the French and the British reached a tipping point.

Young George Washington provoked the French in the Ohio Valley after Virginia’s Governor Robert Dinwiddie sent him to settle land possession disputes in the region. The resulting French and Indian War in North America was part of the global Seven Years’ War that


53 Nicholas B. Wainwright, *George Croghan: Wilderness Diplomat* (Chapel Hill: Published for the Institute of Early American History and Culture at Williamsburg by the University of North Carolina, 1959), 71.

54 Ibid., 4.


involved eight world powers and lasted nine years altogether. In the North American theater, conflict was between the age-old British and French rivals and their Indian allies. The War had lasting global and imperial implications, and it also had immediate effects on the North American continent. In particular, colonists’ visions of the land, the Indians, and the Empire gradually transitioned into more realistic observations forged from this conflict.

Some peoples’ early visions were hard to replace entirely, but with more experience came more educated observations. To 22-year-old George Washington and the rest of the colonists and royal administrators, the western expanse of North America still appeared to be endless. At the outbreak of War, Geographer Lewis Evans wrote that the “settlements made by the English are bounded on one side by the ocean, and on the other by no certain line or distance . . .” Illustrative of this vision, Governor Dinwiddie reserved 200,000 acres for Virginia’s troops who served in the War. George Washington had to repeatedly remind the new governor of this promise. Throughout the War, commanders, including John Forbes, Henry Bouquet, and Edward Braddock, opened roads across Pennsylvania for easy access to the west. Bouquet, Pennsylvania’s first great military figure, wrote about his passage through the Alleghenies and his “Great crossing” of the Youghiogheny River. He made sure to note the “good Pasturage” that existed to the westward. While helping to construct a road across the mountains for supplies for

57 De Vorsey, The Indian Boundary in the Southern Colonies, 25.

58 George Washington and William Wright Abbot, The Papers of George Washington: Colonial Series, Vol. 7 (Charlottesville: University of Virginia, 1982) and The Rosenbach Museum and Library, Philadelphia, Pennsylvania. From Governor Dinwiddie’s Proclamation of 1754 and George Washington to Lord Botetourt, October 5, 1770. Washington wrote to Virginia’s Royal Governor that the Ohio Valley land, which speculators had been eyeing, was actually promised to soldiers in 1754. He enclosed a copy of the Governor’s Proclamation to make his point.

Braddock’s army, Pennsylvanian James Smith was adopted into the Caughnawaga tribe.\textsuperscript{60}

Military leaders were surprised to find that about 100 families were settled near one fort east of the mountains.\textsuperscript{61} Their preoccupation with the land in their writings made sense since many military personnel were actually engaging with the land to the westward for the first time.

Reflecting in the House of Lords, William Petty, hereafter called Lord Shelburne, described how North America played a central role in the War:

\begin{quote}
The Security of the British Colonies in North America was the first cause of the war . . . the total Extirpation of the French from Canada & of the Spaniards from Florida gives [Great Britain] the universal empire of that extended coast, makes the Inhabitants easy in [their] possessions, opens a new Field of Commerce, with many Indian Nations.\textsuperscript{62}
\end{quote}

Shelburne’s reflection highlighted a significant result of the conflict—increased trade with Indians. But before trade could resume during the War, policies had to change. Leaders believed that colonists were no longer able to smuggle goods and should no longer attempt to make money dishonestly.\textsuperscript{63} Pennsylvania led the way by passing laws to prevent abuses in trade, to supply Indians and friends of Britain with goods at good rates, and to strengthen peace and friendship on the frontiers.\textsuperscript{64} It was now clear that North American peoples’ earlier ideological and intellectual visions were being replaced by their practical experience.

The unfolding War also sparked colonists’ desires for their own land. When Governor Morris of Pennsylvania asked London for a militia and money for arms and ammunition, he also

\begin{footnotes}
\footnotetext[60]{Willard Rouse Jillson, \textit{A Bibliography of the Life and Writings of Col. James Smith of Bourbon County, Kentucky, 1737-1812} (Frankfort, Kentucky: Kentucky Historical Society, 1947), 14.}

\footnotetext[61]{Fred Anderson, \textit{Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754-1766} (New York: Alfred A. Knopf, 2000), 525.}

\footnotetext[62]{Gipson, \textit{The Triumphant Empire}, Vol. 10, 41. From December 9, 1792.}

\footnotetext[63]{Dunn, \textit{People of the American Frontier}, 22.}

\footnotetext[64]{Mercer and Mulkearn, \textit{George Mercer Papers Relating to the Ohio Company of Virginia}, 162.}
\end{footnotes}
proposed a land grant system west of the Alleghenies to reward the colony’s troops.\textsuperscript{65} Virginia troops eagerly awaited Governor Dinwiddie’s grant. The Board of Trade supported these western policies so long as settlers would build alliances with Indians while they moved onto their lands. Unfortunately, there seemed to be little memory of 1751, when Indians had urged colonists to realize that the land was theirs first and foremost.\textsuperscript{66}

Britons in the colonies and at home began to think about the need for imperial reorganization in North America. Pennsylvanian Benjamin Franklin quickly saw the need for continent-wide change for the purpose of security. His plan for union, presented at the Albany Congress during the War from June to July of 1754, was a significant moment that foreshadowed the development of the Proclamation and American independence. The idea, famously illustrated in the “Join or Die” cartoon of a segmented snake, was that all colonies should enter into a union in times of both war and peace. Martin Bladen, a member of the Board of Trade, had proposed a similar plan as early as 1739. He thought that it would be helpful to unite the colonies so that they could contribute to imperial defense, but his plan did not gain traction.\textsuperscript{67} Thomas Pownall also presented his plan for the colonies at this conference. The only way to stop the French from establishing forts, he argued, was to encourage the British to “become Masters of the Indian Countries so as to secure themselves and to protect the Indians.”\textsuperscript{68} Although these visions did not immediately come to fruition, the conference gave colonists, imperial officials, and Indians a

\begin{flushleft}
\hspace{1cm}\textsuperscript{65} Baker-Crothers, \textit{Virginia and the French and Indian War}, 86.
\textsuperscript{66} Thwaites, \textit{Early Western Travels}, 69.
\textsuperscript{67} Jack P. Greene, "Martin Bladen's Blueprint for a Colonial Union," \textit{The William and Mary Quarterly} 17.4 (1960): 519.
\end{flushleft}
shared experience. The idea that colonial alliance in support of a unified, imperial policy could work in theory was essential to the development of the Proclamation. Ultimately, this experience helped officials and colonists definitively grow their continental visions into imperial realities.

Major General Edward Braddock’s defeat in 1755 and his subsequent death mandated further reflection on the relationship between Indians and colonists and sparked early ideas about American identity. Scarroyady, the Oneida Sachem, reflected on the contact he had with Braddock: “He is now dead; but he was a bad man when he was alive; he looked upon us as dogs . . . We often endeavoured to advise him and to tell him of the danger he was in with his Soldiers; but he never appeared pleased with us . . .” Braddock’s refusal to see Indians as allies led colonists to believe that European methods of fighting were not appropriate for the American wilderness. The increasingly practical experience colonists were gaining with the land and the Indians was impacting their self-perception. As David Preston has recently explained, Braddock’s defeat did not immediately make Britons Americans, but it did change the way the colonists viewed their land and their Empire’s organization. After this blunder, British officials also shifted their views on imperial politics. The Board of Trade, for example, decided that the commander-in-chief would be in charge of Indian relations. By 1756, there were North and South Indian Agents, William Johnson and South Carolinian John Stuart.


71 Anderson, Crucible of War, 105.

Britons at home had always had mixed perceptions of Indians. London newspapers had been referring to them as the “Americans” well before they began calling the colonists by that name. Images tended to show Indians as uncivilized and lacking all sense of history and politics; the heavy implication was that they needed to be civilized by outside forces. But some outside viewers were more sympathetic to the Indians. In *Wealth of Nations*, British political economist and philosopher Adam Smith expressed his sadness that they had suffered “dreadful misfortunes.”

On the ground in North America, through repeated contact, imperial agents’ ideas about the “other” became less theoretical. Mohawk Indians called William Johnson by the name of Warraghiyagey, which meant “doer of great things.” He sometimes dressed as one of them, danced, and sang Indian war songs. Johnson also had eight children with a 16-year-old Indian woman named Molly or Mary who was the sister of Mohawk Chief Joseph Brant. She was called the “Indian Lady Johnson,” a designation that drew attention to her ethnicity in contrast to her husband’s, but also demonstrated the fluidity of identity on the frontiers. Contact between peoples allowed for individuals to identify with multiple groups just as it allowed people to identify based on who they were not. George Croghan, too, had a daughter with a Mohawk Indian. She later married Chief Brant. Contact points during the War were everywhere, but no matter how many positive connections the Indian Agents forged with tribes, the Indians were still on the losing side of the relationship. When they looked at their land, they were disturbed.

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74 Horn, Ransome, and Douglas, *English Historical Documents*, 733.


76 Abernethy, *Western Lands and the American Revolution*, 16.
Johnson lamented that they were “disgusted and dissatisfied with the extensive purchases of land, and do think themselves injured thereby.” These concerns would be gradually addressed at conferences and treaties, but one issue that continued to impede the growing relationship between colonists and Indians was the French presence. British imperial agents increasingly used the concept of empire to pitch themselves as fundamentally different from the French. At a conference with Delaware Indians in December of 1758, an imperial spokesperson outlined the dissimilarities between the two competing empires:

We are not come here to take Possession of [your] hunting Country in a hostile Manner, as the French did when they came amongst you, but to open a large and extensive Trade with you and all the other Nations of Indians to the Westward who chuse to live in Friendship with us.  

The idea that the French were conspiring against the British was rampant. George Croghan found it hard to remove the prejudices of the Indians since the French had maintained “a very great influence over [them]” for so long. Many French settlers, especially traders, had Indian wives and children, so the relationship between the peoples was strong. There was also a long tradition of gift giving, which the English had misguidedly halted. Talk of a French conspiracy against the English persisted well into the 1760s when George Croghan wrote to British General Thomas Gage that the French were attempting to drive the English “out of the Country.”

Colonists and Indians, however, did have opportunities to connect. In rural America in particular, they lived alongside each other almost everywhere. Indians worked as indentured

77 Wainwright, George Croghan, 136. From William Johnson to the Board of Trade, September 22, 1757.
78 Bouquet, The Papers of Henry Bouquet, 622.
80 George Croghan to Thomas Gage, June 17, 1766, George Croghan Letters, 1763-1770, Box 195, Ayer Manuscripts, The Newberry Library, Special Collections, Chicago.
81 Butler, Becoming America, 16.
servants in colonial households and at schools like William and Mary. In April of 1756, Quakers and Six Nations Indians met at peace talks, which were probably recorded by Conrad Weiser. Colonists referred to the Indians as “Children under a Father” throughout the conference. This seemingly demeaning label was common, but it was true that the Indians relied on the “parental” authority of the colonists for help in diplomatic situations. They often asked William Johnson for interpreters at meetings and conferences so that their desires could be accurately recorded in English. Indians used these opportunities to provide intelligence that was useful to the English while also pleading for the protection of their lands. Some Britons’ comments about the Indians were harmful to this relationship. British General John Forbes, writing from the Pennsylvania frontier, said, for example: “Our Indians I have at length brought to reason by treating them as they always ought to be, with the greatest signs of scorning indifference and disdain that I could decently employ.”

Military figures were not the only ones to hold on to such prejudices. Colonial legislators in Virginia, Massachusetts, and Connecticut tried to prevent what they called “Indianization,” enforcing penalties for people who lived with Indians or who maintained Indian-like lifestyles. European-descended colonists were impacted by Indian lifestyles nonetheless; words like mahogany, moose, and caribou became part of their vocabulary. Some moments of contact during the height of the War provided hope for their future relationship. In 1758, ten colonists

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82 Calloway, The Scratch of a Pen, 30.
83 “Copy of some conferences held with the Indians in Philadelphia,” 19-23 April, 1756, Box 868, Ayer Manuscripts, The Newberry Library, Special Collections, Chicago. This conference was probably recorded by Conrad Weiser.
86 Calloway, New Worlds, 153.
crossed the mountains in Pennsylvania to hunt in their own deserted plantations. On the way, they ran into some Indians, and they instinctively fired their weapons. The Indians called out, “Stop! We are friends!” The colonists yelled back, “If you are friends, drop your guns and come to us.” The Indians complied, and there were soon reports that the Susquehanna Indians were no longer enemies of Pennsylvania.87

Contact and diplomacy between the colonists and the Indians continued to develop during the height of the War, providing all parties with more practical experience than ever with the “other” as well as a refined outlook on imperial organization. Christian Frederick Post traveled from Philadelphia to the Ohio valley as a missionary of the Moravian Church. There he built the first white man’s house in 1761 and soon married an Indian woman. Because he was successfully forging relationships with the local Indians, a Delaware named Teedyuscung who sought the role as an interpreter and negotiator was jealous. To show his frustration with being outdone, he made Post’s job exceedingly difficult. Teedyuscung “laid many obstacles in my way,” Post explained in his account. He also expressed his fear that he would never be able to return to the region because the “Indians would kill [him].”88 Born around 1700 in New Jersey, Teedyuscung had a reputation for such menacing behavior. At the beginning of the War, he raised concerns to Governor Hamilton about encroachments on his people’s lands even though Pennsylvania had said that they would not allow settlement without Indian consent.89 The Indians, he threatened, “will put a Stop to it” which would “certainly bring on another Indian war.”90 At a Pennsylvania

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89 Baker-Crothers, *Virginia and the French and Indian War*, 156.

conference in 1757, Teedyuscung stated that Indians intended to settle at Wyoming, so it would be necessary to fix boundaries between the two peoples. The Indians simply did not want to “be pressed on any side” by the colonists. They also wanted a tract of land for themselves that would never be eligible for sale. They hoped that their children would be able to use the land “forever.”

Teedyuscung also asked for assistance in making settlements and houses, spreading Christianity, teaching reading and writing, and instituting fair trade practices. His pleas to the colonists demonstrated his belief that the Indians needed land to feel secure and independent, but that they also needed their land so that they could adjust to colonist-dominated society. The only other option, he thought, would be the dispersal and eventual extermination of his people.

One year later, the Easton conference of 1758 was a critical step in the journey to the Proclamation. During the ten-day meeting in March, attendees expressed their desire to restore friendship between brethren, a feat that would be achieved only if colonists stopped encroaching on Indians’ hunting grounds. Teedyuscung angered attendees with his arrogance, belligerence, and penchant for drink, but his reasons for being there almost outweighed the harm he inflicted on his reputation. He was desperate to work with the English, so he came up with a plan. Teedyuscung wanted 2.5 million acres of Wyoming valley lands for an Indian reservation. In between drinks of alcohol, he expressed a sincere desire for change in the relationships between his people and the colonists:

I sit there as a Bird on a Bow [Bough]; I look about, and do not know where to go; let me therefore come down upon the Ground, and make that my own by a good Deed, and I shall then have a

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91 Ibid., 176.
92 Ibid., 182, 265.
Home for ever; for if you, my Uncles, or I die, our Brethren the English will say, they have bought it [land] from you, and so wrong my posterity out of it.94

Colonists heard Teedyuscung’s concerns and figured out how they could benefit from an improved relationship. The resulting Treaty of Easton of 1758 resolved most land disputes between Pennsylvania and the regional Indian tribes by using the Appalachian Mountains as a natural boundary between the settlements and Indian country. The colony’s House Speaker praised the meeting as “the most probable Means of regaining and confirming the antient Friendship and Alliance of the Natives to the British Interest,” although his genuineness should be questioned considering how he drew attention to the “great Expence” his colony “hath exerted.”95 When Post informed the Cherokee Indians about the Treaty, they expressed happiness, but said they were curious to see how far the friendship would actually reach: “they, for themselves, wished it might reach from the sun-rise to the sun-set,” Post reported.96 George Croghan was also pleased to announce to the Indians that “a Line [had been] run between You and [the British].” He was glad that they would now “know how much of Your country You have sold to Your Brethren,” and he explained that the British were “inclined to do you Justice & Supply your Necessity’s” as long as “you behave so as to Deserve their Friendship.”97

The Treaty did not solve all disputes nor could it have, especially since it provided a solution in just one region. As a result of heightened contact, the concept of the “other” was as apparent as ever. Indians expressed anger at colonists by giving them nicknames. The Cherokees,

94 Wallace, King of the Delawares, 165, 206.
96 Thwaites, Early Western Travels, 239.
97 Jack Stagg, Anglo-Indian Relations in North America to 1763 and an Analysis of the Royal Proclamation of 7 October 1763 (Ottawa: Research Branch, Indian and Northern Affairs Canada, 1981), 243.
for example, began to call frontier inhabitants “crackers,” and southern Indians now called any
person who encroached on their lands “Virginians.”\(^98\) In November, Chief Shingas’s brother,
King Beaver of Pennsylvania, cleverly threatened Post. He told him that since there was now a
cleared road eastward through the mountains, he should take it to the other side; when he reached
the other side, he should stay there.\(^99\) The Easton Treaty also highlighted the potential power that
landholding companies could wield over the imperial officers in North America. The Ohio
Company, for example, offered Colonel Bouquet stock if he allowed them to sell land titles to the
squatters who had been living on the company’s lands over the mountains. Bouquet could not
indulge at this time, he said, because he had to enforce the Treaty.\(^100\) Later, this imperial duty
would not stop administrators from contributing to and benefiting from various land companies’
successes.

The War itself gave European officials, British military personnel, Indian Agents, and
colonists experience with North American land and the land’s people. They now had improved
ideas for imperial organization, namely protection on the frontiers, the need for boundaries, and
the proper use of western land. This transformation in various peoples’ visions was noticeable.
Before the War had commenced, colonies with claims to western land had not been concerned
about frontier defense. As one historian put it, there was “colonial apathy” to the west; Virginia,
usually the lead on these issues, did not even acknowledge the need for frontier defense until the
war was looming.\(^101\) Governor Dinwiddie began a campaign for Indian support and protection,


\(^{99}\) Thwaites, \textit{Early Western Travels}, 275.

\(^{100}\) Anderson, \textit{Crucible of War}, 525.

but he only started encouraging men to enlist in service in 1758, four years after George Washington provoked French troops.\textsuperscript{102} Two years later, Augusta county inhabitants petitioned the colony’s Council for military protection against Indians. Instead of simply rejecting the request, Lieutenant Governor Francis Fauquier claimed that the colonists’ fears of attack were unreasonable. He blamed them for abandoning their settlements.\textsuperscript{103} At the outset of the War, Pennsylvania also had not been providing money for frontier defense. The colony’s proprietors and major land holders, the Penn family, did not pay taxes on their lands, so there was no feasible way to raise the necessary funds.\textsuperscript{104} The family was later persuaded to give a gift to the colony, which covered defense expenses.\textsuperscript{105} New York, too, did not pay for defense before the War because the Assembly was distracted by a legal struggle against their own royal governor.\textsuperscript{106} The colony’s Lieutenant Governor, James De Lancy, betrayed his concern with the “defenceless state of the Northern frontiers of [his] Province” in 1754, but since the Assembly would not act, all he could do was propose the construction of more forts.\textsuperscript{107} Maryland also did not prioritize spending money on frontier defense, and the Carolinas felt the same way, especially since their eastern residents were not directly threatened by frontier violence.\textsuperscript{108} A British writer noted that there were scarcely any forts or garrisons to defend the colones “for near two thousand miles” in

\textsuperscript{102} Stagg, \textit{Anglo-Indian Relations in North America to 1763}, 88 and Lyman Copeland Draper Manuscripts, ZZ, Virginia Papers, 1772-1869, Volume 3, Dinwiddie Papers, Wisconsin Historical Society, Madison. From Governor Dinwiddie’s Proclamation.

