

SIR WILLIAM JOHNSON AND THE
PROCLAMATION OF 1763

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PREFACE

Sir William Johnson served as the Superintendent for the Northern Department for Indian Affairs from 1755 until his death in 1774. As Superintendent he was one of the many subordinate officials serving the bureaucracy which directed the concerns of the British Empire in America. Johnson has been celebrated in several biographies and his career has been considered "wise" in these works. This study has afforded the opportunity to take a second look at the much esteemed Superintendent.

A central aim of Whitehall after the defeat of the French in the "Great War for Empire" (1754-1763) was the ordering of the increased imperial domain and the fashioning of a western policy for the American colonies that would protect the Indian alliance and secure peace on the frontier. Johnson was directly involved in the western concerns and his role has been evaluated specifically in light of the Royal Proclamation which was issued on October 7, 1763. The manner in which he contributed to the policies which were contained in that document was reviewed. The way in which he applied these policies in the critical period between 1763 and 1768 was also analyzed. This assessment of Johnson's behavior in regard to the Proclamation has shown that he failed to carry out fully the letter of his commission and that he did not uphold the royal wishes in all of his actions.

The sound advice and counsel of Professor Theodore L. Agnew has

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CHAPTER I

AN INTRODUCTION TO THE PROCLAMATION OF 1763: ITS FORMULATION AND INTERPRETATION

The Proclamation of 1763 was the first formal statement of the policy which England proposed to follow in governing her new empire in the Western hemisphere. Although the royal edict was issued in haste in October, certain portions revealed the fact that the program it set forth had been the center of considerable discussion. The development of schemes for imperial government prior to 1763 has been traced by many students of this document. Their specific answers to such questions as why it was issued, what it proscribed, and how the policies expressed within it evolved, have suggested the pattern of Whitehall thinking on issues related to the contest with France for America. Such answers also reveal the nature of Whitehall policy-making at the time. In order to place the present study in proper perspective and to establish the direction of this research, a summary of the formulative steps taken in issuing the Proclamation will be followed by a review of the major interpretations of it.

The general context out of which the Proclamation emerged was that of the duel with and victory over France in the "Great War for Empire" (1754-1763). For all practical purposes the American phase of the war ended in the early 1760's. The French fate was sealed with the conquest of Canada and the surrender of the French Governor, Pierre

François de Rigaud, marquis de Vaudreuil-Cavagnal, to General Jeffrey Amherst, Commander-in-Chief of the British forces in America, September 7, 1760.¹

Accompanying the question of how to organize the soon-to-be acquired empire was the problem of colonial-Indian relations. With the French foe removed from the Ohio and Mississippi River valleys the colonists were experiencing a general feeling of relief. Some joined the few settlers and traders who had braved the war-ridden frontier beyond the Allegheny mountains.² All felt that the battle for the West was over. The colonists believed that they had made good the title to American soil which rested on Cabot's discovery (1497) and the sea-to-sea charter grants from the king.³ The trans-Appalachian frontier was thus theirs to settle by right of conquest. A few colonists nevertheless viewed with dismay the growing number of land-hungry settlers and profit-greedy merchants moving West.⁴ While the French claim had

¹Alexander C. Flick, ed., History of the State of New York, 10 vols. in 5 (Port Washington, New York, 1962), II, p. 240.

²Ibid.

³There has been much discussion on the validity of land claims based on a mere "discovery" of new land. The temper of the land patents granted for the new continent was that of "you can have it if you can tame it." This attitude marks the colonial frame of mind in its drive to the West, according to Wilcomb E. Washburn, "The Moral and Legal Justification for Dispossessing the Indians," in James Morton Smith, ed., Seventeenth-Century America, Essays on Colonial History (Chapel Hill, 1959), pp. 15-32.

⁴The terms "frontier" and "West" are used interchangeably throughout this paper. Turner's definition of the frontier as "the hither edge of free land," the line between civilized, settled areas and wilderness can be found in Frederick Jackson Turner, "The Significance of the Frontier in American History," The Early Writings of Frederick Jackson Turner, Everett E. Edwards, compiler (Madison, Wisconsin, 1938), pp. 185-229.

been extinguished by surrender, the Indians remained to challenge the flow of colonial settlement onto their lands.