\textsuperscript{103} Lyman Copeland Draper Manuscripts, QQ, William Preston Papers, 1758-1773, Volume 2, Wisconsin Historical Society, Madison. From Francis Fauquier to William Preston, June 24, 1760.

\textsuperscript{104} Alfred A. Cave, \textit{The French and Indian War} (Westport, CT: Greenwood, 2004), 72.

\textsuperscript{105} Anderson, \textit{Crucible of War}, 161.

\textsuperscript{106} Cave, \textit{The French and Indian War}, 72.


\textsuperscript{108} Cave, \textit{The French and Indian War}, 72.
The War both inspired and necessitated a new global vision for the British Empire—a vision that would protect land, trade, and people.

Establishing boundaries between peoples in North America was a complicated matter, but discussing them was becoming more common. Disagreement over where French and British land started and ended sparked the War in the first place, and Indians and colonists continued to bring disputes against the other throughout the eighteenth century. As early as 1728, there was talk of using a natural, mountainous barrier to protect the colonists from the French and Indians, which is what the Easton Treaty did for the colonists and Indians 30 years later. William Johnson, according to his biographer, envisioned a boundary between colonists and Indians “as a dam that would hold back the little ragged streams of settlement, combining and raising all into a great placid lake that would reflect the glories of European civilization.” His job mandated that he find the silver lining among frontier challenges. He was wrong that a dam could ever restrain colonists’ desires. During the War, one of George Washington’s officers met with the Cherokee Indians in order to fix a southern boundary between the colony and the tribe. At the end of 1761, when Colonel Henry Bouquet heard that the Ohio Company planned to collect profits over the mountains, he issued his own Proclamation that banned such settlements. All country west of the Appalachian Mountains was effectively made into an Indian reserve. People who wanted to hunt or settle in the region needed permission from a commander or a governor.

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111 Lyman Copeland Draper Manuscripts, QQ, William Preston Papers, 1758-1773, Volume 2, Wisconsin Historical Society, Madison. From Thomas Lewis to William Preston, August 17, 1760.

Foreshadowing the Proclamation in both policy and reaction, this order was not effective. In light of this order, a spokesman for General Forbes assured the Delaware Indians that “the English have no intention to make settlements in your hunting country beyond the Allegheny hills, unless they shall be desired for your conveniency to erect some store houses in order to establish and carry on trade.”

William Johnson soon saw that colonists were not abiding by the law. He wrote to Connecticut’s Governor, Thomas Fitch, that colonists needed to stop taking land from the Delawares. Their greed, he said, would lead to another frontier war. Two months later, Governor Fitch issued a Proclamation that closed the Susquehanna River to settlements “lest they thereby occasion new Disturbances of the Publick peace and Tranquility, and Subject themselves to the Royal Displeasure.” The boundary line discussions continued. By the time of the Peace of Paris, Lord Bute of Parliament had suggested the Mississippi River as a viable natural boundary. French Duc de Choiseul had also proposed a North to South boundary line between British and French settlements. The Governor of New France, Marquis de La Galissonière, had advocated building a line of forts down the Ohio River Valley to bound the English colonies. All of these suggestions inspired the development of the Proclamation.

There were multiple visions for how the western expanse should be used once the War ended. Thomas Pownall envisioned a military colony over the mountains, but thought that the Indians should be kept free in their lands. Some contemporaries erroneously assumed that as

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113 Richter, Facing East from Indian Country, 192.
114 Stagg, Anglo-Indian Relations in North America to 1763, 253.
117 Pargellis, Military Affairs in North America 1748-1765, 166 and De Vorsey, The Indian Boundary in the Southern Colonies, 11.
the Europeans advanced westward into new territory, the Indians would retreat to “more distant regions” en mass. Not surprisingly, the traders hoped that the west would become a permanent Indian reservation so that their business would remain dominant. Others suggested that they should evacuate the Ohio area and give the land back to the Indians. This plan would not allow military forts or settlements to exist in the returned region, but it would encourage trade and travel. William Johnson agreed that the Indians were the masters of the forests, but he hoped Parliament would come up with a more significant and solid imperial policy with regard to Indian affairs. In a petition to British statesman William Pitt, Johnson warned that if a fair and extensive trade policy in addition to a land protection policy were not implemented, the Indians would “with all ease . . . cutt off at pleasure” colonial settlements to the westward. Almost two years to the day before the issuance of the Proclamation, Lord Egremont, as Secretary of State for the Southern Department, warned that granting lands and establishing colonies on the frontiers without regard for the claims of the Indians was a “most dangerous tendency.” Before the War ended, he wrote that Britain should consider giving Indians “royal protection.”

The War ended with the Treaty of Paris in February of 1763. The Annual Register, which recorded British and world events, said that Britain’s new possessions “made our American empire compleat.” (See Map 1). George Croghan informed the Indians that “all North America

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119 Billington, *Westward Expansion*, 139.


was ceded to Great Britain,”¹²⁵ and they were now under Britain’s sole protection. As expected
after nine years of global conflict, the continent did not easily transfer hands. All of the questions
about imperial organization that the War accelerated became even more pressing. British officials
would have to figure out how their experience with the land and the Indians would be shaped
into policy. The solution, finally compiled into the form of the Proclamation eight months later,
had long-term consequences for the Empire, the colonists, and the Indians.

¹²⁵ George Croghan, George Croghan Letters, 1763-1770, Box 195, Folder 1, Item 1, Ayer Manuscripts. The
Newberry Library, Special Collections, Chicago. From George Croghan to William Johnson, March 12, 1763.
Movement of all peoples within North America increased after the War, allowing a variety of visions for the western land to mature and the concept of the “other” to solidify, influencing colonists’ and Indians’ self-perception. Colonist David Owens, for example, had deserted the military during the War to make a life with the Indians. He married one of Teedyuscung’s relatives and decided to travel with a group of people whom he later scalped. Historian Jane Merritt’s analysis of this violent episode was that Owens had been wrestling with “inner demons of identity.” Since he had decided to join the “other,” he grew unsure of where he truly belonged in North American society. Identity could be this flexible on the frontiers, especially after the War when there was uncertainty about the future of the continent.

“Black Ned,” a slave in Pennsylvania, bought his freedom at the start of the War, changed his name to Edward Tarr, moved to Virginia with his white wife, and became the first black landowner west of the Appalachian Mountains. By 1755, it was estimated that there were 40 black residents, both slaves and freemen, and at least 15 mulatto adults and 23 minors in Augusta County, Virginia where Tarr settled. His new place of residence had banned interracial marriages but not existing unions, so Tarr and his wife were able to set up shop at Timber Ridge. Local farmers used his blacksmith services, and he quickly came to share a “yeoman identity” with his land-owning neighbors. His skin color, however, sometimes categorized him as a slave or criminal even though he was free and hardworking; but it is important to note that slaves and

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masters were not cleanly separated based on their features on the frontiers. Slavery developed slowly in Augusta County, but the land over the mountains was so suited to the cultivation of tobacco and grain, that it eventually attracted farmers and their slaves. Women and children cleared fields and helped construct roads.\(^2\) Not only did Tarr’s story demonstrate the fluidity of identity on the frontiers, but it also showed how contact between different peoples both dispelled and perpetuated prejudicial notions of the “other.” The Proclamation would soon support these contrasts in a similar manner.

Another model of this fluidity of association on the frontiers was Andrew Montour. He was taken captive by the Iroquois in his youth, grew up with the tribe, and married an Oneida Chief. He served as an interpreter during important negotiations with the English until the late 1760s when the colonies of Pennsylvania, Virginia, and New York employed him.\(^3\) Born in Montreal to a family known for their influence among the Indians, trader Jacques Dupéron Baby also had shifting alliances. After the fall of Canada in 1760, he refused to take a loyalty oath to the King of England. Since he appeared to be a French patriot, he was held in Detroit for plotting with the Indians against the British. But during Pontiac’s Rebellion, Baby helped protect the British fort in Detroit and disclosed the plot of Indians to British Major Gladwin.\(^4\) In 1777, he became an imperial interpreter in the department of Indian affairs.\(^5\) Also based in Detroit after the end of the War, Captain Thomas Morris, a British man of culture, arrived in America in 1758. His lack of military or wilderness experience made him perfectly suited to describe the land to

\(^3\) Thwaites, *Early Western Travels*, 159.
the westward with fresh eyes. Morris’s venture “into the wood” of Mohawk Valley was naturally filled with some missteps. One day, he took a wrong turn and ended up in what he called “the most perplexed wood I ever saw.”6 The North American land across the mountains continued to fascinate.

David Zeisberger was a precursor of the pioneers of the nineteenth century. He was a Moravian Missionary who came to America to convert the Indians to Christianity. Living among them and speaking their language, Zeisberger did not want to convert the Indians to the ways of the colonists, but instead tried to compromise with them. He later was chosen to come to the Allegheny area for a missionary project, but to get there, he had to take the “Forbidden Path” that the Seneca Nation supervised. No colonist had successfully taken this path. Christian Frederick Post had tried.7 As Benjamin Franklin said, there was clearly a “great Eagerness of the people to remove westward.”8 The post-War period, however, was also importantly an era of increased education about the land and the land’s people.

As more people moved around North America, officials, colonists, and Indians could see that they needed new organization on the frontiers. The colony of Georgia negotiated a boundary with the Creeks in 1763 after their chief, Telletsher, proposed a boundary line “between the white people and the Indians hunting grounds.”9 A Six Nations spokesman wrote to General Amherst that they were concerned that the British were increasingly taking possession of their lands. They also explained that unfair trade practices were costing them a great deal. All of these factors gave

6 Thwaites, Early Western Travels, 320-322.
7 Earl P. Olmstead and David Zeisberger, David Zeisberger: A Life among the Indians (Kent, OH: Kent State University Press, 1997), xiv-146.
9 De Vorsey, The Indian Boundary in the Southern Colonies, 150.
their “warriors and women the greatest uneasiness” and made them “apt to believe every bad report” they heard about the British.10 Colonists had growing concerns about their own safety. An anonymous pamphlet circulated in 1763 addressed the lack of protection on the frontiers: “I am of [opinion that] there ou[gh]t to be a proper force kept in our new acquisitions, for the protection of the settlers,” it read.11 The trouble was just beginning.

In Canada, similar questions were being formulated. The British Empire had gained the region in September of 1760 during the Seven Years’ War. The Articles of Capitulation after the fall of Montreal stated that the Indians must not be molested and “shall be maintained in the Lands they inhabit.”12 After the legal transfer of territory took place three years later, colonists were inspired to encroach on Indian lands regardless of the law. The lieutenant governor of Nova Scotia issued an “Indian Proclamation” to reserve a seacoast area for Indian use even though the Indians in the region had not publicly complained about losing land.13 George Croghan, however, noted that the Indians in Canada were “jealous of our [Britain’s] growing power.”14 The Board of Trade took issue with this policy in any case because the Crown had not pledged to secure these lands under its Royal Instructions.15 They certainly did not want their access to Canada’s riches to be limited; the region north of the Great Lakes was attractive because traders and imperial officials had been describing it as “an immense Tract of Country” which spread “to the westward

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10 Richter, Facing East from Indian Country, 193. From 1763.
13 Stagg, Anglo-Indian Relations in North America to 1763, 266.
14 George Croghan, George Croghan Letters, 1763-1770, Box 195, Folder 1, Item 1, Ayer Manuscripts, The Newberry Library, Special Collections, Chicago. From George Croghan to William Johnson, March 12, 1763.
15 Stagg, Anglo-Indian Relations in North America to 1763, 273-275. From “Indian Proclamation,” May 4, 1762.
indefinitely.” Lord Egremont wrote after the Treaty of Paris that Canada “is of such vast extent.” Because the land seemed endless just like the rest of North America, there were important discussions to be had about the need for boundaries and improved governance. Imperial officials also had to address the region’s unique human geography.

In the meantime, the other colonies were in the midst of a major conflict. Some Indians resented what they saw as the British invasion of their lands after the War and took action in the form of Pontiac’s Rebellion. This very violent conflict between colonists and Indians accelerated questions about imperial organization that led to the Proclamation. The Rebellion drew attention to the fact that the Indians were part of the new Empire, and it gave all colonists more experience, even by extension, with the “other.” Pontiac’s Rebellion began in May of 1763 with a unified attack on the British at Detroit, leading to months of fighting along the forts on the frontiers. The leader, Pontiac of the Ottawa Nation, was believed to be 50 years old at the time. To galvanize Indians of many different tribes, he spread the message of Delaware Prophet Neolin, who had used issues of race to encourage a spiritual revolution of sorts. Pontiac spoke about the benefits of separating the Indians from the British. In his speech at a council of Ottawas, Potawatomis, and Wyandots, he said:

This land where ye dwell I have made for you and not for others. Whence comes it that ye permit the Whites upon your lands? Can ye not live without them? I know that those whom ye call the children of your Great Father supply your needs, but if ye were not evil, as ye are, ye could surely do without them.

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16 Ibid., 391. From Board of Trade to Lord Egremont, June 1763.
19 Ibid., 116.
20 Richter, *Facing East from Indian Country*, 196.
His words inspired the passions of many to participate in coordinated attacks against the British through 1766. These attacks struck fear in the colonists like never before. George Washington noticed the panic:

> Another tempest has arose upon our Frontiers, and the alarm spread wider than ever . . . the Inhabitants are so apprehensive of danger that no Families stands above the Conogocheage road and many are gone of below it -- their Harvests are in a manner lost, and the distresses of the Settlement apear too evident and manifold to need description . . .

Reflections like this inspired General Amherst’s ruthless plan for the Indians. He threatened to act in ways “that in the end will put a most effectual stop to their very being.” Benjamin Franklin had earlier predicted that the Indians must be “prudently prepar’d” for the “crude Scheme[s]” that people like Amherst had in mind for them. Otherwise, the Indians “cannot succeed,” he warned. As the violence from the Rebellion unfolded along the Pennsylvania frontier, the colony discussed what to do. To protect colonists from death, the House recommended that it was “absolutely necessary to remove [the Indians] into the interior Parts of the Province where their Behaviour may be more closely observed . . .” This proposal reflected earlier suggestions to move the “savage” Indians into their own reservation which would be separated from colonial settlements. But at this moment, Governor Penn explained that because of the Treaty of Easton in 1758, the government of Pennsylvania was pledged to the Indians’ protection; therefore, he could not remove them to another place. The colony also maintained

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23 Franklin, Labaree, Willcox, and Oberg, *The Papers of Benjamin Franklin*, 286. From Benjamin Franklin to Richard Jackson, June 10, 1763.


that they had done more than anyone else to protect their “long extended Frontier,” but it was impractical to defend 300 miles without aid from bordering colonies. These inadequate defense measures helped accelerate the creation of the Proclamation.

Throughout Pontiac’s Rebellion, there was talk of a continued French conspiracy to drive the English out of the continent. To add fuel to the fire, Pontiac had expressed his love for the French in his 1763 speech. Benjamin Franklin believed that the violence was “undoubtedly stirr’d up by the French on the Missisipi” before they had heard that the Treaty of Paris had ended the War. By some accounts, this story was rooted in fact. After the Rebellion ended, a man told George Croghan that he had met with Pontiac and a French representative early in 1763. The Frenchman told both of them to keep the English out “of that Country” because they were bad people. And as repayment for this task, the King of France would send an army to assist the Indians. The Frenchman was Le Grand Sauteur or Sautois, who was known as Pontiac’s “Chief coadjutor.” After the Rebellion, he came to Croghan because he was now “determined with all his People to become faithfull to their new Fathers the English, & pay no regard to any stories the French should tell him for the future.” Le Grand Sauteur still worried, however, about the intentions of the colonists. He explained to Croghan that:

amongst you White People, there are bad people also, that tell us lyes and deceive us . . . I hope . . . that our Women & Children may enjoy the blessings of peace as the rest of our Bretheren the red people & you shall be convinced by our future conduct that we will behave as well as any Tribe of Ind[jans] in this Country.

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26 Hoban, *Pennsylvania Archives*, 5486. Amherst questioned on October 22, 1763 why Pennsylvania did not protect itself from savages. This was the House’s response.
The geopolitics of the continent had been reshaped after the War, and a major consequence was already noticeable. Race was starting to become a point of distinction between one group of people and the “others.” The Rebellion was the first large-scale conflict to have its roots in racial purging; as a result, the experience unified Indians enough that the head of the Board of Trade noted their “unusual Spirit and Resolution.”\(^{30}\) Importantly, Pontiac’s Rebellion showed lack of British power in the west, which would soon be addressed by the Proclamation.\(^{31}\)

After the first few months of Pontiac’s Rebellion, meaningful interactions between Indians and colonists transformed. There were still interpreters, like the Ohio Seneca Kiashuta, who served as intermediaries between Indians and Indian agents,\(^{32}\) but every meeting on the frontiers was tense. Pennsylvanian James Smith, who had been taken captive by Indians in 1755, became the captain of a team of rangers that was tasked with defending homes in the Conococheaque Valley from the Indians.\(^{33}\) He was also involved in Colonel Bouquet’s campaign against the Indians on the Muskingum River in Ohio. There would be peace, the campaign promised, if the Indians returned their captives. After 6 months, they did return 300 prisoners. But soon after, Indians stole horses and killed some colonists on the frontiers.\(^{34}\) One positive development after Pontiac’s Rebellion was that imperial officials recognized that the Indians also had concerns about the disrespect of their boundaries. The Board of Trade, which had been


providing information on colonial affairs, began to play an important role in improving imperial policy. William Johnson wrote to the Board that they should learn the boundaries of each Indian tribe. Each nation, he wrote, “is perfectly well acquainted with its exact original bounds.” They also never “infringe upon one another or invade their neighbour’s hunting grounds.”

Post-War and during Pontiac’s Rebellion, everyone needed to figure out what North America should look like moving forward.

Some colonists did not envision Indians in their future. A group of about 50 men called the Paxton Boys took action on the Pennsylvania frontier against what they saw as unruly savage behavior. Their violent crusade of racial purging became a bookend to Pontiac’s Rebellion, and gave all Indians, even by extension, more experience with the “other.” The Paxton Boys killed six Indians who had been living under the protection of the Pennsylvania government and fourteen additional people. Their penchant for violence was attributed to their Scots-Irish heritage; William Johnson told three Indian tribes that the Boys were “Rash indiscreet People.”

Their actions were denounced by Quakers, especially members of The Friendly Association to Preserve Good Relations with Indians, but other colonists were supportive of their campaign. Edward Shippen, a businessman and county judge, wrote to his son, Joseph, a lawyer and government official that although everyone in the region “must be in great Terror, night and day,” he thought that a “good reward offered for Scalps would be the most effectual way of quelling the Indians.” Lieutenant Governor of New York Cadwallader Colden wrote that the colonists were rightly outraged by the violence at the hands of Indians. “The treacherous & cruel behaveur

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37 Dunbar, *The Paxton Papers*, 4-17.
of the Indians of late has so irritated all ranks of people in the Colonies,” he explained. After the Paxton Boys gained notoriety, colonists were inspired to take matters into their own hands to deal with the Indians. Colonist Frederick Stump killed six Indians and all witnesses on the Pennsylvania frontier years later. Governor John Penn, who in 1763 was directly involved in two frontier conflicts of the most violent proportions, wrote to the speaker and assembly that the colony needed the “united Strength of the Whole” to secure the frontier and “back Inhabitants” from the Indians. Zones of interaction were now the most blood-spattered they had ever been, conflict seemed inevitable, and the people of North America were at their most impressionable. A solution, the Proclamation, would soon be issued.

Historians have wrongly perpetuated the notion that Pontiac’s Rebellion caused the Proclamation. Although increased violence on the frontiers certainly propelled the solidification of new policies, the policies enumerated in the document had been developing since the start of the eighteenth century and were coincidentally being amended while the Rebellion was unfolding. Historians also disagree about which of the following policies led directly to the Proclamation, but the document was actually inspired by all of these developments.

Instead of simply increasing the presence of troops in the colonies, imperial officials began to write policies that would play a more solid role in North American life. At the start of 1763, agencies were active in this pursuit. By the end of January, a plan to protect the Indians


40 Hoban, Pennsylvania Archives, 5486. From December 1763.
was under consideration.\textsuperscript{41} After the Treaty of Paris one month later, the Board of Trade recommended to the King that several colonial governors be asked to stop granting lands to colonists beyond certain fixed limits.\textsuperscript{42} Four southern colonial governors responded with their own orders in the form of a circular letter. They asked John Stuart, the Indian Agent for the South, if he would ask the King to apply his “just and equitable Intentions” with regard to Indian affairs.\textsuperscript{43} There was clear pressure being placed on the Crown to institute changes. Lord Shelburne became President of the Board of Trade in April. According to his biographer, he respected the Americans and did not want to overlook their needs. He believed that relations with Indians must be imperial, but he was sensitive to other imperial policies which had aggravated the colonists.\textsuperscript{44} By May, all of the earlier eighteenth century ideas to mark a boundary line began to come to fruition. Lord Egremont, as Secretary of State for the Southern Department, now believed that it could be good policy to lay a line to prevent colonists from settling further west.\textsuperscript{45} “Hints relative to the Division and Government of the Conquered and Newly acquired Countries in America” probably written by Georgia’s Royal Governor Henry Ellis, but preserved by Lord Shelburne in his personal archives, was also presented this month. The proposal outlined why it might be necessary to “fix upon some Line for a Western Boundary to our ancient provinces, 

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\textsuperscript{41} De Vorsey, \textit{The Indian Boundary in the Southern Colonies}, 29. From Lord Egremont to General Jeffery Amherst, January 27, 1763. \\
\textsuperscript{42} Ibid., 31. \\
\textsuperscript{43} Stagg, \textit{Anglo-Indian Relations in North America to 1763}, 358. From colonial governors to John Stuart, March 16, 1763. \\
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beyond which our People should not at present be permitted to settle.”⁴⁶ One of Lord Shelburne’s closest advisors, Maurice Morgann, agreed. Although Morgann’s title remains unknown, he worked with Shelburne for more than 20 years and much of his writing is attributed to Shelburne. He believed that the British military presence should increase and “a very straight line be suddenly drawn on the back of the colonies and the country beyond that line thrown, for the present, under the dominion of the Indians.”⁴⁷ John Pownall, the Secretary of the Board of Trade, put forth his “Sketch” as another option. He had been with the Board for seventeen years at this point, and he had grown to oppose colonists’ concentrated expansion into the heart of America.

During the summer of 1763, imperial officials addressed all of these proposals, and governors began receiving instructions to limit colonial encroachments on Indian lands.⁴⁸ In early August, the Board of Trade wrote to the King, proposing that he “immediately” issue a Proclamation addressing the “late complaints of the Indians, and the actual disturbances in Consequence, as of Your Majesty’s fixed determination to permit no grant of lands nor any settlements to be made within certain fixed Bounds . . . leaving all that Territory within it free for the hunting Grounds of those Indian Nations subjects of your Majesty.”⁴⁹ Therefore, the Board was now convinced that an imperial policy that would define and fix the relationship with the North American Indians, would create an Indian reserve, and would restrain westward expansion

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⁴⁸ Thomas Gage and Clarence Edwin Carter, *The Correspondence of General Thomas Gage* (New Haven: Yale University Press, 1933), 208. From Lord Egremont to General Jeffery Amherst, August 13, 1763. Lord Egremont informed General Amherst that a plan for the future of new acquisitions had been referred to the Board of Trade by June 18.

was imperative. This letter emphasized the significance of proceeding with these policy suggestions with deliberate speed, but the wording was not fully indicative of a state of emergency in the colonies as historians have described. Their claims that Pontiac’s Rebellion stirred the imperial officials to draft the Proclamation is easily disputed by the fact that plans had long been in development. Additionally, after the August 5 meeting, the Board broke for summer recess.50 But before they adjourned, they also wrote to William Johnson. They explained that the Board had proposed a Proclamation to “permit no Grants of Lands, nor any Settlement to be made within certain fixed Bounds under pretence of purchase . . . leaving all the Territory within these Bounds free for the hunting grounds of the Indian Nations and for the free Trade of all His Subjects.”51 This letter reiterated the proposed policies that the Board had explained in the letter to the King, but this time, the Board made it clear that the Indian reserve would also be useful to all people, and not just a few colonies’ traders or companies, who wanted to make money. The Board’s comment helps to explain one of the impulses behind the Proclamation so that we can later evaluate its significance.

After Lord Egremont died in August, the imperial structure shifted, but officials were still committed to molding the Proclamation into its final form. Lord Halifax, former President of the Board of Trade, became Lord Egremont’s replacement as the Secretary of State for the Southern Department. He proposed a combination of Henry Ellis’s and John Pownall’s plans to organize the American conquests into four new colonies and an interior reserve for the Indians.52 Lord Shelburne left his post, too. His replacement, Lord Hillsborough, who soon became Secretary of

50 Stagg, Anglo-Indian Relations in North America to 1763, 340.
52 Anderson, Crucible of War, 565.
State for the Colonies, was not experienced in colonial affairs. Even so, he was responsible for writing key provisions of the Proclamation between September 19 and October 4.53 He added details on the limits of the new provinces and constitutions of new governments, regulations on individuals’ land purchases from the Indians, Indian trade, and crime, and he extended English law to Quebec.54 His decisions made from his new position of power greatly influenced the future of the colonies, Indian country, and the British Empire. By the end of September, the Board of Trade was instructed to prepare the Proclamation.55 The supreme court of the British Empire, the privy council, approved the draft, and the final document was signed by the King on October 7, 1763.

The Proclamation was not the most organized legal document, but instead of reflecting its hasty preparation as some historians have alleged, its disorganization reflected the number of people who wrote and revised its numerous clauses over the course of many months. An analysis of the Proclamation reveals that it contained three main sections covering the organization of new governments, land grants, and Indian affairs. The newly expanded British Empire encompassed so much valuable land that imperial officials knew they needed to figure out a way to settle it all. The writers of the Proclamation knew that in order to rectify past frauds and abuses and move forward with their possessions and settlements in North America, they needed to propose cooperative efforts between their people and the Indians.

The Proclamation organized the newly obtained land into four new and distinct governments: Quebec, East Florida, West Florida, and Grenada and the Islands. Each new region

54 Ibid., 35-36.
would soon be assigned a governor who would have the authority to call assemblies as soon as he pleased. These governors also would have authority over the inhabitants. The document set each new colony’s boundaries by natural landmarks and traditional latitudes. Quebec’s demarcated boundaries, in particular, followed Pownall’s “Sketch” of May. West Florida was the only territory that extended to the Mississippi River.56

The Proclamation also laid out plans for land grants. Officers in Britain’s armies or Navy and private soldiers in America who fought in the War would be eligible for land grants if they applied to their governors. Every field officer was entitled to 5,000 acres; every captain was entitled to 3,000 acres; every subaltern or staff officer was entitled to 2,000 acres; every non-commission officer was entitled to 200 acres; and every private man was entitled to 50 acres.57

These land grants would come with moderate quit-rents, albeit at the same rates as other land grants, and the opportunity would expire in ten years. Governors, however, could not grant lands beyond the bounds of their colonies.

Changes to North American Indian affairs in the colonies were also outlined in the Proclamation. The document stated that the Indians lived under the protection of the Crown. Therefore, they should not be “molested or disturbed” by land grants. To enforce this point, a significant portion of land, west of the Proclamation line, which was drawn along the crest of the Appalachian Mountains, was reserved for them for their hunting grounds. Contrary to the popular understanding of the Proclamation, it did not draw a line to demarcate the western boundary of colonial expansion. The land to the westward of the line, toward the heart of


America, was intended to be an Indian reserve. One clause of the document expressed this intention and should be quoted at length:

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.\footnote{Ibid.}

From the Indians’ perspective, the Proclamation line ran west from Quebec’s western boundary, north to the boundary of the Hudson Bay Company, South to Florida, and east to the Appalachian Mountain’s crest\footnote{Stagg, *Anglo-Indian Relations in North America to 1763*, 363.} (See Maps 2-3).

The Proclamation also stated that all land not ceded to or legally purchased by the British was Indian land. “Private Person[s]” could no longer purchase land reserved for the Indians. If the Indians wanted to sell the colonists land, they could, but it would have to take place in a public meeting or assembly with the colonial governor and Indian representatives present. Additionally, potential settlers or traders had to get special licenses for all settlements or purchases. If colonists had already settled in these lands, they must vacate their settlements. A special measure for criminals living on Indian land required that they return to their original colony for trial.

While it is evident that the Proclamation articulated well thought-out policies for the organization of the Empire’s new possessions and the protection of both Indians and colonists, attention also must be paid to the considerable economic and political impulses behind the
document. One reason to expand an Empire is always economic. As historian Richard Simmons explained, the British consciousness of the Empire was that it would extend commerce, liberty, and Protestantism throughout the world. Britons’ early visions of land to the westward demonstrated their eagerness to explore in addition to their desire for property. Colonial land company’s visions for land were certainly economic in focus. British officials wrote about American regions in economic terms as well. Thomas Pownall explained how Quebec and Nova Scotia allowed Britain to retain the west Indies by providing lumber, fish, and livestock. In fact, the opening paragraph of the Proclamation explained that the Crown desired all subjects to have access to the “great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation.” When discussing Grenada and the Islands, the Proclamation said that it was important to extend the “open and free Fishery of our Subjects.” Part of Henry Ellis’s “Hints relative to the division and government of the conquered and newly acquired countries in America” had similarly addressed a straightforward economic goal: colonists should move to Nova Scotia or Florida where they “would be useful to their Mother Country.” After the physical transfer of Florida in the summer of 1763, the Proclamation was thought to be a way by which people would move to the new colony. The text of the Proclamation emphasized the Crown’s interest in the “speedy settling” into these new regions. Lord Egremont expressed the same view; as the numbers of settlers within America increased, it would be efficient to have

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61 Horn, Ransome, and Douglas, English Historical Documents, 792-793. From Thomas Pownall’s Two Memorials, 1782.

62 The Royal Proclamation of 1763.

63 Crane, "Hints Relative to the Division and Government of the Conquered and Newly Acquired Countries in America," 371.

them emigrate to these regions where they would be useful to their Mother Country “instead of
planting themselves in the Heart of America, out of reach of Government where from the great
difficulty of procuring European commodities, they would be compelled to commerce and
manufactures to the infinite [prejudice] of Britain.\textsuperscript{65} There was a developing fear in Britain of an
independent American economic market in the west, but a letter to the King said that an increase
in emigrants would cultivate “those commodities most wanted by Great Britain,” provided that
emigrants could obtain land on easy terms.\textsuperscript{66} The Board of Trade issued a statement explaining
that the Proclamation was meant to settle colonists within the reach of British-led trade.\textsuperscript{67}

Beyond short- or long-term economic aims for the Empire, the idea that colonists should
be useful to Britain and not out of London’s reach was heavily political and had greatly
influenced the Proclamation. As early as 1738, Britons had discussed the inferiority of the
American colonies. Writing on the relationship between the mother country and its colonies, Sir
William Keith noted that Britain did not want the Americans enacting laws inconsistent with the
aims of the Mother state.\textsuperscript{68} In 1748 or 1749 in a series of proposals about how to better regulate
the colonies or plantations, British officials said that the territories must be taught that they are
dependent upon the Kingdom.\textsuperscript{69} By 1763, contemporary thinkers were testifying to this fact.

British economic writer Malachy Postlethwayt, for example, wrote that there was a public
benefit to uniting the colonies under a legal and firm establishment and keeping the colonies and

\textsuperscript{66} Washington, \textit{The Papers of George Washington}, Vol. 7, 243. From the Mississipi Land Company’s Memorial to
the King, September 9, 1763.
Board of Trade to Privy Council Committee on Plantation Affairs, 1772.
\textsuperscript{68} Horn, Ransome, and Douglas, \textit{English Historical Documents}, 731.
\textsuperscript{69} Greene, \textit{Great Britain and the American Colonies}, 268-269. From “Some considerations relating to the present
Condition of the Plantations; with Proposals for a better regulation of them.”
Britain mutually dependent.\textsuperscript{70} Maurice Morgann, who had Lord Shelburne’s ear, wrote about colonists being subservient to Britons at home.\textsuperscript{71} And in 1772, the Board of Trade explained that the Proclamation was meant to remind colonists of their subordination to the mother country.\textsuperscript{72} The economic and political-imperial context of the Proclamation’s various impulses is important, but it is also necessary to remember the long developing debates about boundaries, protection on the frontiers, and the future use of western land. These decades-old concerns gradually inspired the Proclamation and the future of imperial policy in the American interior.

The wording of the Proclamation begged an immediate question: Although the plan for imperial organization in America had long been developing, was the Proclamation intended to be temporary or permanent? Phrases within the document, including “for the present” and “until our further Pleasure be known,” drew attention to the provisional nature of the policies. Months before its issuance, officials implied that new organization was necessary but would be short-term. Discussing the proposal for an Indian reserve in particular, the Board of Trade wrote that the territory for the Indians would be “where no Settlement by planting is intended, immediately at least, to be attempted.”\textsuperscript{73} Not all officials agreed that the Proclamation’s policies should be simply transitional. Lord Hillsborough, for example, believed that the Proclamation line should be a permanent barrier to conflict.\textsuperscript{74} Many people with experience living in North America had vivid memories of Pontiac and Paxton, and perhaps based on those violent encounters, they may have hoped for permanent separation. But residents also had memories of the positive

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\item \textsuperscript{70} Ibid., 298. From Malachy Postlethwayt’s “Britain’s Commercial Interest Explained and Improved,” 1757.
\item \textsuperscript{71} Knollenberg, \textit{Origin of the American Revolution}, 105.
\item \textsuperscript{72} Ibid., 104. From Board of Trade to Privy Council Committee on Plantation Affairs, 1772.
\item \textsuperscript{73} Stagg, \textit{Anglo-Indian Relations in North America to 1763}, 381. From Board of Trade to Lord Egremont, June 1763. Italics are my own.
\item \textsuperscript{74} Hinderaker and Mancall, \textit{At the Edge of Empire}, 145.
\end{itemize}
developments that could come of contact on the frontiers. The Proclamation had turned visions into legal realities and would soon generate new visions and memories about North American land, people, and the British Empire.
CHAPTER 4
Interpreting the Proclamation of 1763

It should be no surprise that upon the Proclamation’s issuance on October 7, 1763, there was nothing contained in its clauses that was truly shocking to imperial officials or colonial administrators. The colonists, Britons at home, and the Indians, on the other hand, had a very different reaction. The new policies came at a time when North American peoples’ ideas about land, the “other,” and the Empire were shifting into realities based on experience. The Proclamation accelerated hunger for land and contact between peoples, refining their self-perception and inspiring them to rethink their position within the Empire.

The first step in circulating the Proclamation was to send it to imperial officials, military officials, and colonial administrators. The Board of Trade began to do so on October 10, 1763, and Governors and Indian agents soon received copies of the Proclamation in addition to instructions.¹ They also were aware of a pamphlet, entitled “The Expediency of Securing our American Colonies,” which played an essential role in clarifying the Proclamation’s impulses. Explaining how the Empire’s recent, “vast acquisition” of about 500,000 square miles was “very fertile and valuable,” especially the land beyond the mountains, the supplement stated that with the issuance of the Proclamation, there now could be “no ambiguity nor dispute hereafter about the limits” of the Empire’s possessions in North America. For colonies to extend “without any Bound” to the Pacific was a “ridiculous and absurd” vision. The Proclamation would also ease

¹ Journals of the Board of Trade and Plantations, October 10, 1763. A similar royal instruction was sent to colonial governors which said that they should issue a publication in the form of a proclamation about terms of granting land. “[Y]ou are to take such steps as you shall think proper for the publishing such proclamation in all the colonies in North America,” it read. Leonard Woods Labaree, Royal Instructions to British Colonial Governors: 1670-1776, Vol. 2 (New York: Octagon, 1967), 532. From #762 “Proclaim Terms of Granting Land.”
colonists’ fears of violence, the pamphlet promised, since there would now be danger on only one side of colonial settlements.  

2 William Johnson received the Board’s instructions on October 10, which said that His Majesty’s commands would be “forthwith made publck in the several Parts of [his] Jurisdiction, and that [he] should strictly enjoin all Persons whatever whom it might concern, to pay a due Obedience thereto on their Parts.” The Proclamation arrived the next day.  

3 General Thomas Gage sent Johnson another copy just in case. Secretary of State for the Southern Department Lord Halifax asked General Jeffery Amherst to publish and distribute copies to all commanding officers of forts and posts. He wanted all subjects in America to know about the Proclamation “as speedily & universally as possible.”  

4 Governors in North America, however, received copies of the Proclamation slowly. Quebec governor James Murray received his copy on December 7 with further instructions. Under no circumstances was he to “molest or disturb” the Indians in the new colony. Instead, he was to maintain a “strict Friendship” with them.  

5 Governor Murray was also given a report on the state of Indian affairs, through which he learned that the Crown was still interested in amassing Indian lands if the Indians were inclined to transfer acres to the British. The report also reminded Murray that His Majesty was dedicated to maintaining the security of Britain’s new possessions.  

6 Connecticut Governor Thomas Fitch received his copy two days later. Other governors acknowledged receipts three to five months later. 

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2 Alvord and Carter, *The Critical Period*, 134-142. This pamphlet was published in Edinburgh between October 10 and the end of November 1763.  


5 Arthur G. Doughty and Adam Shortt, *Documents Relating to the Constitutional History of Canada, 1759-1791*, 2nd ed. (Ottawa: J. de L. Taché, Printer to the King's Most Excellent Majesty, 1918), 181-205. From Instructions to Governor James Murray of Quebec, December 7, 1763.  

after its issuance because they were kept busy by violence on their colonies’ frontiers and may not have been able to speedily reply. Lieutenant Governor of Virginia Francis Fauquier later claimed that he “was in the dark as to the sentiments of the ministry by having never receivd His Majesty’s Royal Proclamation of 7 October 1763.” He lied. Even if he had missed the letters containing the Proclamation and further instructions, an extract of the document addressed to the honorable governor and council of Virginia was published in the Virginia Gazette in January of 1764. No official could truthfully proclaim ignorance about the Proclamation’s policies.