During the preceding one hundred and fifty years the Indians' attitude had changed from the hospitable and friendly welcome that greeted the first English visitors to a guarded and hostile vigilance against the white usurpers.⁵ The earlier colonists had been interested in the rich fur trade and the wealth of available land. Their activities led to encroachments that had a damaging effect on future relations with the natives.⁶ The resulting jealousy of the Indians was a reservoir of mistrust that promised to plague frontier situations at the end of the war. Hence, some people in the colonies were troubled by the renewed thrust into Indian lands. They were even more anxious that Whitehall do something to prevent a clash between the two cultures.

The British government had been forced to face up to the problem of Indian relations during the French and Indian War, and that concern had been delegated to the Board of Trade, which was responsible for colonial matters.⁷ Perusing the dispatches from the colonies shortly

⁵ Washburn, p. 19.

⁶ Charles Howard McIlwain, ed., Introduction to Peter Wraxall, An Abridgement of the Indian Affairs Contained in Four Folio Volumes, Transacted in the Colony of New York, From the Year 1678 to the Year 1751 (Cambridge, Massachusetts, 1915), p. xxii. Also see Frederick Jackson Turner, The Character and Influence of the Indian Trade of Wisconsin: A Study of the Trading Post as an Institution (Johns Hopkins University Studies, 9th ser., Nos. 11-12 [Baltimore, 1891/]), p. 70.

⁷ The Board of Trade, created in 1696 and achieving its greatest significance under the presidency of the Earl of Halifax, 1748-1761, was the administrative unit most acquainted with the affairs of the plantations during the war. Oliver Morton Dickerson, American Colonial Government, 1696-1765, A Study of the British Board of Trade

after the war began, the Lords of Trade sensed the nature of this crisis. The results of the past policy with regard to westward movement, the granting of large tracts of unsettled land and the paucity of defenders along the colonial frontier, were alarming. In particular, the "thirst for land" and the spasmodic line of frontier settlements challenged the rights of the very Indians whom the government wanted as allies.⁸ Towards the end of the war the Board received a letter from Sir William Johnson, Superintendent of the Northern Indian Department in America. He bemoaned the scattered and "defenseless state of the back parts of each province."⁹ Johnson feared that a frontier holocaust would result from the careless occupation of Indian lands. Closing his letter, he urged that a policy be adopted that would enforce

a quiet possession of our distant posts, and an increase of settlements, on the back parts of the Country so as within a few years to have a well Settled [sic] Frontier, in itself strong enough to repel any sudden attempt from the Indians.¹⁰

Partly because of the latent threat of a border war which Johnson had intimated in his letter, the Board of Trade began to formulate a program that might eventually soothe tempers and lead to a rapprochement with the Indians. There was an immediate need for a policy that would preserve the integrity of Indian lands, protect the red allies

in its Relation to the American Colonies, Political, Industrial, Administrative (New York, 1963), is a study of this relationship.

⁸ Ibid., p. 342. Also see Carl L. Becker, The Eve of the Revolution: A Chronicle of the Breach with England (New Haven, 1918), pp. 34-35.

⁹ August 20, 1762. James Sullivan, et al., eds., The Papers of Sir William Johnson, 14 vols. (Albany and New York, 1921-1965), III, p. 868.

¹⁰ Ibid., p. 867.

from the trade abuses, and establish a stout defense separating the races along the frontier. Although the Board of Trade was thus led to consider the practicality of a boundary line and evenly distributed settlements,¹¹ the final decision about the West was delayed until the treaty ending the war had been accepted.

The Peace of Paris was signed on February 10, 1763, and thereby England's claim to the "New World" from the Atlantic Ocean to the Mississippi River was confirmed.¹² The Grenville program in that pivotal year of 1763 was directed in part to coping with the new acquisitions and revamping the older less efficient frontier policy.