Colonists heard rather quickly about the Proclamation. An article written on September 13 told Bostonians to look forward to the announcement of a “scheme soon by royal Proclamation” to “better settle and improve our new conquests in America.” The Gentleman’s Magazine, held by the Library Company of Philadelphia, began circulating the text of the document and a map of the Proclamation Line in October. Newspapers around the colonies printed either the full text or a summary. On December 8, the Georgia and Pennsylvania Gazettes published copies that had been printed in the London Gazette. Boston followed the next day. After that, Providence printed a summary of the Proclamation, and by the middle of December, Connecticut shared the news. Pennsylvanian James Smith noticed that the Proclamation was “set up in various Public places” by 1764. Lieutenant Governor of New York Cadwallader Colden corresponded with William Johnson about the new document. In December, he asked

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7 Journals of the Board of Trade and Plantations, December-March 1763.
8 Ward, “The Indians Our Real Friends,” 77.
9 Lyman Copeland Draper Manuscripts, ZZ, Virginia Papers, 1772-1869, Volume 3, Dinwiddie Papers, Wisconsin Historical Society, Madison.
10 Boston Evening Post, published on November 14, 1763, America’s Historical Newspapers.
11 De Vorsey, The Indian Boundary in the Southern Colonies, 37.
12 Georgia Gazette, Pennsylvania Gazette, Boston, Providence, Connecticut. America’s Historical Newspapers.
13 Smith, An account of the remarkable occurrences in the life and travels of Col. James Smith, 60.
him how the Proclamation would be executed. He later wrote to confirm that he would strictly follow the conditions required in the Proclamation.\textsuperscript{14} Anticipating questions about major sections of the document, the Board of Trade issued a report on the state of Indian Affairs called, “Plan for Imperial Control of Indian Affairs.” Written by Lord Hillsborough, the document confirmed that trade with Indians should be open to all subjects under regulations and licenses. “It is a service of a general nature,” read the document, “in which all ungranted Lands which the Indians may be inclined to give up, is deeply and immediately concerned, and which the general Security of your Majesty’s Possessions there is in some measure connected.”\textsuperscript{15} This supplemental document emphasized one of the Proclamation’s major aims— to open the Indian trade of goods and land to all of the Crown’s subjects.

After this information spread, there were complaints about the Proclamation in the colonies. The document had confirmed the “Paternal care” that the Crown felt for America and also had expressed concern in securing the liberty and property of North America’s old and new inhabitants.\textsuperscript{16} Colonists, however, believed that they were Britain’s true subjects and thought that they deserved the Crown’s protection before the “new” inhabitants. William Johnson did not see it this way. The Proclamation, he thought, did not assert British sovereignty over the Indians.\textsuperscript{17} He would soon be proved right at the Niagara Conference, but would be proved wrong in law and practice over the course of the next centuries. Other British officials maintained that it was good policy to protect Indians, although they confirmed that the Indians were being protected not

\textsuperscript{14} Johnson, \textit{The Papers of Sir William Johnson}, Vol. 10, 988. From Cadwallader Colden to William Johnson, December 28, 1763 and March 26, 1764.


\textsuperscript{16} The Royal Proclamation of 1763.

\textsuperscript{17} Borrows, “Constitutional Law from a First Nation Perspective: Self-Government and the Royal Proclamation,” 25.
at the expense of the colonists. It was true that the colonists were not meant to be harmed by this relationship; Lord Halifax wrote four days after the Proclamation’s issuance that the “Peace of the Country” would be restored once the “Indians shall have been reduced to due Submission.” Additionally, he said, the best way to keep the peace would be the prevent “all just Cause of Discontent, and Uneasiness, among Them in the future.” Three months later, he explained that the Proclamation was intended to remove Indians’ “Cases of their Discontent” by “quieting Their Jealousies with respect to Incroachments on their Lands.”\textsuperscript{18} The Board of Trade then issued a statement saying that the region west of the Proclamation line was to be a reservation in order to protect Indians because the past few years had been characterized by neglect.\textsuperscript{19} British officials did not anticipate that the Proclamation would also anger the colonists.

Some colonists reacted strongly. Colonial frontier traders, for example, became hostile to John Stuart, the Southern Indian Agent.\textsuperscript{20} Virginia speculator David Robinson sarcastically wrote that the land “won by the blood and treasure of the [colonists] was now to be given as a compliment to our good Friends and faithfull Allies, the Shawnee Indians.”\textsuperscript{21} Some colonists immediately felt betrayed that their contributions to the War were seemingly taken for granted. George Washington, who had a large stake in western lands, now needed to get his possessions in order. He had his eyes on more land, but knew he would need to wait a while for the region to be

\textsuperscript{18} Gage and Carter, \emph{The Correspondence of General Thomas Gage}, 2. From Lord Halifax to General Jeffery Amherst, October 11, 1763. His harsh language may be attributed to the fact that Jeffery Amherst was known to despise Indians.


\textsuperscript{20} J. Russell Snapp, \emph{John Stuart and the Struggle for Empire on the Southern Frontier} (Baton Rouge: Louisiana State University Press, 1996), 92.

\textsuperscript{21} Otis K. Rice, \emph{The Allegheny Frontier: West Virginia Beginnings, 1730-1830} (Lexington: University of Kentucky, 1970), 59. From David Robinson to William Thompson, February 18, 1764.
open again for speculation. Washington wrote that he could “never look upon that proclamation in any other light . . . than as a temporary expedient to quiet the minds of the Indians.” One positive element of this whole situation was that he knew that the land on the other side of the Proclamation line was only “temporarily restrained.” James Smith, too, saw the line as temporary. When he read the document, his response was that it prohibited any person from trading with the Indians “until further orders.” Pennsylvania residents, like Smith, did not have as strong a reaction as Virginians did. Pennsylvanians tended to believe that the Proclamation would prevent more rebellion.

Indians heard about the Proclamation by the new year. William Johnson told tribes that they “need be under no Apprehensions concerning your Lands or Possessions after what I have lately informed you of his Majesty’s Royal Proclamation, commanding that no Lands whatsoever should be taken from you, nor any Purchase attempted to be made, but with your Consents . . .” He pledged to send each nation a copy of the Proclamation as soon as possible.

Writing about the officers and soldiers who would now apply for land grants by virtue of the Proclamation, Lieutenant Governor of New York Cadwallader Colden warned that they would “complain, and think themselves ill used or unfairly delt with.” Captain Robert Stewart wrote to George Washington about the trying time colonists faced after the early months of


 Pontiac’s Rebellion and the Paxton murders. “Fronteer Inhabitants,” he wrote, “Groan under a complication of the most shocking Miseries.”  

Colonists were now looking to move. As British officials and military personnel understood it, the colonists’ desire to expand westward was central to their being. The Author of *A History of the Commonwealth of Kentucky*, Mann Butler, explained it best:

> But so irresistible is the love of adventure in the early state of Society; so irrepressible is its fondness for new and unexplored scenes of enterprise, that as was once said in the Senate of the United States, ‘you might as well inhibit the fish from swimming down the western rivers to the sea, as to prohibit the people from settling on the new lands.’

The colonists’ desire for movement and hunger for land was too great to be stopped. Right away, administrators who had been living in North America alongside the colonists knew this to be true. Colonel Henry Bouquet accurately predicated that the Virginians, in particular, “will probably expect to be permitted to settle that Part of the Country which is hitherto Contrary to the Kings Proclamation; and would enlarge a Province which already appears unwieldy.”

British officials at home soon became aware that there would be issues in enforcement regarding the Proclamation. One month after the Proclamation’s issuance, the House of Commons debated a loophole in the document. When discussing land grants for Naval officers who had fought in the War, the Proclamation stated that those who were involved in the “Reduction of Louisbourg and Quebec” were eligible. Politicians asked why Louisbourg and Quebec were specifically

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listed. It was absurd, they argued, to specify two battles and not extend rights to all soldiers.\textsuperscript{30} It was clear that there were inconsistencies that would need to be addressed. Officials also knew that the human geography of Canada would provide trouble. In the “Expediency of Securing our American Colonies,” policy-makers addressed the French question. They believed that the French would be more secure in their rights and property “under the mild equitable \textit{British} Government, than under the arbitrary power of \textit{France}.”\textsuperscript{31} One of Henry Ellis’s papers, called “Hints relative to the settling of our newly Acquired Territories in America,” had recommended after the Treaty of Paris that the French Canadians who decided to stay in North America should have their land confirmed by the Crown.\textsuperscript{32} Many Canadian elite left North America for France at this time, but only 270 ordinary French-Canadians joined them.\textsuperscript{33} The “French Question” would continue to trouble administrators, colonists, and Indians.

Common Britons reacted to the absurdity of the Proclamation. In English Newspapers, they were used to reading about new Proclamations issued by the King. There was a Proclamation for permitting the free importation of salted provisions from Ireland a year after the Proclamation of 1763. And there was a Proclamation for apprehending two men for not obeying the orders of the House of Commons. A citizen wrote an editorial that was published in the London Evening Post arguing that this last Proclamation was “clearly illegal” since Proclamations “have no intrinsic force in this country; nor have they any at all but by Special Act


\textsuperscript{31} Alvord and Carter, \textit{The Critical Period}, 136.

\textsuperscript{32} Abernethy, \textit{Western Lands and the American Revolution}, 302.

\textsuperscript{33} Calloway, \textit{The Scratch of a Pen}, 114.
of Parliament.” Proclamations were actually a form of legal prerogative legislation similar to a U.S. president’s executive orders.

Some British officials offered praise for the Proclamation. They spoke mainly about how the document would provide order to Indian trade. Lieutenant Governor Cadwallader Colden wrote once again to William Johnson about how he was thinking about the Proclamation. He explained that people had been applying for licenses to trade with the Indians by virtue of the Proclamation, but he was unsure if trade should even be “properly allowed at this time” even under the imposed limits. Johnson agreed that safety on the frontiers was of the utmost importance. He promised to use the militia as much as he could under the law “for the better security of these Frontiers.” General Gage relayed his firmer stance. He believed it was important to control the frontier before catering to the demands of traders. Besides trade restructuring and frontier protection, British officials wrote about how the Proclamation would restore the country to its former tranquility. Lord Halifax hoped that the document would inspire “internal Peace and Security.” Another official expressed his hope that the bad behavior of the settlers on the borders would not “discompose the Harmony so happily established.”

A colonial administrator echoed this desire to open a new chapter. In December of 1763, Pennsylvania’s

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35 Clark, Native Liberty, Crown Sovereignty: The Existing Aboriginal Right of Self-government in Canada, 75.
38 Snapp, John Stuart and the Struggle for Empire on the Southern Frontier, 72.
39 Patrick Griffin, American Leviathan: Empire, Nation, and Revolutionary Frontier (New York: Hill and Wang, 2007), 45 and Gage and Carter, The Correspondence of General Thomas Gage, 2, 27. From Lord Halifax to General Jeffery Amherst, October 11, 1763 and Henry Conway to Thomas Gage, October 24, 1765.
proprietor, Thomas Penn, wrote to his nephew that there was a bill in Parliament to put all the colonies “on the same footing with New England.”

A common political structure was beginning to form in the colonies due to the Proclamation.

Historians have misguided left colonists’ praise of the Proclamation out of the story. Some colonists appreciated that the document strove to ease the conflicts of trade. James Smith was pleased to learn that trading with the Indians would stop for a little while after the issuance of the Proclamation. But soon after, he was appalled to see wagons of goods leaving Philadelphia to be traded with the Indians. These wagons not only angered him, but “alarmed the country,” he said. Some people asked these traders to wait a little while to engage with the Indians, but they persisted and made their journey over the mountains anyway. Colonists feared that if the Indians should get ammunition and supplies during Pontiac’s ongoing Rebellion, the frontier inhabitants would be in great danger. British officials had the same fear that ammunition in the hands of Indians would threaten the peace.

Smith explained that the traders were feeding these fears because they were “illegally trading at the expense of the blood and treasure of the frontiers.” With his group called the “Black Boys,” dressed in Indian fashion with faces painted black and red, Smith led the effort to destroy the supplies before they made it to their final destination. His decision to take action exemplified the new, post-Proclamation era. Smith’s visions for the North American land and people had transitioned from ideological to intellectual and practical. His self-perception as an American was noticeable when he emphasized the “absolute necessity of

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40 Thomas Penn, Letters from Thomas Penn, 1763-1764, Box 695, Ayer Manuscripts, The Newberry Library, Special Collections, Chicago. From Thomas Penn to John Penn, December 10, 1763.

the civil law, in order to govern mankind,”⁴² foreshadowing John Adams’s position on the importance of seeking justice under the law for all people. Eleven years later, James Smith signed the Declaration of Independence.

An Irish colonist, George Campbell, was also in support of trade restrictions. He wrote the following song to the tune of the “Black Joke,” a tune with Irish origins, in opposition to illegal trading. James Smith, who’s actions were remembered in stanzas three and four, preserved the song in his *Account*⁴³

Ye patriot souls who love to sing,
What serves your country and your king,
    In wealth, peace, any royal estates,
Attention give whilst I rehearse,
A modern fact, in jingling verse,
How party interest strove what it cou’d,
To profit itself by public blood,
    But, justly met its merited fate.

Let all those Indian traders claim,
Their just reward, inglorious fame,
    For vile base and treacherous ends.
To Pollins, in the spring they sent,
Much warlike stores, with an intent
To carry them to our barbarous foes,
Expecting that no-body dare oppose,
    A present to their Indian friends.

Astonish’d at the wild design,
Frontier inhabitants combin’d
    With brave souls, to stop their career,
Although some men apostatiz’d,
The bold frontiers they bravely stood,
To act for their King and their country’s good,
    In joint league, and strangers to fear.

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On March the fifth, in sixty-five,
Their Indian presents did arrive,
    In long pomp and cavalcade,
Near Sidelong Hill, where in disguise,
Some patriots did their train surprise,
And quick as lightning tumbled their loads,
And kindled them bonfires in the woods,
    And mostly burnt their whole brigade.

At Loudon, when they heard the news,
They scarcely knew which way to choose,
    For blind rage and discontent;
At length some soldiers they sent out,
With guides for to conduct the route,
And seized some men that were trav’ling there,
And hurried them into Loudon where
    They laid them fast with one consent.

But men of resolution thought,
Too much to see their neighbors caught,
    For no crime but false surmise;
Forthwith they join’d a warlike band,
And march’d to Loudon out of hand,
And kept the jailors pris’ners there,
Until our friends enlarged were,
    Without fraud or any disguise.

Let mankind censure or commend,
This rash performance in the end,
    Then both sides will find their account.
‘Tis true no law can justify,
To burn our neighbors property,
But when this property is design’d
To serve the enemies of mankind,
    It’s high treason in the amount.

Campbell’s sense of the “other” in opposition to his fellow countrymen was clear in this
song. The Proclamation and the colonists’ interpretation of it began to accelerate their experience
with the land and with the continent’s people. Other colonists read about the Proclamation in
newspapers and praised the boundary line. The Council of New York, for example, used the
Pennsylvania Gazette to discuss why they were satisfied with the boundary. They felt it was important to fix a line between their colony and Quebec. But the most noticeable part of the line divided the colonists and Indians.

In a New York newspaper, Indians addressed their “Brothers” of New York and Quebec and offered praise for the Proclamation. They wanted to take the opportunity to thank the King of England, their father, for fixing the boundaries between the two provinces and “for having most graciously taken notice of all Indian nations, their lands and trade in America, in his royal proclamation of Oct. 1763.” They asked for more protection of their hunting grounds which lay within each colony. It is important to note that not all areas east of the Proclamation line belonged to colonists; part of New York, Quebec, Georgia, and South Carolina were Indian lands. The Cherokee Indians hoped that they would be able to claim their land beyond the Proclamation line, but they decided that it was better to part with the land than to encourage ongoing disputes. Even so, they appreciated that the Proclamation “promised quiet possession of our lands and redress of our grievances.

Various peoples’ interpretations of the Proclamation should not be understood without a summary of the Niagara Conference, and resulting Treaty, that took place nine months after the document’s issuance. Presented by colonists and accepted by Indians, the Covenant Chain of Friendship was reaffirmed at this conference. Oral agreements and diplomatic exchanges of Wampum belts guaranteed Indian sovereignty at this “most widely representative gathering of

45 New York Mercury, “Brothers, the Governors of New-York and Quebeck,” October 6, 1766, America’s Historical Newspapers.
46 De V orsey, The Indian Boundary in the Southern Colonies, 37.
47 Ibid., 95.
American Indians ever assembled.” About 2,000 Chiefs were present to confirm the Proclamation’s spirit of collaboration, peace, and friendship. After the conference, Indians chose to present copies of the Proclamation to other governments. They felt as though it was their charter. This sentiment has been central to aboriginal peoples’ understanding of the Proclamation in Canada.

Although historians write the Proclamation off as unenforceable, they still praise it for being “a conceptual fig leaf for peace,” a “remarkable document,” and an honest effort to keep the faith with the Indians. But it was so much more. The Proclamation accelerated meaningful contact between peoples; it reminded all North American peoples about the experience of gaining or losing land since first contact; and it changed the political climate since colonists all shared the new knowledge that the North American continent was truly essential to Britain’s imperial goals.

Based on an analysis of the long journey to the writing of the Proclamation in 1763, the intentions of and the actual words of the document, supplemental publications, the Niagara Treaty, and reflections on the document’s policies, the purposes of the Proclamation can be separated into two categories. The geopolitical impulses behind the document were to confirm Indians’ and colonists’ shared status as subjects of the Empire, but to emphasize the importance of cooperation and the Crown’s willingness to extend imperial protection. The Crown also sought to confine settlers to the North American coast so that they would be within reach of governance. The economic impulses behind the Proclamation were to settle and improve regions

49 Griffin, American Leviathan, 45 and Gipson, The Triumphant Empire, Vol. 10, 47-54.
of the continent outside the heart of America and to open Indian trade to all people instead of a
couple of colonies and companies. Colonists’ immediate, critical interpretations of the
Proclamation demonstrated that they would not blindly follow London’s geopolitical and
economic decisions. On the other hand, colonists’ and Indians’ praise for the Proclamation
propelled them forward as well because they were able to translate their experience with the land
and the “others” into new conceptions about imperial organization, geography, and economics.

Big questions about the Proclamation still need to be addressed. Was the Proclamation
enforceable? Were land grants honored? Did certain people get land grants over others? Did the
provisions foster collaboration? Did the trade regulations work? Was the Proclamation line
concrete? And when did the Proclamation’s enforcement end?
CHAPTER 5

“To the Westward”: Enforcing the Proclamation of 1763

Popular historical explanations of the Proclamation teach that it was simply unenforceable. Labeling the document in this manner, however, ignores the details of its various provisions and the complex process of enforcement. The Proclamation’s regulations may be separated into three sections: the organization of new colonies and those colonies’ governments, the dispersal of land grants, and the regulation of Indian affairs. The new colonies, save Quebec, organized without controversy, but the awarding of land grants and the implementation of policies relevant to Indian affairs posed more complex problems. To evaluate the Proclamation’s significance, it is crucial to examine how its intentions and its actual terms were enforced after its issuance. This examination is best conducted by a series of questions.

The section about land grants in the Proclamation was intended to help settle and improve regions of North America that were within London’s reach while confirming colonists’ status as subjects of the Empire. Two groups of people looked to the westward for land: settlers who might have also had business interests in the west and land companies that required speculation and trade to survive. Land grant terms were outlined separately from trade permits in the Proclamation, but as colonists ventured west, the two uses of the west, land and trade, became increasingly intertwined. From the outset, two colonies, Georgia and South Carolina, refused to limit the number of permits they awarded, encouraging their residents to trade and presumably settle the “vacant” land as they pleased.\(^1\) A loophole in the document thus became noticeable;

\(^1\) Billington, *Westward Expansion*, 146.
governors could not give grants beyond the bounds of their governments, although people could potentially get grants within the lands reserved for Indians with the right licenses. The many settlers and companies venturing beyond the Proclamation line entered a legal gray area that the Proclamation had not anticipated.