Factors other than the size of the new empire and colonial-Indian relations beset the home government. Political jealousies and factions within the ministry impeded a smooth development of official policy. Petty arguments and resignations from office contributed to the kaleidoscopic picture of the political scene.¹³ Apart from such disputes was the problem of time. The governmental machinery worked slowly. Colonial matters were reviewed by the Board of Trade, then considered by a committee of the Privy Council, and finally presented to the whole

¹¹Dickerson, p. 347. Lawrence Henry Gipson, The Triumphant Empire: New Responsibilities Within the Enlarged Empire, 1763-1766. The British Empire Before the American Revolution, IX (New York, 1956), pp. 41-54.

¹²Clarence Walworth Alvord, The Mississippi Valley in British Politics, 2 vols. (New York, 1959, 1st ed. 1914), I, pp. 19-43. Also, Theodore C. Pease, "The Mississippi Boundary of 1763: Reappraisal of Responsibility," American Historical Review, XL (January, 1935), pp. 278-286.

¹³Louis B. Namier, The Structure of Politics at the Accession of George III, 2 vols. (London, 1929).

Privy Council meeting with the king for final approval. Speed was often sacrificed to insure a thorough review of all problems and policies.¹⁴ The distance between the mother country and her colonial brood was yet another factor. Although the Atlantic served as the only channel of communication, it was a slow route for the exchange of intelligence between the colonies and the home government. Because of the time lag, ideas and suggestions often sailed past each other in the packets aboard ship.¹⁵ For example, information concerning the events of Pontiac's uprising in the spring and summer of 1763 and news of the frontier war did not reach the home office until early fall. Only after the arrival of Superintendent Johnson's letter reporting the rebellion did the government feel the need to hasten the proclamation of its new frontier policy.¹⁶

The Royal Proclamation of 1763, issued on October 7, was the first formal statement of the revised imperial program.¹⁷ Conceived of as an answer to the question of how to organize the empire, and outlined in the midst of the general ministerial problems of the times, its immediate occasion was the need to put an end to the confusion in the colonies and halt the frontier war. The times called for a statement concerning the royal intentions. According to that edict, the king

¹⁴Dickerson, p. 104.

¹⁵Ibid., pp. 133-141.

¹⁶Johnson to the Lords of Trade, July 1, 1763. E.B. O'Callaghan, ed., Documents relative to the Colonial History of the State of New York, 15, vols. (Albany, 1854-1887), VII, p. 525.

¹⁷For the nature and use of the proclamation as an instrument to express the royal authority see Leonard Woods Labaree, Royal Government in America (New York, 1958), pp. 18-19.

intended 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" from the empire acquired in the Peace of Paris.¹⁸

In order to secure these advantages, the Proclamation ordered the erection

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.¹⁹

The "rights of Englishmen" were established within these provinces, and immigration was encouraged. The Proclamation awarded grants of land to veterans who had helped to take the empire from the French. Finally, the subject of the vast trans-Appalachian interior was discussed. The policies regarding this last subject are central issues with which this study is concerned.

The most controversial portion of the document was that concerned with the boundary line and Indian lands. The Proclamation announced 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.²⁰

"Until our further pleasure be known," the announcement continued, no

¹⁸"By the King. A Proclamation," The Annual Register, or a View of the History, Politics and Literature for the Year 1763 (London, 1790, 5th ed.), p. 208.

¹⁹Ibid., p. 209.

²⁰Ibid., p. 211.

governor or royal official was to issue grants, surveys, or patents in these areas; no colonists were to purchase or settle there; and those already settled were to remove themselves. Therefore, a line determined by "the heads or sources of any of the rivers which fall into the Atlantic Ocean from the West or Northwest" and including all unceded Indian lands would divide the white man and the red man.²¹ With such a boundary, located at the Appalachian mountains, the Indians could be protected from the "encroaching settlers." The boundary line "for the present" was to be a foundation for improving Indian relations.