How were colonists’ land grants enforced? As some settlers crossed the Proclamation line, they entered land that they thought had been unexplored. Other North American residents had more experience with the land to know better. George Croghan, for example, was very aware of the land and the people, and he had experience abroad that allowed him to see North America in a new light. He had gone to London months after the Proclamation and wrote to his colleague, William Johnson, that he wished to leave the excess of Europe for the frugality of America. “[I wish to] be back in aMerica & settled on a Litle farm where I May forgett the Mockery of pomp & Greatness,” he said.\(^2\) Croghan believed in the American dream. After his return, he heard that his grant of 200,000 acres made by Indians in the Mohawk region was too large and inconsistent with the Proclamation to be honored.\(^3\) It appeared as though the Proclamation’s intention to extend the benefits of trade to all people and not just a handful of connected people was working. John Stuart, William Johnson’s counterpart in the southern colonies, opposed large grants until he received confirmation from London. London was slow to approve grants of this size.\(^4\) Virginian Patrick Henry of “Give me liberty or give me death” notoriety viewed North America’s western land as a “vast forest,” and he was keen on surveying, albeit at a smaller scale than the land companies. He would not have caught the attention of British officials for granting his 194

\(^2\) Lewis, *The Indiana Company, 1763-1798*, 43.

\(^3\) Journals of the Board of Trade and Plantations, June 1764.

\(^4\) Alden, *John Stuart and the Southern Colonial Frontier*, 262.
acres in Jefferson County to Kentucky’s first governor, Isaac Shelby. As Henry understood it, this grant had been made to him by virtue of a “military warrant under the King of Great Britain’s Proclamation of 1763” and he could do with it as he pleased.⁵

Many individuals were similarly inspired after the Proclamation. When James Smith heard that land purchases from the Indians west of the mountains had occurred, he decided to join in on the excitement. He first spoke to area Indians in their tongue, and after learning that the land between the Ohio and Cherokee Rivers was rich, he began his tour to the westward in 1766. With four other colonists and one man’s slave named Jamie, Smith explored the country south of Kentucky and noticed no other signs of colonists. When his fellow travelers decided that they wanted to continue with their journey, Smith decided he would turn home. He took Jamie, but they both lost their way in the “wilderness” where they remained for eleven months. Eventually, Smith reached a settlement. Colonists told him that they had never heard of anyone “coming through the mountains” from west to east. He returned home in 1767 a new man.⁶

Daniel Boone’s name evokes the word “pioneer” and the image of a rugged American individual. Before contributing to the French and Indian War, he led the life of a hunter in the mountains of Virginia where he had moved at age 18. He became so skilled at forging paths through the forest that even Indians “frequently yielded to his Superiority.” Boone was aware of ongoing disputes about boundaries between the colonies and Indian country, and as a determined lover of freedom, he did not appreciate that his access to land and trade could be limited. He also did not like that the wilderness he had “tamed” was becoming busy with settlers. Imbued with a

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⁵ Lyman Copeland Draper Manuscripts, ZZ, Virginia Papers, 1772-1869, Volume 15, Letters of Patrick Henry, Wisconsin Historical Society, Madison. From Patrick Henry to Captain William Fleming, June 10, 1767 and Land grant from Patrick Henry to Isaac Shelby, June 1, 1785, Special Collections, The Filson Historical Society, Louisville, KY.

⁶ Smith, An account of the remarkable occurrences in the life and travels of Col. James Smith, 64-66.
spirit of restlessness and an ambitious outlook, Boone left North Carolina on the first of May in 1769 to “wander through the wilderness of America in quest of the country of Kentucke.” John Stuart, who was married to Boone’s sister and clearly did not consider himself to be exempt from trade opportunities in light of his position, joined him. A pamphlet published in Philadelphia highlighted Boone’s adventures, which included fighting Indians and escaping capture. To colonial minds, he was a frontiersman of the highest order. He soon became an American hero.

George Washington was a determined speculator of western lands, although he was exceptionally aware of the Proclamation’s terms. He thought that colonists who did not take advantage of the present opportunities to gain lands would never have the same opportunities again, but he was aware that they might have to wait until the Proclamation was no longer in effect. That was no issue because the Proclamation would fall in a few years, he believed, “especially when those Indians consent to our occupying the lands.” In 1767, he asked his friend, William Crawford, to secure for him some of the most valuable lands in the American interior until his grant came though. Finally, in 1772, he gained the rights to 20,150 acres along the Ohio River, but he warned his friends that since grants were made in “such general & indeterminate terms, that if confirmed no man can lay off a foot of land & be sure of keeping it till they are served.” Most land grants, if small enough, were eventually awarded for military

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11 Fischer and Kelly, Bound Away, 168.

service as outlined in the Proclamation. Many colonists, however, were willing and able to gain land toward the heart of America on their own terms and on their own timeline contrary to the intentions of the Proclamation.

The document intended to extend trade to all people and prevent any company from gaining a monopoly. Further, many British officials opposed North American land companies in principle since they competed with Britain’s economic power. Lord Dartmouth, for example, said that companies should “be considered in no other light than that of a gross Indignity and Dishonour to the Crown.” How were land grants enforced with regard to colonial land and trade companies after the Proclamation? Contrary to what Dartmouth hoped, companies did not see their power limited entirely. The Susquehanna Company of Connecticut successfully built villages along the Delaware River, and Benjamin Franklin later wrote from them a “Scheme for a Western Settlement” by which every contributor or settler would be entitled to a quantity of land. Virginia had a long history with land and trade companies. Years before the Proclamation, company leaders estimated that there would be opportunities for surveying as soon as the boundary between Indians and colonists was fixed. The Loyal Land Company, however, ran into some trouble immediately after the Proclamation. Established in 1745, the company’s grants were not renewed after 1763. Leaders petitioned the government for a renewal, but they were repeatedly refused due to the Company’s intended violation of the Proclamation. By 1766, the


14 Franklin, The Papers of Benjamin Franklin, Vol. 10, 420-422.

15 Lyman Copeland Draper Manuscripts, QQ, William Preston Papers, 1758-1773, Volume 2, Wisconsin Historical Society, Madison. From Thomas Lewis to William Preston, August 17, 1760.

Company realized that their investors could get their land back if they argued “pain of forfeiture.” This strategy was employed by other companies in the following years as will soon be explained. The Loyal Land Company eventually got their permit, and in 1773, leaders exchanged instructions about how to survey lands within the limits of their grant. The Mississippi Company, established in 1763 by the Washington and Lee families, requested grants after the Proclamation, but they were not considered by the King or the Board of Trade. They waited until 1768 to submit another petition for 2.5 million acres, which would be free of quitrents and taxes for 12 years. By that time, the Indian Company of Virginia had amassed 30,000 new acres. But in 1763, their earnings were down and they were grasping at ways to “get [their] Good[s] up.” The Ohio Company turned their sights on politicians in London to curry favor for their efforts after the Proclamation. In a 1768 document entitled “Boundaries Proposed by the Ohio Company,” the leaders explained that they could have simply seized land with better terms on the east side of the Appalachian mountains without making an application in England as other companies had done. However, they wanted land grants to the westward, in a “Country then unknown, which we have Since discovered and opened a Road of Communication to it, at our own private Expence.” They also asked William Johnson to help them purchase this

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22 Anderson, *Crucible of War*, 525.
land “without the least Fraud or Deception, that the Indians may have no Cause to complain hereafter that they had been imposed upon as has too frequently been the Case.”

Land companies, therefore, were restricted in their access to land grants shortly after the Proclamation’s issuance as was the document’s intention, but by 1768, many companies proceeded with business as usual.

How was the Proclamation line, which demarcated the boundary between the colonies and the Indian reserve along the crest of the Appalachian mountains, enforced? One way officials attempted to enforce the line was with troops. James Smith noticed that there were guards on the frontiers, who were there to keep supplies from the Indians, for several months after the Proclamation. That protection, though, had more to do with Pontiac’s ongoing Rebellion than the efforts to enforce the document’s provisions. Administrators and military officials stepped in to help. Governor Penn of Pennsylvania ordered settlers on the other side of the mountains to leave, but they showed that they were “determined to remain there.” He planned to ask the colony’s Assembly for troops to enforce the line and control the settlers, but General Gage acted first. He pledged to send troops to help “break up the Settlement,” because he believed that unless some “speedy” and “rigorous measures” were taken, there would be more war. Gage encouraged the Penns to act by legal methods, and hoped that the colony would be able to “drive the settlers off any lands belonging to the Indians;” in doing so, Gage noted, the Penns would be able to show the Indian chiefs that the British “desire[d] to do them Justice.”

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24 Smith, *An account of the remarkable occurrences in the life and travels of Col. James Smith*, 64.


impulses behind the Proclamation were to demean Indians and colonists by labeling them the subjects of the Empire, but to also emphasize the Crown’s willingness to extend protection to its subjects. Troops, or peacetime standing armies, did both and helped develop the colonists’ cause leading to Independence. For most of North America, the line was ineffective at preventing colonists from taking possession of “unoccupied lands” along the frontiers.  

27 A Briton was horrified to hear that some colonies allegedly encouraged such “vagabond settlements, independent of all authority, and irreconcileable with every principle of true polity.” He thought that the line should be improved to actually stop colonists’ westward expansion. Otherwise, he said, reflecting the economic impulses behind the Proclamation, Britain’s “title to America is in vain name and nothing more.”  

28 The line, however, did work in East Florida. The new colony’s governor reported in 1767 that no one had settled beyond the bounds.  

29 It is important to note here that the line in East Florida ostensibly extended to the Mississippi River, so the colonists had more room to work with than the other colonies had.

General Thomas Gage continued to “put his faith” in the Proclamation, but he knew that 500 families were squatting near British forts after 1763. By 1766 with the help of a new road, more than 500 families from Virginia alone were living in the valley of the Monongahela River passed the Proclamation line.  

30 Lord Shelburne was particularly disheartened by the disrespect for the law. Settlement had been made in some cases “even beyond the utmost Boundaries of any

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28 T. Bernard, _An appeal to the public, stating and considering the objections to the Quebec bill_, London, 1774, Sabin Americana, Gale, Cengage Learning, 50-53.

29 Alden, _John Stuart and the Southern Colonial Frontier_, 231.

30 Anderson, _Crucible of War_, 634-731 and James, "The First English-Speaking Trans-Appalachian Frontier," 65. A Virginia law, passed in November of 1766, created this new road to Fort Pitt.
Province in America,” he said, which was “contrary to the Intention of the Proclamation.”

Virginia’s Lieutenant Governor Francis Fauquier also noted increasing violations of the law with every passing year. Frontiersmen, he said, were “most publickly and notoriously” rejecting the Proclamation. The Governor defended the rights of people who were living west of the line legally under earlier patents, but demanded in July of 1766 that settlers evacuate the land if it belonged to Indians. The Proclamation intended to emphasize the importance of cooperation between British officials and colonists, but neither wanted to listen to the other. While the line was a landmark, uniform, imperial policy to organize the colonies and Indian country, it was sporadically enforced and the colonists’ determination to expand could not be quelled by military or administrative enforcement efforts.

Although the immediate interpretation of the Proclamation in Canada was less hostile than the reaction in the other colonies, similar difficulties in enforcement presented themselves. Predictably, Governor Murray reported to the Board of Trade that Canadians were squatting or settling on land reserved for the Indians within five months of its issuance. Soon, the Lieutenant Governor and Commander-in-Chief of Quebec, Guy Carleton, proclaimed that “if any of the said Inhabitants [of Quebec] have made any settlements on the Indian Grounds, to abandon them without Delay.”

In addition to encroachments on Indian land, there was another major problem with the enforcement of the Proclamation in Canada— it ended the relationship

31 Sharpe and Browne, Correspondence of Governor Horatio Sharpe, 329. From Lord Shelburne to Horatio Sharpe, September 13, 1766.

32 Sosin, Whitehall and the Wilderness, 107. From Governor Fauquier to Lord Halifax, June 14, 1765. Governor Fauquier also wrote to the Governor of Pennsylvania in November of 1766 that “no Regard is paid to Proclamations.” (James, “The First English-Speaking Trans-Appalachian Frontier;” 65.)

33 Alden, John Stuart and the Southern Colonial Frontier, 267.

34 Journals of the Board of Trade and Plantations, May 1764. From Governor Murray to Lord Halifax, May 21, 1764.

between the French and the Indians and imposed English law.  

Officials wrestled with the fact that Catholics, hostily called Papists, were planting roots in British territory. After 1763, their legal rights for places of worship and political representation were non-existent even though as many as 65,000 colonists in Quebec were Catholic.  

It quickly became time to address this tension. The Secretary to the Board of Trade asked the Crown’s Solicitor General in 1765 where the Papists stood in British society due to the Proclamation. He sent the clause that related to the civil constitution of the new colonies along with his inquiry, as a clear indication that Catholics, of course, should be subject to the laws of the British Kingdom.  

Governor Murray, however, came up with his own solution. He erroneously let the Quebec courts use French law codes and allowed Catholics to serve on juries.  

Canada’s difficulties in enforcing the Proclamation soon led to a large-scale legal solution.

Did the Proclamation encourage collaboration between British officials and the colonists and their companies? Officials responded to colonists’ movement toward the heart of America with force and fire. They threatened “the Penalty of Death” to punish those settlers ignoring the Proclamation, ordered military commanders to warn settlers that they were “out of the Protection of any province,” and tore down or burned their cabins.  

Regressive collaboration between officials and colonists became the norm. Land companies, on the other hand, were inspired by the Proclamation to increase their contact with officials, albeit in a manipulative manner. Virginia

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38 Journals of the Board of Trade and Plantations, June 1765.  
39 Anderson, Crucible of War, 730.  
40 Ibid., 731 and Griffin, American Leviathan, 44. Lord Shelburne ordered the commanders to do so and William Johnson hoped that the delinquents would face justice.
Governor Fauquier was soon heavily influenced by these companies. He wrote to the Board of Trade that Virginian “families,” also known as companies, might seek government money in return for their loss of land, which was caused by the enforcement of the Proclamation. He was correct. A group of traders and speculators with the Indiana Company soon organized under the name “Suffering Traders.” They asked William Johnson for support because George Croghan was trying to keep his involvement in the Company’s efforts and his 1,125 shares a secret. Croghan was also busy traveling to Illinois on official business to secure abandoned French forts. Benjamin Franklin also supported the Company on the other side of the Atlantic as the Company’s representative in their quest to gain the “Indiana” land. The Burlington Company, led by New Jersey Governor William Franklin, formed to support traders who had lost goods due to “Indian depredations.” They managed to get George Croghan to negotiate on their behalf, but he was unsuccessful. The Ohio Company also sought restitution for their losses. Following the Company’s petition to the King, agent George Mercer traveled to London to serve as their representative for six years. The Board of Trade was still considering the Ohio Company’s petition in 1770. The Proclamation was clearly effective at stalling the claims of land companies to North American land, which was consistent with the document’s intention to open money markets in the west to all people. However, the enforcement of the Proclamation also ruined collaborative efforts between British officials and colonists, which was another intention

42 Griffin, American Leviathan, 54.
44 Abernethy, Western Lands and the American Revolution, 22.
45 Del Papa, "The Royal Proclamation of 1763,” 409.
of the document. The enforcement practices with regard to land companies at the very least kept some form of transatlantic collaboration alive.

How did the Proclamation encourage collaboration between British officials and Indians? In 1764, the Board of Trade issued a “Plan for the Future Management of Indian Affairs” and submitted it to the superintendents in America. In 43 articles opposed by the Indian traders but supported by Johnson and Stuart, the document explained the importance of taking measures “with the consent and concurrence of the Indians to ascertain and define the precise and exact boundary and limits of the lands which it may be proper to reserve to them and where no settlement whatever shall be allowed.”

Article 41 stated that “no private person, society, or corporation or colony be capable of acquiring any property in lands belonging” to Indians; Article 42 stated that “proper measures be taken with the consent” of the Indians “to ascertain and define the precise and exact boundary and limits of the lands which it may be proper to reserve to them and where no settlement whatever shall be allowed;” and Article 43 stated that land purchased had to be made at general meetings. These provisions put into law the intentions of the Proclamation with regard to Indian affairs, but due to the influence of some traders, the disproval of Lord Shelburne who thought that the articles gave too much authority to the superintendents, and Parliament’s lack of approval, no action was taken until 1768.

Thomas Gage wrote soon after the Proclamation that British forts were maintained in Indian country for the purpose of “keeping the Indians in awe and subjection,” which was consistent with the intentions of the Proclamation with regard to Indian affairs.

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47 De Vorsey, *The Indian Boundary in the Southern Colonies*, 41.


document’s geopolitical impulse to confirm Indians’ roles as subjects in the Empire. But the other intention of the Proclamation was to extend to them protection, which largely proved ineffective. Indian Affairs were in “as bad a situation as possible,” according to a letter William Johnson received in 1766.\textsuperscript{50} Two colonists were murdered by Indians in a “barbarous manner by stabbing [the colonists] with a knife, and cuthing [their] head[s] almost off.” A colonist named John Bingeman and his family fought off an Indian who entered their house with the intention of shooting the homeowners. The family’s defense of their house was described as an adventure in the local news.\textsuperscript{51} Violence was also perpetuated by colonists against the Indians. Two Indian squaw were “barbarously murdered” by an “English Negro belonging to [a merchant] of this place,” read one report. A French boy living in the western land confirmed the story to the region’s Indians and British officials who were investigating the crime. The administrator in charge found the slave and assured the Indians that he would “suffer for the mischief done by him.”\textsuperscript{52} As a result, in some regions, trade was suspended,\textsuperscript{53} and there were provisions made for increasing the size of the militia on the Albany frontiers.\textsuperscript{54} Even with the Proclamation, trade had not been entirely secured from abuses and frauds. In a publication, a Briton offered his opinion that the Indian Affairs administrators did not have enough authority to properly fix issues as they arose.\textsuperscript{55} However, the Proclamation did encourage collaboration between British officials and the


\textsuperscript{51} Lyman Copeland Draper Manuscripts, ZZ, Virginia Papers, 1772-1869, Volume 9, Wisconsin Historical Society, Madison.

\textsuperscript{52} Thomas Gage, Letters to Thomas Gage, 1766-1771, Box 308, Ayer Manuscripts, The Newberry Library, Special Collections, Chicago. From Col. Campbell to Thomas Gage, May 10, 1766.

\textsuperscript{53} \textit{Ibid.}, From Col. Campbell to Thomas Gage, April 10, 1776.

\textsuperscript{54} Cadwallader Colden, Letters from Cadwallader Colden to William Johnson, 1763-1764, Box 639, Folder 2, Ayer Manuscripts, The Newberry Library, Special Collections, Chicago. From Cadwallader Colden to William Johnson, April 22, 1764.

\textsuperscript{55} Bernard, \textit{An appeal to the public, stating and considering the objections to the Quebec bill}, 49.
Indians. They took collaboration with officials so seriously that they began selling their land to administrators. Some tribes gave the Penn family of Pennsylvania all their land within the bounds of the colony,\textsuperscript{56} prompting officials like Thomas Penn to reevaluate Indian Affairs.\textsuperscript{57} He worked with William Johnson years later to encourage, or bribe, the Indians to grant the Penn family even more land.\textsuperscript{58} (See Map 4).

The collaborative spirit that the Proclamation inspired between Indians and British officials was channeled once again into the fixing of a boundary line after the Proclamation. William Johnson, John Stuart, and other British officials constantly worked on establishing new lines with the Indians since the 1763 line was understood to be temporary. Stuart said that fixing a “distinct Boundary between the Indians and all the Provinces is essential to the tranquility of this district; it is a point which greatly concerns them, and to which they are extremely attentive.”\textsuperscript{59} As described by the Indians, this 1765 line for the middle colonies began

\begin{align*}
&\text{at Owegy, upon the Eastern branch of the Susquehannah, from} \\
&\text{whence, pursuing the course of that branch to Shamokin, it runs up} \\
&\text{the Western branch to the head thereof, and from thence to} \\
&\text{Kittaning on the Ohio, and so down that River to its influence with} \\
&\text{the Cherokee River.}
\end{align*}

The benefits of this new line were numerous. It would prevent another Indian War, would satisfy the Indians, and would not confine the colonies to “too narrow limits.”\textsuperscript{60} Collaboration between

\textsuperscript{56} Letter to William Johnson, Box 5, Folder 72, Darlington Collection, Special Collections Department, University of Pittsburgh. From Thomas Penn to William Johnson, April 14, 1764. Thomas Penn wrote that “as soon as the frenzy has somewhat subsided” the colony should make a legal enquiry.