The Proclamation then proceeded to delegate responsibility for carrying out its program. In the first place, should the Indians feel "inclined to dispose of the said lands," the colonial governor in a public meeting with them was to make the transfer in the name of the crown or the proprietor.²² Secondly, regarding the matter of Indian trade which was to be "free and open to all our subjects," the royal colonial officials were to license those who wished to participate.²³ Finally, almost as an afterthought, any criminals who escaped into the wilderness for sanctuary were to be sought out by the royal officers.²⁴

The Proclamation of 1763 has been called a "remarkable document."²⁵ As a foundation for the new direction in colonial affairs it revealed the sincere desire on the part of the ministry to meet imperial needs

²¹ Ibid.

²² Ibid., p. 212.

²³ Ibid.

²⁴ Ibid., pp. 212-213.

²⁵ Gipson, The British Empire, IX, p. 47.

in the most fair and practical manner.²⁶ Since the Board of Trade had been faced with frontier difficulties for a longer period of time than with considerations of problems in the new provinces, the provisions for a western policy are the expression of more matured thoughts.²⁷ The Board's thinking was based on certain precedents that had been established at the Albany Congress of 1754, at the Easton Treaty of 1758, in the proclamation of General Bouquet in 1761, at the Detroit Conference of 1761, and in the instructions to the colonial governors issued that same year. Such evidence suggests that considerable attention had been devoted to the problems of the colonial west prior to the Proclamation.

The Albany Congress called in 1754 marked a changed attitude on the part of the Board of Trade, which previously had lacked interest in and had failed to produce a centralized Indian policy.²⁸ As a result of its new concern, the Board attempted to relieve the chief grievances of the Indians, land frauds and trade abuses, by adopting a more unified program. The Congress at Albany was to air the hostile feelings of both white and red parties, as well as to assure the Indians that the English government would satisfy their needs. Following on the heels of the Congress was the Board's recommendation that Sir William Johnson, resident of the Mohawk Valley, be selected as one of the superintendents for Indian affairs. His was to be a three-fold task:

²⁶ Jack M. Sosin, Whitehall and the Wilderness: The Middle West in British Colonial Policy, 1760-1775 (Lincoln, Nebraska, 1961), pp. 52-53.

²⁷ Clarence Walworth Alvord, "The Genesis of the Proclamation of 1763," Michigan Historical Society Collection, XXXVI (1908), pp. 20-51.

²⁸ Ibid., p. 24.

to assist in the reorganization of the frontier program; to serve as a diplomatic ambassador from the king; and to inform the Board of the latest Indian intelligence.²⁹ This appointment indicated an interest in centralization.

Subsequent events contributed to the new direction of the Board's thinking. At an Indian conference in Pennsylvania the Treaty of Easton (1758) set a precedent for future land guarantees. The Treaty promised that no further settlement would be made west of the Alleghenies.³⁰ The pledge was upheld by Colonel Henry Bouquet, Commandant at Fort Pitt, later that year, when he assured the anxious Indians that his troops had not come to deprive them of their lands.³¹ Three years later, the Colonel again affirmed the "Easton Principle" in a declaration issued October 13, 1761.³² Also in 1761 General Amherst had requested that Sir William Johnson meet with the Indians at a conference in Detroit. One of the most important results of this meeting was the strict instructions regulating trade and intercourse with the Indians which the Superintendent issued there.³³ By 1761, then, certain promises had been made to carry out the Board's interest in securing the Indian alliance for the French and Indian War.

One other event in 1761 suggested the policy that would appear

²⁹ Ibid., p. 25.

³⁰ Sosin, pp. 42-43.

³¹ Ibid., p. 32.

³² Alvord, "Genesis of the Proclamation," p. 27 n9.

³³ Gertrude Selwyn Kimball, ed., Correspondence of William Pitt when Secretary of State with Colonial Governors and Military and Naval Commissioners in America, 2 vols. (New York, 1906), II, p. 486 n2.

again in the Proclamation. The Earl of Halifax had resigned from the presidency of the Board of Trade, and in turn the influence of that group faded as the Secretary of State for the Southern Department increased in power.³⁴ The Earl of Egremont who became the Southern Secretary on October 9, 1761, began immediately to stretch the powers of his office. By December 2 he had drafted instructions to the colonial governors. The letters ordered the officials to stop granting lands and encouraging settlement in areas that belonged to the Indians.³⁵ Thus it would seem that the part of the Proclamation concerned with frontier policy merely formalized previous commitments made to the Indians by numerous colonial figures.³⁶

A formal statement of the policy which had evolved since 1754 became a major concern after the Peace of Paris was signed. Reviewing the chronology of the Proclamation from February to October of 1763, it can be seen that the main themes of the discussion in administrative circles had been expressed first in a letter from Lord Egremont, the Southern Secretary, to the Earl of Shelburne, the President of the Board of Trade.³⁷ This communique of May 5, 1763, focused attention on two central issues: how to obtain the commercial advantages from the new provinces, and how to secure their defense.³⁸ Egremont

³⁴ Alvord, "Genesis of the Proclamation," p. 28.

³⁵ New York Colonial Documents, VII, pp. 473, 477.

³⁶ Sosin, p. 53.

³⁷ R. A. Humphreys, "Lord Shelburne and the Proclamation of 1763," English Historical Review, XLIX (April, 1934), pp. 241-264.

³⁸ Ibid., p. 245.

enclosed a paper on "Hints Relative to the Division and Government of the newly Acquired Countries in America,"³⁹ to assist the Board in preparing a statement. The author of this item, Henry Ellis, past governor of Georgia and then governor of Nova Scotia living in England, was the chief advisor to Egremont on colonial affairs.⁴⁰ The fourteen "Hints" listed by Ellis included the types of governments for each new territory, the protection and garrisoning of the distant posts, and the necessity for establishing a western boundary line behind the old provinces, thus encouraging settlers to immigrate to the new provinces.⁴¹ The advice was so potent that the "Hints" is now included as a "key document in the series which culminated, more or less fortuitously, in the proclamation of October 1763."⁴²

Second in chronology and importance to Ellis' document is the "Sketch of a Report concerning the cessions in Africa and America at the Peace of 1763."⁴³ Drawn up at the request of Lord Shelburne by John Pownall, permanent secretary to the Board of Trade, the "Sketch" demonstrates a similarity to the policy ideas in Egremont's and Ellis' suggestions. The "Sketch" also refutes the notion that Shelburne alone was the author of the western policy found in the

³⁹Verner W. Crane, "Hints Relative to the Division and Government of the Conquered and Newly Acquired Countries in America," Mississippi Valley Historical Review, VIII (March, 1922), pp. 370-373.

⁴⁰Ibid., 368 n6. Also, Humphreys, p. 245 n4.

⁴¹Crane, pp. 370-372.

⁴²Ibid., p. 370.

⁴³Humphreys, pp. 258-264.

Proclamation.⁴⁴ Pownall's ideas were incorporated by Maurice Morgann, Shelburne's private secretary, who drafted the final Board report to Egremont on June 8, 1763.⁴⁵

The summer months of 1763 were spent in further outlining the details of the new imperial policy. But this work was not to be completed in leisure. The intelligence as to the Indian uprising alarmed the Board enough to cause it to advocate on August 5 that a proclamation be issued to quiet the Indians, to prohibit further western settlement, and to encourage immigration away from the frontier to the new provinces.⁴⁶ In the month and half interval between August 5 and the order of September 28 for the drafting of the Proclamation new personalities came into the ministry. The Earl of Egremont died, and the position of Secretary of State for the Southern Department was in the hands of the Earl of Halifax. The presidency of the Board of Trade passed from Shelburne to Wills Hill, the Earl of Hillsborough.⁴⁷ The draft of the Proclamation was reviewed by the Board on the 29th and 30th and was then sent to Attorney General Charles Yorke on October 1.⁴⁸ Final insertions and modifications in the tone of the document were made by Pownall. Approved in Council on the 5th, the Proclamation

⁴⁴Ibid.

⁴⁵Franklin B. Wickshire, British Subministers and Colonial America (Princeton, 1966), pp. 93-95.

⁴⁶Humphreys, p. 252.

⁴⁷Ibid., p. 253.