\textsuperscript{57} Thomas Penn, Letters from Thomas Penn, 1763-1764, Box 695, Ayer Manuscripts, The Newberry Library, Special Collections, Chicago. From Thomas Penn to William Johnson, September 7, 1764.

\textsuperscript{58} Thomas Penn to William Johnson, December 12, 1767. Heritage Auctions: “I have to desire you will use your best endeavours with the Indians to grant us the land as high as they can be bought to agree to, between the west branch of the Sasquehannah and the River Delaware . . .”

\textsuperscript{59} De Vorsey, \textit{The Indian Boundary in the Southern Colonies}, 44.

Indians and British officials was, therefore, pitched as being in the interest in the Empire’s other subjects, the colonists.

After the demarcation of this 1765 line, was the Proclamation’s role in imperial organization in North America no longer necessary? In short, boundary lines between the colonies and Indian country continued to be redrawn and trade remained difficult to regulate, but the other provisions of the Proclamation were still in effect. The most significant boundary negotiations occurred in 1768. At the beginning of the year, Lord Shelburne encouraged the marking of a new line. He was in favor of opening the Mississippi valley to settlement.\textsuperscript{61} By March, imperial officials were pleased that there were plans to complete a new boundary and close forts, but until the colonies confirmed new regulations regarding Indian affairs, accidents in the interior “must be expected,” as Lord Hillsborough warned.\textsuperscript{62} On October 14, 1768, southern Indians and officials signed the Treaty of Hard Labor in South Carolina. The Cherokee Chief, Oconostota, said Indians thought that the river would be natural boundary between their lands and Virginia.\textsuperscript{63} On November 5, 1768, negotiations between 2,200 Indians and North American officials resulted in a treaty that secured most of southwest New York for the colonies and gave Indians gifts exceeding 10,000 pounds sterling. In this Treaty of Fort Stanwix, Indians also exchanged 3.5 million acres of land in West Virginia for 86,000 pounds sterling. William Trent and other members of the Indiana Company gained the rights to the land.\textsuperscript{64} The Stanwix line followed the Allegheny river south from Iroquois country and incorporated modern-day

\textsuperscript{61} Billington, \textit{Westward Expansion}, 149.

\textsuperscript{62} Gage and Carter, \textit{The Correspondence of General Thomas Gage}, 67-71. From Lord Hillsborough to Thomas Gage, May 14, 1768 and Lord Hillsborough to Thomas Gage, July 9, 1768.

\textsuperscript{63} De Vorsey, \textit{The Indian Boundary in the Southern Colonies}, 53.

\textsuperscript{64} Billington, \textit{Westward Expansion}, 153 and Lewis, \textit{The Indiana Company, 1763-1798}, 79.
Kentucky and West Virginia. William Johnson added Kentucky without authorization. John Stuart happily inspected this new southern boundary line separating the colonies from the expanded Indian reserve. He noted that the new line was “marked at least 50 feet wide the Trees within which Space are blazed on both sides.” There was hope that this line would appease land-hungry colonists and would be easier to enforce than the Proclamation line. Not everyone was happy, though. Some tribes regretted that they were not present at the negotiations. William Johnson, who was learning that it was not practical to cater to all of the wants or demands of every nation, explained that all Indians who had claims to the ceded land were present at the Treaty. Actually, since the Iroquois did not own the land they sold, the boundaries needed to shift. William Johnson still managed to keep Kentucky for Virginia. (See Maps 5-6).

Land hunger after Stanwix surged, and colonists once again directed their gaze to the westward. The Loyal Land Company and other companies were back in business. Thomas Jefferson immediately asked the Company for 5,000 acres. Just like the Proclamation line, the Stanwix line was not final. And just like reactions to the Proclamation, reactions to Stanwix were mixed. Lord Hillsborough, who held the Proclamation’s clauses close to his heart, lamented that “[e]very day discovers more and more the fatal Policy of departing from the line prescribed by the proclamation of 1763.” An anonymous author wrote that the Stanwix land purchases were “made not with a view to encourage any settlements beyond the mountains, but only to satisfy

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65 Hinderaker and Mancall, *At the Edge of Empire*, 145-149.
69 Ibid., 458.
70 Hinderaker and Mancall, *At the Edge of Empire*, 149.
the Indians;” he appreciated that the “tenor of the Proclamation of 1763 was adhered to,” but he thought it was generally unenforceable “for the country was found so fertile and pleasant, that fresh numbers every day thronged thither.” The Governor of Virginia unsuccessfully ordered no colonization west of the new boundary.

The colonists and the Indians were beginning to reject not only imperially-imposed boundaries but also their positions as imperial subjects. The reinvigorated focus on the land toward the heart of America stirred some to disparage those living to the westward. A British commanding officer at Detroit called the European-descended settlers “the outcasts of all Nations, and the refuse of Mankind.” Actually, those people were the Americans. James Smith described how, after Stanwix, a band of colonists destroyed the powder and lead that was being held in Bedford County, Virginia. They were taken and put in chains at the fort. While he said he did not fully approve of their conduct, he believed that they should not have been arrested. Smith gathered his own group of eighteen boys, marched to the fort, and released the prisoners. His group was called the “American Rebels.” Also after Stanwix, other Indian tribes now were inspired to make cessions to whomever they pleased despite the Proclamation’s provision stating that they must do so at public meetings with governors and representatives present. While sections of the Proclamation line were replaced by Hard Labor and then by the Stanwix line, the Proclamation’s original policies still had an effect on North American residents.

Did the Stanwix Treaty mark the end of the Proclamation as a whole? Some historians have said that Stanwix fulfilled the Proclamation’s aims or even replaced it entirely. Both

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71 De Vorsey, *The Indian Boundary in the Southern Colonies*, 74.
74 De Vorsey, *The Indian Boundary in the Southern Colonies*, 163.
assertions are misconceptions. Stanwix shifted part of the boundary line further west, and subsequently made it easier for land and trade companies to obtain grants, but it did not replace all of the other sections of the Proclamation. Even the Privy Council would not revoke the Proclamation after 1768. Lord Hillsborough remained hopeful that his beloved Proclamation would not be rejected, particularly with regard to land grants in Indian country.

Could any boundary line be effective in Britain’s North American colonies? British imperial officials hoped so, and land and trade companies’ leaders liked Indian reserves. They also knew that they might as well wait for boundaries to be fixed before surveying. Some colonies like West Florida took matters into their own hands. With the cooperation of the Choctaw Indians, West Florida began discussions about boundaries in order to establish a lasting peace between the “White & the Red Children of the King.” By now, nevertheless, everyone knew that colonists were not to be bound. George Washington, for example, was looking to the westward still. He was eagerly awaiting news about the status of his petition for land grants when he wrote to his brother Charles in January of 1770. Washington was very aware of the Proclamation’s clauses and knew the legal framework of his request. He was hoping that people

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75 Holton, “The Ohio Indians and the Coming of the American Revolution in Virginia,” 471.

76 Wainwright, George Croghan, 267. From Lord Hillsborough to Sir H. Moore, May 13, 1769: “I trust no countenance or attention either has been or will be given to any application for those lands [within the area ceded by the Indians at Fort Stanwix] upon the ground of private agreements with the Indians, contrary to the directions of the Proclamation of 1763.”


78 Lyman Copeland Draper Manuscripts, QQ, William Preston Papers, 1758-1773, Volume 2, Wisconsin Historical Society, Madison. From Thomas Walker to William Preston, January 24, 1770. By 1771, some officials thought that surveying should be postponed, especially in light of the poor behavior of some settlers.


with grants by virtue of the document would sell their rights to the land and wondered what their terms would be. After all, he said, why would the Proclamation care if grantees went “after the Land himself or employ[ed] others to do it for him[?]”

Others came down with land fever, too. John Brown, for example, wrote that he was thinking about buying land for his sons while it was still in his power. Thousands of people thought similarly. One historian has estimated that fifty-thousand individuals had crossed the mountains to settle in the Ohio Valley by 1774. Virginia’s Governor, Lord Dunmore, wrote to his superior, Lord Dartmouth, about why colonists were so insistent on expanding westward:

They acquire no attachment to Place: But wandering about seems engraved in their Nature; and it is a weakness incident to it, that they Should for ever imagine the Lands further off, are Still better than those upon which they are already Settled . . . [Colonists believe that the government should not forbid their ownership of] a vast tract of Country, either uninhabited, or which serves only as a Shelter to a few Scattered Tribes of Indians. Nor can they be easily brought to entertain any belief of the permanent obligation of Treaties made with those people, whom they consider, as but little removed from brute Creations.

Land hunger was so severe by this year that another War broke out in North America. Called Lord Dunmore’s War, the conflict began with Virginians attacking the Shawnee and Mingo Indians of Kentucky. The War was a triumph for Virginia speculators who believed that an attack against the Indian towns would inspire the Indians to give up their land, effectively nullifying the Proclamation. The War, therefore, appeared to be premeditated; when John Logan, a Mingo Indian raided a Virginia settlement after Virginians killed his family members, Colonel William

82 Lyman Copeland Draper Manuscripts, QQ, William Preston Papers, 1758-1773, Volume 2, Wisconsin Historical Society, Madison, 129. From 1771?
84 Olmstead, David Zeisberger: A Life among the Indians, 219.
Preston wrote that “The Oppertunity we hav So long wished for, is now before us.” The Shawnees signed over their hunting grounds to Virginia, as predicted, but Lord Dunmore refused to revoke the Proclamation since the Indians signed the deed under duress.\(^8^5\) Instead, he issued a Proclamation preventing Richard Henderson and his associates of the Transylvania Company from occupying these contested lands.\(^8^6\) This decision was the most consistent action with regard to the spirit of the Proclamation that he could have taken at this juncture.

Were the Proclamations policies for Indian Affairs still the law now that the original line was no longer in effect? With heightened westward expansion, regulations for the sale or use of lands on the other side of the lines seemed irrelevant. Indians also believed that the control of their lands had been returned to their hands. Usteneka, a Cherokee Indian, said that the treaties after the Proclamation with South Carolina, North Carolina, and Virginia had established that once a line was drawn between lands, the Indians should be able to “do as we pleased with ours.”\(^8^7\) They were attempting to resist imperial control, but because of these treaties and the geopolitical impulse behind the Proclamation, Indians were still subjects of the Empire and had no claim to lands that had been transferred to the King.\(^8^8\) Additionally, the Indian reserve in the heart of America was not working in practice. There was now an idea that, instead of a reserve, the land should become two interior colonies; tribes would either be pushed to the westward or would agree to become “Domestick” and live alongside the colonists.\(^8^9\)

\(^8^5\) Holton, "The Ohio Indians and the Coming of the American Revolution in Virginia," 473-474.
\(^8^8\) Lyman Copeland Draper Manuscripts, QQ, William Preston Papers, 1775-1778, Volume 4, Wisconsin Historical Society, Madison, 155.
\(^8^9\) Sosin, *Whitehall and Wilderness*, 156.
By this time, it also became clear that the policy for the interior country of Canada was no longer fitting. When the Proclamation was issued, the Canadian territory was unknown. Since geographic knowledge was expanding as the eighteenth century progressed, as Lord Dartmouth noted, there was now “doubt both of the justice and propriety of restraining the colony [Quebec] to the narrow limits prescribed in that Proclamation.” Additionally, the British Court case Campbell v. Hall (1774) had ruled that a country conquered by the British must become part of the Empire and, thus, must be subject to Parliament’s authority. A new law for Canada was now needed to enforce order.

Parliament issued the Quebec Act in October of 1774. Addressing inconsistencies between former subjects of France who were living in the new British territory, the document extended to them the benefits of English criminal law, although they would not have to swear an oath to the King of England. They would enjoy free exercise of religion, but Great Britain would still encourage Protestantism throughout the Empire. Importantly, the Act also provided non-Indian civil government for non-Indian communities west of the Proclamation line within Indian territory. Even though the Quebec Act used the 1763 boundary line as a baseline and stretched it to include land north and west of the Ohio and Allegheny Rivers, the Proclamation now appeared to be on shaky legal footing. For example, all subjects who took the oath to the King should hold their property “as if the said Proclamation . . . had not been made . . .” Because the

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90 Victor Coffin, *The Province of Quebec and the Early American Revolution: A Study in English-American Colonial History* (Madison, WI: Published by the University, 1896), 415-416. From Lord Dartmouth to Lieutenant Governor Cramache, on the eve of the passage of the Quebec Act.

91 Campbell v. Hall (1774) UK EngR 5, (1774) 1 Cowp 204, 98 ER 1045.


94 The Quebec Act of 1774.
Proclamation was temporary, the Act’s measures to establish a solid government eleven years later made legal sense. (See Map 7).

The response to the Quebec Act was mixed even though the aim of the Act appeared to be true: all peoples now had the ability to live side by side under a combined system of English criminal and French civil law. French Canadians do not look too fondly upon the Act today, and some historians have argued that it actually alienated French citizens who were living in Canada even more instead of unifying the colony.\(^95\) But Britons at home, like T. Bernard, saw the Act as a welcome “check” to the “growing independence” of their “American children.” He also supported the Act because he thought that restraining settlements that were not within easy reach of London was good policy. Additionally, he believed, the Act would “reconciliat[e] the minds of the injured and oppressed Indians.”\(^96\) Colonists, however, were outraged. They saw the plan to expand the boundaries of the French Papist conspiracy as obstructive to their well-being, and they knew that their claims to the west would now be limited in an even worse manner than a line. Since the Proclamation was never repealed in Canada, it remained in effect after the Quebec Act of 1774 and technically remains in effect today.\(^97\)

The Proclamation in the 1770s was not all useless, however. In addition to the document’s first section about the organization of new governments, the second section about land grants was still tenable. In the regions of East Florida and Nova Scotia, there were orders to suspend land grants, but veterans who were promised grants by virtue of the Proclamation could

\(^{95}\) Coffin, *The Province of Quebec and the Early American Revolution*, 488.

\(^{96}\) Bernard, *An appeal to the public, stating and considering the objections to the Quebec bill*, 55-56.

still get theirs. In November and December of 1773, the surveyor of Fincastle County, Virginia received many governmental warrants for the lands that officers were entitled to under the Proclamation. There were also rumors circulating that Lord Dunmore himself had been surveying lands in the Ohio Valley for his colony’s provincial officers. The rumors proved true, and in December, he gave rights to officers and soldiers, but he did not forget his own desires. He asked for 100,000 acres for himself and 20,000 for his secretary, arguing that the grant would help him integrate himself with the people of his colony. Lord Dunmore had written earlier that he did not think the Proclamation was in effect due to more recent treaties, but it was common practice of Virginian administrators to feign ignorance. He issued certificates to soldiers by virtue of the Proclamation throughout 1773 and 1774. Grants ranged from 3,000 acres to unspecified amounts, but all certificates said that the lands the soldiers would settle would have to be land that had not already been surveyed legally. Thomas Bullitt, who served under Washington in the War, announced with Lord Dunmore’s blessing in the Virginia and Pennsylvania Gazettes that he was going to make military surveys into Kentucky in accordance with the Proclamation. The Americans could not be restrained; as Lord Dunmore said, “their avidity and restlessness incite them.”


99 Lyman Copeland Draper Manuscripts, QQ, William Preston Papers, 1758-1773, Volume 2, Wisconsin Historical Society, Madison, 151. From Col. (Thomas?) Byrd to the Surveyor of Fincastle, November 6, 1773: “I will make you a Present extraordinary for your trouble in this service.”

100 David, “Promised Land, 1773–1774,” 63.


Explaining the Proclamation as either an unenforceable or an unsuccessful document is clearly not helpful because of the complexity of the many propositions and the variations in how different regions enforced its policies. It is therefore more effective to evaluate the successes of its parts. Sections one and two about the organization of governments and land grants, respectively, were maintained in the colonies south of Quebec until American Independence in 1776. Section three about Indian Affairs was the most complex, controversial, and difficult to enforce. It did not last in the same form through 1776, but noble attempts to enforce boundaries and protect colonists and Indians from violently interacting were raised throughout the thirteen years. The document’s intentions were realized with varying degrees of success: The Proclamation could not keep colonists on the coasts, could not separate land by boundaries, but could stall land companies from developing American commerce for a little while and could open trade to all people for a few years. The policies also allowed for cooperation between British officials and Indians, but quashed colonists’ chances at having their views heard on an administrative level. The uniform imperial policy for the heart of America was largely a solid attempt even though governors interpreted their duties differently and colonists and Indians resisted their position as subjects of the Empire. Gradually, the Empire would relax its imperial policies, colonists would become a new American people, and Indians would be again thrown into a social and legal gray zone.
Looking over the Appalachian Mountains toward the heart of America, with backs facing both their colonial and imperial homes, colonists and their administrators could not have predicted what was to come after 1763.

The Proclamation’s major and immediate influence was on the American Revolution. Early westward expansion as a rejection of the Proclamation nurtured the features of an American identity, which became wide-spread and national. As we have seen, this identity was both imposed and self-defined. In Britain after 1763, Parliament referred to the colonists as “the Americans,”\(^1\) and William Johnson wrote from within North America about the “Litigious Spirit” among the “Common Americans.”\(^2\) A Briton expressed his hope that colonists also be called Britons because calling them Americans was presumably encouraging their independent mindset.\(^3\) Frenchman Alexis de Tocqueville wrote that the English people who were best suited to explore and use the “forests of the New World” were the people who became the Americans.\(^4\) After a century of experiences with the land and the “others” and critical thinking about their place in the British Empire, colonists began to self-identify as Americans. It is no coincidence that the patriot participants in the Destruction of the Tea at Boston, ten years after the Proclamation’s issuance, disguised themselves as Mohawk Indians when they threw chests of tea

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1 Horn, Ransome, and Douglas, *English Historical Documents, 1714-1783*, 753-755. From Lord Mansfield’s speech in the House of Lords on the right of parliament to tax the colonies, February 10, 1766.


3 Bernard, *An appeal to the public, stating and considering the objections to the Quebec bill* (London, 1774, 55.

4 De Tocqueville, *Democracy in America*, 768.
into the Boston Harbor. As reflected in this costumed decision, colonists physically projected the American identity that they had forged from an understanding of their physical and their geopolitical environment. The Proclamation ignited the colonists’ desire for exploration and land, and their geographical self-awareness became an integral tenet of the fully fledged American identity. John Adams, for example, wrote on the eve of independence that since “America is our Country . . . a minute knowledge of its Geography, is most important to Us and our Children.”

After independence, Europeans at home gradually began to shift their opinions about the American west, and colonists started to hear that their land was inferior. Thomas Jefferson’s *Notes on the State of Virginia* attempted to prove them wrong while simultaneously exemplifying his new pride in his country’s land. The Proclamation also gave colonists practical experience in reacting to Britain’s “tyrannical” imperial policies from the Stamp Act through the Intolerable Acts. At the First Continental Congress, there were complaints reminiscent of the post-Proclamation years. Richard Henry Lee notably spoke of “the worst grievance” the King had committed— he had abolished Virginia land speculation. Lee’s viewpoint was shared, and soon, the Second Continental Congress enumerated it in the Declaration of Independence. The United States’s founding document’s seventh grievance against the King of England was that he had “rais[ed] the conditions of new Appropriations of Lands.”

The Proclamation also had a lasting impact on colonists’ and Indians’ concerns for the security of the frontiers and the need for boundaries. Patrick Henry, for example, voiced his worries about the lack of protection on the frontiers since dangerous insurrections by Indians had

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7 Holton, “The Ohio Indians and the Coming of the American Revolution in Virginia,” 475.
8 The Declaration of Independence.
recently caused the people of Virginia to suffer. Pennsylvania Governor John Penn and Virginia Governor Lord Dunmore were especially concerned with preventing violence and conflict between peoples in their colonies. They separately established proclamations in the 1770s to deal with rapid settlement to Indian territory, which they said was a concern to the Crown’s interests. These governors sought to halt American’s abuses of the laws to no avail. Talk of boundaries gradually began to reflect growing awareness about the differences between “white” and “red” peoples. George Rogers Clark, a Revolutionary War military leader, expressed this growing racial consciousness at a conference in 1778. Using a name the Indians had for the Americans, he explained that although there were differences between them, “Big Knife are very much like the Red people.” Even though Americans could identify similarities between themselves and other peoples, the concept of the “other” did not fade. The contradiction of the free American spirit and the rise of American slavery most importantly highlighted that the concept of the “other” was very much alive after the Proclamation was no longer. Segregation and Jim Crow laws in the United States demonstrated that the concept of the “other” still played a prominent role in American society well into the twentieth century. The twenty-first century has still not broken with this legacy.

Actual boundary lines continued to be temporary, however. People moved across natural and legal boundaries in both directions because of fear of violence on both sides. James Smith

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10 John Penn, “By the Honourable John Penn: A proclamation enjoining all persons, already settled on any lands beyond the boundary line of the last Indian purchase to evacuate their illegal settlements,” printed in Philadelphia by Hall and Sellers, 1773, Ayer Manuscripts, The Newberry Library, Special Collections, Chicago and The Olden Time; A monthly publication, devoted to the preservation of documents and other authentic information in relation to the early explorations, and the settlement and improvement of the country around the head of the Ohio, Volumes 1-2, Jan. 1846-Dec. 1847, Available through: Adam Matthew, Marlborough, American West from the Everett D. Graff Collection of Western Americana at The Newberry Library, Chicago.

11 Calloway, New Worlds for All, 1. 1778
noted a significant migration of colonists from the west to the east after skirmishes between Americans and Indians. Virginia and South Carolina worked with North Carolina to fix a boundary between the Cherokee Indians and the white people in 1777.\(^\text{12}\) At the 1783 Treaty of Paris, which ended the Revolutionary War, French foreign minister Charles Gravier, count de Vergennes, proposed that the Proclamation line of 1763 be used as a boundary to mark the western limits of the United States. He also envisioned that the land between the Appalachian Mountains and the Mississippi River would be Indian territory.\(^\text{13}\) Even though the Proclamation was temporary and failed to prevent expansion, it was seen as successful enough to be potentially repeated two decades later. Instead, the Treaty, signed by John Adams, Benjamin Franklin, and John Jay, has rightly been described by historians as a betrayal of the Indians with whom the colonists had worked alongside for decades.\(^\text{14}\) The boundary line of the United States followed the Mississippi River from the south to the north and branched off to include the Great Lakes region encompassing present-day Wisconsin and Michigan. The treaty did not mention Indians at all let alone their rights to their lands or a reserve.\(^\text{15}\) Virginia soon declared that since they had purchased land in Kentucky from the Indians and had settled it and established laws, “the right of Virginia to Kentucke is as permanent as the independence of America.”\(^\text{16}\) In a strange turn of events, George Washington proposed a proclamation in 1783 that would make it a crime “for any

\(^{12}\) Lyman Copeland Draper Manuscripts, QQ, William Preston Papers, 1775-1778, Volume 4, Wisconsin Historical Society, Madison. From Governor Richard Caswell to North Carolina Commission, June 12, 1777.

\(^{13}\) Calloway, *The Scratch of a Pen*, 164.

\(^{14}\) Richter, *Facing East from Indian Country*, 223.


\(^{16}\) John Filson, *The Discovery, Settlement and Present State of Kentucke* (Wilmington: James Adams, 1784), 37-38, available through: Adam Matthew, Marlborough, American West from the Everett D. Graff Collection of Western Americana at The Newberry Library, Chicago. Kentucky settlers said that they had pre-emptive rights to the land, and every man who had lived in the area for one year before March of 1780 should be entitled to between 400 and 1,000 acres.
person to Survey or Settle beyond the [new proclamation] Line,” which would demarcate land legally purchased by the Americans and lands that the Indians claimed for themselves.\textsuperscript{17} His willingness to adapt a tried and controversial policy reflected both a serious fear of violent Indian wars and a burgeoning inclination to treat the United States as the seat of its own empire. (See Map 8).

After the official end to the Revolutionary War, Virginia continued to clash with regional Indians on both sides of a boundary line that they had both agreed upon earlier. The state’s council said that Virginia was doing its best to prevent encroachment and preserve the peace, and Indians should know better than to challenge the boundary lines because they were well “acquainted” with them.\textsuperscript{18} Indians and Americans continued to negotiate with one another, but all talks were not peaceful. At a meeting in Philadelphia in 1793, a group of Indians insisted on designating the Ohio River as a boundary between them and the United States. This unsuccessful and animated fight was cooled by representatives of the Six Nations, including Captain Joseph Brant, who urged the hostile Indians to make peace.\textsuperscript{19} All of these more recent instances and the memory of the Proclamation’s issuance impacted Thomas Jefferson. In order to establish territorial governments in the new U.S. territory north of the Ohio River, the Northwest Ordinance committee formed. Jefferson, who served as chairman in 1784, saw the west as a territory composed of geographical divisions that would eventually lead to new states. This vision was familiar. Lord Shelburne, when drafting the Proclamation, might have wanted permanent limits to be imposed upon the eastern colonies to allow new western colonies to

\textsuperscript{17} Philyaw, \textit{Virginia's Western Visions}, 109.


\textsuperscript{19} Lyman Copeland Draper Manuscripts, F, Joseph Brant Papers, Volume 11, Wisconsin Historical Society, Madison. From “Maryland Journal,” September 6, 1793.
form. The Ordinance established representation by population, religious freedom, a plan for the payment of federal debts, and the opportunity to achieve statehood on “equal footing” with the original states once the new states reached a certain population. The Ordinance also historically planned to outlaw slavery and involuntary servitude, but that provision was struck.\textsuperscript{21} When Jefferson became President of the United States, he briefly considered reserving the Louisiana Purchase lands from 1803 for the Indians who lived east of the Mississippi River.\textsuperscript{22} Jefferson’s developing “Empire of Liberty” was certainly shaped by the era of the Proclamation.

An important part of the Proclamation’s legacy was, therefore, the inspiration for the development of America’s own empire. The development of American identity as a result of the Proclamation gradually led to a fully-fledged national identity. Central to America’s national identity is contradiction: Colonists rejected imperial control of their heartland after 1763, but when they looked westward throughout the subsequent decades, they saw the potential for their own imperial structure. Land speculation importantly reflected this shift. An agent of the Loyal Land Company pledged that he would give any purchaser land certificates so long as they were “well affected to the American Cause.”\textsuperscript{23} Rising levels of nationalism after Independence, therefore, encouraged this empire-centric vision, which had its roots in the reaction to the Proclamation. Thomas Jefferson’s hope for western land after the 1783 Treaty, for example, was shaped by nationalistic impulses. He now had an awareness of the extent of North American land, and he hoped that the young nation’s “western friends,” who were living past the

\begin{footnotes}
\footnotetext[20]{Alvord, “The Genesis of the Proclamation of 1763,” 23-26.}
\footnotetext[22]{Fischer and Kelly, \textit{Bound Away}, 177.}
\footnotetext[23]{Lyman Copeland Draper Manuscripts, QQ, William Preston Papers, 1758-1773, Volume 5, Wisconsin Historical Society, Madison. From Thomas Walker to William Preston, August 14, 1779.}
\end{footnotes}
mountains, would form new states and would carry the American Empire further across the continent. Part of his vision was shaped by his hope that America would spread at the expense of the “others’” interests. This time, though, the “others” were not the Indians but were the English who had remained in North America:

I find they [the English] have subscribed a very large sum of money in England for exploring the country from the Mississippi to California. They pretend it is only to promote knowledge . . . I am afraid they have thoughts of colonising into that quarter. Some of us have been talking here in a feeble way of making the attempt to search that country, but I doubt whether we have enough of that kind of spirit to raise the money.

He wondered if George Rogers Clark would like to lead such an expedition.24

During the period of the young Republic, Jefferson and his contemporaries continued to refer to this American spirit. Popularized during the Revolution, this spirit had its roots in colonists’ visions of western land, their experience gained from westward movement as a reaction to imperial policy, and their sense of community garnered from frontier life. Frontiersmen and women, also known as the pioneers, exemplified this outlook. In 1785, Sarah Raymond Herndon left home in the east in order to preach the Gospel in the west with her family. To make sense of the big move, she imagined a conversation with an “echo” that reminded her that the chief aim in life should be the pursuit of life, liberty, and happiness. “Are we not taking great risks,” she pondered, “in thus venturing into the wilderness . . . some far heathen land . . .[?]” Although she described her concerns about the inconveniences of moving, she said that movement was natural, otherwise “how would the great West be peopled were it not so?” Herndon believed she was fulfilling her duty of spreading the Gospel to the

24 Lyman Copeland Draper Manuscripts, J, George Rogers Clark Papers, Volume 52, Wisconsin Historical Society, Madison. From Thomas Jefferson to George Rogers Clark, December 4, 1783.
people of the west, and she also believed that the “all-wise creator” had “implanted” in her nature the “spirit of restlessness, and unsatisfied longing, or ambition . . .”25 The frontier was particularly equipped to handle Herndon’s spirit as the climate after 1763 had shown.

Individuals and families were not the only ones to move westward with this reinvigorated spirit. Benjamin Franklin wrote to a British audience composed of people who were considering moving to North America. The vast, empty forests, he said, were incredibly “still void of inhabitants” and could be purchased cheaply.26 Within North America, speculation in the form of large land companies like Richard Henderson’s Transylvania Company thrived, especially with the help of American politicians. Congressman Richard Henry Lee perpetuated the partial myth that the United States had “extensive tracts of vacant and uncultivated lands,”27 a sentiment that once again revived land hunger. The informed attention that the American people now paid to their continent augmented national pride. James Smith knew that the Americans were not perfectly proficient in living on the land compared to the Indians, but he took comfort in the fact that “no European power . . . would venture to shew its head in the American woods.”28 The American people, with their still religious message but also their pragmatic and democratic spirit, were ready to build their own empire. It was not long before states ceded their claims to western lands to help the United States of America gain solid footing by offsetting the public


26 Franklin, The Papers of Benjamin Franklin, Vol. 10, 11. From “Information to those who would remove to America,” 1782.

27 Jensen, Regionalism in America, 30.

These decisions were inspired by a history of engaging with the land and the continental community especially after the Proclamation.

As Americans looked toward their future empire, they knew they needed to provide closure to the land grants promised by the Proclamation. Records of soldiers who made first claims to land by virtue of the Proclamation reveal that they did, in fact, receive land certificates into the 1780s, even though grants were only supposed to be good for ten years. Policy shifted, however, with the turn of the nineteenth century. In Virginia in 1807, petitioners brought a legal issue to the state’s council. The colonial government had made an order in 1773 allowing officers and soldiers to locate their lands wheresoever they thought proper “so as not to interfere with legal surveys or actual settlement.” Six years later when Virginia was a new state, a law affirmed that no claim to land by grants for military service based on the Proclamation should be allowed. The committee upheld the law by stating that the Proclamation was actually not a grant; it was a “conditional promise to grant lands to these officers and soldiers on more favorable terms than those on which the crown lands were generally offered.” Therefore, no one could get land by virtue of the Proclamation anymore because the United States government was not liable to pay Britain’s debts. Three years later, the U.S. government decided that the Proclamation was also not a contract between officers and soldiers for land, but was actually a “mere instruction to the Provincial Governors: an instruction emanating from the munificence of the sovereign, and for conferring a gratuity, not issued for the satisfaction of any previous claim or demand upon

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31 United States, Congress, Rept. 139. The committee was wrong that the Proclamation granted land on more favorable terms than other grants.
Government.” The U.S. government asserted once again that they were definitely not bound to perform Britain’s duties.\textsuperscript{32}

The extent of the Proclamation’s influence has been adjudicated for decades in Canadian courts, which have treated the document as a “unilateral declaration of the Crown’s will in its provisions relating to First Nations [Indians].”\textsuperscript{33} For example, a case heard by the Privy Council called St. Catherine’s Milling and Lumber Company v. The Queen (1888) rejected the argument that the Quebec Act repealed the Proclamation; the court also ruled that Indians lived under British Sovereignty. This concept was not new. The Treaty of Utrecht that concluded the War of Spanish Succession in 1713 stated that French subjects in Canada should not molest the Indians who were “subject to the Dominion of Great Britain.” The Indians of America were also said to be “Friends to the same [effect].”\textsuperscript{34} In Canada’s Supreme Court case Province of Ontario v. Dominion of Canada (1909), the court ruled that the Proclamation reflected the rights that the Indians believed they should possess. Calder et al. v. Attorney-General of British Columbia (1973) asked if the Proclamation applied to British Colombia, a region that was not yet settled in 1763. One judge in this case thought that the policies should be uniformly applied to all places in which Canadians and Indians come into contact. The Court ruled, however, that the Proclamation did not geographically apply to the province.\textsuperscript{35} Kruger and al. v. The Queen (1978) failed to take into consideration the 1764 meeting at Niagara when the Court decided that the Proclamation


\textsuperscript{34} Daniel N. Paul, ”Treaty of Utrecht, Section 15, 1713,” \textit{We Were Not the Savages: First Nation History}, Daniel N. Paul.

\textsuperscript{35} Clark, \textit{Native Liberty, Crown Sovereignty}, 72.
was not a treaty.  

Although these decisions were half progressive and half regressive, the provisions of the Proclamation, namely the rights and freedoms of the aboriginal people of Canada, were enumerated in the country’s Constitution Act of 1982. Section 25 mentions the Proclamation by name. The original Proclamation is still regarded as the Indians’ Bill of Rights or the Indian Magna Carta.

The “Indian Rights” issue in America has not been addressed as often as it has been in Canada, which makes sense given the difference between both nations’ respective memories of the Proclamation. Three Supreme Court cases, also known as the Marshall Trilogy, dealt directly with this issue. Johnson & Graham's Lessee v. McIntosh, a case decided by the U.S. Supreme Court in 1823 under Chief Justice John Marshall, used the Proclamation to affirm that the United States government had preemptive rights to Indian land because the United States had been the conquering nation. Indians had the right to occupy lands, but only the federal government could settle Indian land disputes. Essentially, Indian rights to complete sovereignty had been “necessarily diminished” when they came into contact with settlers. In Cherokee Nation v. Georgia (1831), the Court ruled that the Cherokees were not a foreign nation, but instead were a “domestic dependant nation.” Although tribal sovereignty predated the United States, the federal government still decided that it could assert its authority to protect the Indians.

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37 Section 25 states: “The guarantee in this Charter of certain rights and freedoms shall not be construed as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including: (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and (b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claim settlement.


paved the way for the modern day Indian reservation system. In Worcester v. Georgia (1832), the Court ruled that Indians should be considered Nations capable of maintaining relations of peace and war and of governing themselves under the United States’s protection.”

The case again confirmed that the federal government should have a degree of authority over Indian affairs, but it seemed to say that Indians were sovereign by nature. Even though this decision appeared to be progressive, a big question still remained: Were American rights to land more important than the Indians’ rights to the same land? It would appear so. Future President William Henry Harrison, then governor of the Indiana territory, reflected on the extinguishment of Aboriginal rights on the continent. “Is one of the fairest portions of the globe to remain in a state of nature, the haunt of a few wretched savages,” he asked, “when it seems destined by the creator to give support to a large population, and to be the seat of civilization, of science, and of the religion?”

Harrison wrongly remembered the dividing line of the Proclamation to be supportive of one group of people at the complete expense of the other. That is not to say that imperial officials did not propagate the idea of British superiority over the Indians. Prime Minister George Grenville, at the time of the Proclamation’s issuance allegedly said “that the design of it was totally accomplished, so soon as the country was purchased from the natives.”

President Andrew Jackson’s policies accommodated white American planters at the expense of Indians and were derived from a similar vision. Jackson’s federal government forced Indians to move across the Mississippi River by way of what has been called the “Trail of Tears.” Indian removal also occurred in the northern states. No matter how many people across America declared otherwise,

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40 Calloway, “The Royal Proclamation and its Impacts on the USA,” 34.
Harrison’s, Grenville’s, and Jackson’s general visions played out in the United States and left a legacy of separation between peoples based upon race. This consequence of the growth of national identity, which was born from the Proclamation’s era, has been destructive to the nation’s national consciousness.

Canada, in contrast, celebrated the 250th anniversary of the Proclamation in 2013 with academic symposiums and commemorative exhibits. The purpose of the celebrations was to educate all Canadians about the progress made and the work left to be done in understanding and supporting aboriginal heritage and rights. Current Canadian Prime Minister and then Liberal Leader Justin Trudeau reflected the spirit of the anniversary on social media when he wrote, “Building this nation-to-nation partnership is a pathway for success together.” The Proclamation’s success in Canada was realized two-and-a-half centuries after its issuance. In spite of the fact that the document’s legal legacy is not the same in both countries, the United States has much to learn from Canada.

One positive legacy of the Proclamation in the United States was the burgeoning diplomatic relationship between England and America. Lord Shelburne was responsible for greatly sustaining the bond between Great Britain and the future nation. He supported colonists while simultaneously strengthening the British Empire. George Washington appreciated his service, and at the end of the eighteenth century, he thanked him. “This country has a greatful recollection of the agency your Lordship had in settling the dispute between [Great Britain] and it; and fixing the boundary between them,” wrote Washington. In addition to spearheading legal diplomatic efforts, Shelburne envisioned a future in which England and America would be allied
in peace. His vision came true in the form of the ideological “Special Relationship” between the two countries.

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CONCLUSION

Addressing misconceptions and answering remaining questions about The Royal Proclamation of 1763 does more than contribute to the document’s historiography. Widening the scope of unfolding events after the Seven Years’ War and drawing individuals’ decisions into sharper focus allow us to highlight significant themes of the era, including the impact of imperial policies on the newly-expanded North American Continent. The story of the Proclamation from its foundations to its legacy also demonstrates the importance of evaluating the ideology and geopolitics of the Revolutionary period. A catalyst for the seismic changes to come, the Proclamation, issued on October 7, 1763, marked a turning point in the North Americans’ conception of their continental community and their new Empire in addition to their self-perception.

All peoples’ ideas about North America’s land, the Indians, and the purpose and organization of the British Empire evolved over time. Colonists increasingly gained an intellectual understanding of geography by the eighteenth century, especially because of the availability of maps and the sheer number of exploratory expeditions to the westward that were independently led or were sponsored by colonies or religious groups. With increased exploration and observation of the land and the land’s people, talk of boundaries, the need for protection from the “other,” and the future of the westward expanse became mainstream. Then, the Seven Years’ War mandated that everyone gain practical experience in addressing these geopolitical concerns. Due to the increased presence of zones of contact, all of the continent’s residents, including colonists, Indians, and imperial officials, solidified their ideas. The Proclamation
accelerated the shift from the ideological to the practical by giving all people more experience with putting their ideas into action on the imperial level. After 1763, all people were invested in improving the future of North American land, relations between residents, and diplomacy between London and the rest of the Empire. Colonists began to garner an American identity, and Indians unified but were increasingly relegated to their own geographic regions. Both groups soon resisted full control of their affairs by the Crown.

The Empire’s new acquisitions needed to be organized in the meantime. Contrary to popular belief, the Proclamation was not written as an emergency response to Pontiac’s Rebellion. Beginning in January of 1763, seven months before the first skirmishes, proposals in the form of Henry Ellis’s “Hints relative to the Division and Government of the Conquered and Newly acquired Countries in America” and John Pownall’s “Sketch” were brought to the Board of Trade’s attention. Comprising three main sections addressing the organization of new colonies, the distribution of land grants, and the improvement of Indian affairs, the final Proclamation was written over the course of nine months by Lord Shelburne, Lord Egremont, Lord Halifax, and Lord Hillsborough.

In its King-approved form, the Proclamation, in addition to supplementary materials, was dispatched by the Board of Trade in early October and was received with varying speed by administrators and officials. The document was posted in public spaces and was transcribed in newspapers for all colonists to read. Indian Agents William Johnson and John Stuart delivered the news to the Indians. Officials hoped that the Proclamation would restore peace to the continent; and Indians were thankful for the Crown’s commitment to fulfilling the promises of the Treaty of Easton of 1758. Although George Washington, most notably, was angered by the
policies, requirements for land and trade permits made sense to other colonists who believed that the Indian trade had gotten out of hand. Despite what historians have said, the document was not too controversial among colonists immediately after its issuance. In the following months, instead of seeing the document solely as a means by which their movement westward would be curtailed, colonists focused their steadily increasing animosity on the other provisions that organized Indian affairs and protected Indians. Colonists with ties to land and trade companies, on the other hand, were less restrained in their immediate reactions.

It is clear that the impulses behind the document were geopolitical and economic in nature. The Proclamation sought to confirm Indians’ and colonists’ place in the Empire as subjects, but intended to also cooperate with them and extend to them imperial protection. Additionally, the policies aimed to confine colonists to the coast and settle and improve regions away from the heart of America. Economically, the Proclamation intended to open trade to all people instead of letting dominant land and trade companies and a couple of colonies monopolize the market. The Proclamation was successful in confirming the Indians’ and colonists’ place as subjects, but cooperation only blossomed between officials and Indians, although colonists, in the form of land companies’ representatives, did negotiate in London. The document was unsuccessful at confining the colonists to the coast, but was successful at opening trade to all people.

Enforcement of the Proclamation’s policies was uneven. The first section about the organization of new colonies remained in good standing in Britain’s original colonies until 1776. In Quebec, the Proclamation was modified by The Quebec Act of 1774 to properly account for the settlers’ needs. The second section about land grants was upheld much longer than the
document’s intention of ten years—land grants by virtue of the Proclamation were honored until the turn of the nineteenth-century. The third section addressing Indian affairs, including the fixing of a boundary line, posed particular challenges. Even though the line shifted west multiple times as a result of treaties, all boundaries were ineffective. Colonists moved across with fervor and squatted on lands that were not their own, essentially as illegal immigrants, prompting historians to erroneously label the Proclamation as wholly unenforceable. Although this last section failed and two out of three sections were successfully enforced, the Proclamation was too complex a document to be described as simply unenforceable or entirely successful.

The Proclamation sparked the idea that the colonists did not have to mindlessly follow orders that they did not accept and, therefore, helped develop the American spirit. The early stages of American identity propelled the American Revolution and soon became a fully fledged national identity, inspiring Americans’ own imperial visions. Central to the American community identity was ownership of land and the desire to move and expand even at the expense of other communities. New states entered the union through 1959. The Proclamation also left a legacy of collaboration between peoples across the Atlantic, but it also inspired the further development of the regressive concept of the “other” in American society. A cohesive identity was thus imposed upon the Indians based on their status as the “other” but was also accepted by them for the sake of rebellion and diplomatic efficiency.

Although the Proclamation marked a turning point 253 years ago, its lessons also offer a cautionary tale today. Leaders in America and Britain are still struggling to understand that well-intended policies to foster cooperation may have significant drawbacks; likewise, ill-intended policies created out of fear of the “other” will certainly have severe ramifications. Europe is
currently questioning the future of open borders and is asking if boundaries or walls can effectively hold back issues of mass illegal migration and terrorism. Rhetoric about the violent nature of the frontiers has its roots in the climate of racial purging of 1763.

Further inquiries into the Proclamation may consider in more detail the different reactions to and enforcement of the policies in each colony and what that meant to each colony’s community identity during the revolution and each state’s community identity during the early Republic.
MAPS

1. North America after the Seven Years’ War

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2. The Proclamation Line of 1763 drawn by virtue of The Royal Proclamation of 1763, October 7, 1763\(^2\)

3. The Proclamation Line of 1763 in Quebec

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3 Jonathan Carver, “A New map of the province of Quebec, according to the royal proclamation of 1763,” Published in London by Robert Sayver and John Bennett, 1776, Ayer Collection, The Newberry Library, Special Collections, Chicago.
4. Indian tribes of North America⁴

5. The Boundary Line drawn by virtue of the Treaty of Fort Stanwix, 1768

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5 Guy Johnson, “Map of the frontiers of the northern colonies with the boundary line established between them and the Indians at the treaty held by S. Will[jam] Johnson at Ft. Stanwix in November 1768,” 189-?, Ayer Collection, The Newberry Library, Special Collections, Chicago.
6. Boundary Lines drawn by virtue of Indian Treaties including Fort Stanwix, 1768, Hard Labor, 1768, and Lochaber, 1770

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7. The Province of Quebec in 1774 after The Quebec Act, October 7, 1774

8. The United States after the Treaty of Paris of 1783\(^8\)

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APPENDIX A

The Royal Proclamation, October 7, 1763

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 10th Day of February last; and being desirous that all Our loving Subjects, as well of our Kingdom 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, 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, styled 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 Nipissim; from whence the said Line, crossing the River St. Lawrence, and the Lake Champlain, in 45. 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 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 Atlantic Ocean; and to the Eastward and Southward by the Atlantic 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 Pontchartrain; to the Westward by the said Lake, the Lake Maurepas, and the River

1 King George III, By the King: A Proclamation, October 7, 1763, The Royal Proclamation of 1763, The Avalon Project.
Mississippi; to the Northward by a Line drawn due East from that part of the River Mississippi
which lies in 31 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. Vincent's 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

We have also, with the advice of our Privy Council aforesaid, annexed to our Province of
Georgia all the Lands lying between the Rivers Alatamaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling of 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

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 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
Approval of the Conduct and bravery of the Officers and Soldiers of our Armies, and to
reward the same, We do hereby command and impower 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--5,000 Acres.

To every Captain--3,000 Acres.

To every Subaltern or Staff Officer,--2,000 Acres.

To every Non-Commission Officer,--200 Acres.

To every Private Man--50 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 any Patents for Lands beyond the Bounds of their respective Governments.

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 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 public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie: and in case they shall

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 conjoin 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 Treason. 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 Trial for the same.

Given at our Court at St. James's the 7th Day of October 1763. in the Third Year of our Reign.

GOD SAVE THE KING
APPENDIX B

The Quebec Act, October 7, 1774

An Act for making more effectual Provision for the Government of the Province of Quebec in North America.¹

WHEREAS his Majesty, by his Royal Proclamation bearing Date the seventh Day of October, in the third Year of his Reign, thought fit to declare the Provisions which had been made in respect to certain Countries, Territories, and Islands in America, ceded to his Majesty by the definitive Treaty of Peace, concluded at Paris on the tenth day of February, one thousand seven hundred and sixty-three: And whereas, by the Arrangements made by the said Royal Proclamation a very large Extent of Country, within which there were several Colonies and Settlements of the Subjects of France, who claimed to remain therein under the Faith of the said Treaty, was left, without any Provision being made for the Administration of Civil Government therein; and certain Parts of the Territory of Canada, where sedentary Fisheries had been established and carried on by the Subjects of France, Inhabitants of the said Province of Canada under Grants and Concessions from the Government thereof, were annexed to the Government of Newfoundland, and thereby subjected to Regulations inconsistent with the Nature of such Fisheries:

I

May it therefore please your most Excellent Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: That all the Territories, Islands, and Countries in North America, belonging to the Crown of Great Britain, bounded on the South by a Line from the Bay of Chaleurs, along the High Lands which divide the Rivers that empty themselves into the River Saint Lawrence from those which fall into the Sea, to a Point in forty-five Degrees of Northern Latitude, on the Eastern Bank of the River Connecticut, keeping the same Latitude directly West, through the Lake Champlain, until, in the same Latitude, it meets the River Saint Lawrence: from thence up the Eastern Bank of the said River to the Lake Ontario; thence through the Lake Ontario, and the River commonly call Niagara and thence along by the Eastern and South-eastern Bank of Lake Erie, following the said Bank, until the same shall be intersected by the Northern Boundary, granted by the Charter of the Province of Pennsylvania, in case the same shall be so intersected: and from thence along the said Northern and Western Boundaries of the said Province, until the said Western Boundary strike the Ohio: But in case the said Bank of the said Lake shall not be found to be so intersected, then following the said Bank until it shall arrive

at that Point of the said Bank which shall be nearest to the North-western Angle of the said Province of Pensylvania, and thence by a right Line, to the said North-western Angle of the said Province; and thence along the Western Boundary of the said Province, until it strike the River Ohio; and along the Bank of the said River, Westward, to the Banks of the Mississippi, and Northward to the Southern Boundary of the Territory granted to the Merchants Adventurers of England, trading to Hudson's Bay; and also all such Territories, Islands, and Countries, which have, since the tenth of February, one thousand seven hundred and sixty-three, been made Part of the Government of Newfoundland, be, and they are hereby, during his Majesty's Pleasure, annexed to, and made Part and Parcel of, the Province of Quebec, as created and established by the said Royal Proclamation of the seventh of October, one thousand seven hundred and sixty-three.

II

Provided always: That nothing herein contained, relative to the Boundary of the Province of Quebec, shall in anywise affect the Boundaries of any other Colony.

III

Provided always, and be it enacted: That nothing in this Act contained shall extend, or be construed to extend, to make void, or to vary or alter any Right, Title, or Possession, derived under any Grant, Conveyance, or otherwise nowsoever, of or to any Lands within the said Province, or the Provinces thereto adjoining; but that the same shall remain and be in Force, and have Effect, as if this Act had never been made.

IV

And whereas the Provisions, made by the said Proclamation, in respect to the Civil Government of the said Province of Quebec, and the Powers and Authorities given to the Governor and other Civil Officers of the said Province, by the Grants and Commissions issued in consequence thereof, have been found, upon Experience, to be inapplicable to the State and Circumstances of the said Province, the Inhabitants whereof amounted, at the Conquest, to above sixty-five thousand Persons professing the Religion of the Church of Rome, and enjoying an established Form of Constitution and System of Laws, by which their Persons and Property had been protected, governed, and ordered, for a long Series of Years, from the first Establishment of the said Province of Canada; be it therefore further enacted by the Authority aforesaid: That the said Proclamation, so far as the same relates to the said Province of Quebec, and the Commission under the Authority whereof the Government of the said Province is at present administered, and all and every the Ordinance and Ordinances made by the Governor and Council of Quebec for the Time being, relative to the Civil Government and Administration of Justice in the said Province, and all Commissions to Judges and other Officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first Day of May, one thousand seven hundred and seventy-five.
V

And, for the more perfect Security and Ease of the Minds of the Inhabitants of the said Province, it is hereby declared: That his Majesty's Subjects, professing the Religion of the Church of Rome of and in the said Province of Quebec, may have, hold, and enjoy, the free Exercise of the Religion of the Church of Rome, subject to the King's Supremacy, declared and established by an Act, made in the first Year of the Reign of Queen Elizabeth, over all the Dominions and Countries which then did, or thereafter should belong, to the Imperial Crown of this Realm; and that the Clergy of the said Church may hold, receive, and enjoy, their accustomed Dues and Rights, with respect to such Persons only as shall profess the said Religion.

VI

Provided nevertheless: That it shall be lawful for his Majesty, his Heirs or Successors, to make such Provision out of the rest of the said accustomed Dues and Rights, for the Encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy within the said Province, as he or they shall, from Time to Time think necessary and expedient.

VII

Provided always, and be it enacted: That no Person professing the Religion of the Church of Rome, and residing in the said Province, shall be obliged to take the Oath required by the said Statute passed in the first Year of the Reign of Queen Elizabeth, or any other Oaths substituted by any other Act in the Place thereof; but that every such Person who, by the said Statute, is required to take the Oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following Oath before the Governor, or such other Person in such Court of Record as his Majesty shall appoint, who are hereby authorized to administer the same; videlicet, I A.B., do sincerely promise and swear: That I will be faithful, and bear true Allegiance to his Majesty King George, and him will defend to the utmost of my Power, against all traitorous Conspiracies, and Attempts whatsoever, which shall be made against his Person, Crown, and Dignity; and I will do my utmost Endeavor to disclose and make known to his Majesty, his Heirs and Successors, all Treasons, and traitorous Conspiracies, and Attempts, which I shall know to be against him, or any of them; and all this I do swear without any Equivocation, mental Evasion, or secret Reservation, and renouncing all Pardons and Dispensations from any Power or Person whomsoever to the contrary. So help me GOD. And every such Person, who shall neglect or refuse to take the said Oath before mentioned, shall incur and be liable to the same Penalties, Forfeitures, Disabilities, and Incapacities, as he would have incurred and been liable to for neglecting or refusing to take the Oath required by the said Statute passed in the first Year of the Reign of Queen Elizabeth.
And be it further enacted by the Authority aforesaid: That all his Majesty's Canadian Subjects within the Province of Quebec, the religious orders and Communities only excepted, may also hold and enjoy their Property and Possessions, together with all Customs and Usages relative thereto, and all other their Civil Rights, in as large, ample, and beneficial Manner, as if the said Proclamation, Commissions, Ordinances, and other Acts and Instruments had not been made, and as may consist with their Allegiance to his Majesty, and Subjection to the Crown and Parliament of Great Britain; and that in all Matters of Controversy, relative to Property and Civil Rights, Resort shall be had to the Laws of Canada, as the Rule for the Decision of the same; and all Causes that shall hereafter be instituted in any of the Courts of Justice, to be appointed within and for the said Province by his Majesty, his Heirs and Successors, shall, with respect to such Property and Rights, be determined agreeably to the said Laws and Customs of Canada, until they shall be varied or altered by any Ordinances that shall, from Time to Time, be passed in the said Province by the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, by and with the Advice and Consent of the Legislative Council of the same, to be appointed in Manner herein-after mentioned.

Provided always: That nothing in this Act contained shall extend, or be construed to extend, to any Lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his Heirs and Successors, to be holden in free and common Soccage.

Provided also: That it shall and may be lawful to and for every Person that is Owner of any Lands, Goods, or Credits, in the said Province, and that has a Right to alienate the said Lands, Goods, or Credits, in his or her Lifetime, by Deed of Sale, Gift, or otherwise, to devise or bequeath the same at his or her Death, by his or her last Will and Testament; any Law, Usage, or Custom, heretofore or now prevailing in the Province, to the contrary hereof in any-wise notwithstanding; such Will being executed either according to the Laws of Canada, or according to the Forms prescribed by the Laws of England.

And whereas the Certainty and Lenity of the Criminal Law of England, and the Benefits and Advantages resulting from the Use of it, have been sensibly felt by the Inhabitants, from an Experience of more than nine Years, during which it has been uniformly administered: be it therefore further enacted by the Authority aforesaid: That the same shall continue to be administered, and shall be observed as Law in the Province of Quebec, as well in the Description and Quality of the Offence as in the Method of Prosecution and Trial; and the Punishments and Forfeitures thereby inflicted to the Exclusion of every other Rule of Criminal Law, or Mode of
Proceeding thereon, which did or might prevail in the said Province before the Year of our Lord one thousand seven hundred and seventy-four; any Thing in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such Alterations and Amendments as the Governor, Lieutenant-governor, or Commander in Chief for the Time being, by and with the Advice and Consent of the legislative Council of the said Province, hereafter to be appointed, shall, from Time to Time, cause to be made therein, in Manner hereinafter directed.

XII

And whereas it may be necessary to ordain many Regulations for the future Welfare and good Government of the Province of Quebec, the Occasions of which cannot now be foreseen, nor, without much Delay and Inconvenience, be provided for, without intrusting that Authority, for a certain Time, and under proper Restrictions, to Persons resident there, and whereas it is at present inexpedient to call an Assembly; be it therefore enacted by the Authority aforesaid: That it shall and may be lawful for his Majesty, his Heirs and Successors, by Warrant under his or their Signet or Sign Manual, and with the Advice of the Privy Council, to constitute and appoint a Council for the Affairs of the Province of Quebec, to consist of such Persons resident there, not exceeding twenty-three, nor less than seventeen, as his Majesty, his Heirs and Successors, shall be pleased to appoint, and, upon the Death, Removal, or Absence of any of the Members of the said Council, in like Manner to constitute and appoint such and so many other Person or Persons as shall be necessary to supply the Vacancy or Vacancies; which Council, so appointed and nominated, or the major Part thereof; shall have Power and Authority to make Ordinances for the Peace, Welfare, and good Government, of the said Province, with the Consent of his Majesty's Governor, or, in his Absence, of the Lieutenant-governor, or Commander in Chief for the Time being. [Repealed by The Constituional Act, 1791]

XIII

Provided always: That nothing in this Act contained shall extend to authorize or impower the said legislative Council to lay any Taxes or Duties within the said Province, such Rates and Taxes only excepted as the Inhabitants of any Town or District within the said Province may be authorized by the said Council to assess, levy, and apply, within the said Town or District, for the Purpose of making Roads, erecting and repairing publick Buildings, or for any other Purpose respecting the local Convenience and Oeconomy of such Town or District.

XIV

Provided also, and be it enacted by the Authority aforesaid: That every Ordinance so to be made, shall, within six Months, be transmitted by the Governor, or, in his Absence, by the Lieutenant-governor, or Commander in Chief for the Time being, and laid before his Majesty for his Royal Approbation; and if his Majesty shall think fit to disallow thereof, the same shall cease and be void from the Time that his Majesty's Order in Council thereupon shall be promulgated at Quebec.
XV

Provided also: That no Ordinance touching Religion, or by which any Punishment may be inflicted greater than Fine or Imprisonment for three Months, shall be of any Force or Effect, until the same shall have received his Majesty's Approbation.

XVI

Provided also: That no Ordinance shall be passed at any Meeting of the Council where less than a Majority of the whole Council is present, or at any Time except between the first Day of January and the first Day of May, unless upon some urgent Occasion, in which Case every Member thereof resident at Quebec, or within fifty Miles thereof, shall be personally summoned by the Governor, or, in his absence, by the Lieutenant-governor, or Commander in Chief for the Time being, to attend the same.

XVII

And be it further enacted by the Authority aforesaid: That nothing herein contained shall extend, or be construed to extend, to prevent or hinder his Majesty, his Heirs and Successors, by his or their Letters Patent under the Great Seal of Great Britain, from erecting, constituting, and appointing, such Courts of Criminal, Civil, and Ecclesiastical Jurisdiction within and for the said Province of Quebec, and appointing, from Time to Time, the Judges and Officers thereof, as his Majesty, his Heirs and Successors, shall think necessary and proper for the Circumstances of the said Province. XVIII. Provided always, and it is hereby enacted: That nothing in this Act contained shall extend, or be construed to extend, to repeal or make void, within the said Province of Quebec, any Act or Acts of the Parliament of Great Britain heretofore made, for prohibiting, restraining, or regulating, the Trade or Commerce of his Majesty's Colonies and Plantations in America; but that all and every the said Acts, and also all Acts of Parliament heretofore made concerning or respecting the said Colonies and Plantations, shall be, and are hereby declared to be, in Force, within the said Province of Quebec, and every Part thereof.
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