⁴⁸Ibid., p. 254.

received the final approbation of the King on October 7, 1763.⁴⁹

In light of the foregoing discussion, the Proclamation is to be considered a cornerstone of the post-war policy. Its place in American colonial history has been analyzed from many differing viewpoints: as part of administrative history, as one of many irritants which led eventually to the Revolution, and as a link in the frontier history of the United States.

Twentieth century scholarship has attempted to "dispose forever of the question of the finality of the mountain boundary line;"⁵⁰ so speaks the man whose name is closely associated with pioneer works that dissected the Proclamation of 1763. Others who have followed Clarence Walworth Alvord agree that the conspicuous landmark of the Appalachian mountains had merely been an expedient chosen "for the present", a significant symbol to the Indians of the government's intentions.⁵¹

Regardless of the temporary nature of the boundary line, the question of the Proclamation's relation to the American Revolution raises an associated issue. Did the colonists feel penned in by the boundary line as George Bancroft depicted them?⁵² Following the view

⁴⁹ Ibid.

⁵⁰ Alvord, "The Genesis of the Proclamation," p. 38

⁵¹ Ibid. Also Max Farrand, "The Indian Boundary Line of 1763," American Historical Review, X (1905), pp. 782-791. George Louis Beer, British Colonial Policy, 1754-1765 (New York, 1907), p. 257. Gipson, The British Empire, IX, pp. 41-54. Dickerson, pp. 348-349.

⁵² George Bancroft, History of the United States of America, 6 vols. (New York, 1891), III, pp. 62-63.

of Franklin B. Wickshire, they did not. Rather, the British subjects rebelled less heatedly to the Proclamation and accepted more of it than in the case of subsequent Imperial acts.⁵³ The fact that it did cause some "consternation" in American has not been ignored."⁵⁴ George Louis Beer argued that it came at a wrong time. As part of the tightened control by which the home government wished to centralize its affairs, the Proclamation was issued when the colonists were least amenable to restrictions on their settlements and affairs.⁵⁵ This theme has been carried out by others who describe the maturity and sense of mission which had developed in America by this time.⁵⁶ As the study by Thomas Perkins Abernethy has suggested, the Proclamation per se was not a cause of the Revolution. Indirectly, however, it added to the grievances of the colonists during the pre-Revolutionary period.⁵⁷

Several studies have raised a similar issue with regard to the motives of the British government. As might be expected, Bancroft blames the petty fears of a despotic king, who, rather than lose his subjects to the wilds of the interior, bound them to the coastal colonies. No more complimentary have been the suggestions by Charles

⁵³Wickshire, p. 88.

⁵⁴Thomas D. Clark, Frontier America: The Story of the Westward Movement (New York, 1959), p. 83.

⁵⁵Beer, p. 160.

⁵⁶Gipson, The British Empire, IX, and The Triumphant Empire: Thunder Clouds Gather in the West, 1763-1766. The British Empire Before the American Revolution, X (New York, 1956). Also, Ray Allen Billington, Westward Expansion: A History of the American Frontier (New York, 1960), p. 140.

⁵⁷Thomas Perkins Abernethy, Western Lands and the American Revolution (New York, 1937).

Howard McIlwain and Frederick Jackson Turner that Britain was moved by a desire to secure the wealth of the Ohio Valley fur trade.⁵⁸ This picture of greed has been moderated by the statements of Lawrence Henry Gipson and Jack Sosin which show that the Proclamation was "an honest effort" on the part of England to secure the safety of the colonies as well as the good will of the Indians.⁵⁹

A further area for analysis has been the haste in which the Proclamation was drawn. Indeed, the document itself was speeded through the bureaucratic channels between September 28 and October 7. Alvord suggested that, because of the hurry, certain blunders were made in the prescriptions for the handling of the French population in Quebec, the civil jurisdiction in the interior, and the Indian trade.⁶⁰ Most students of the Proclamation agree that it contained many weaknesses. However, some of the policies within the Proclamation were not without precedent. If the document was drawn in haste due to the circumstances, it still should be considered as a formalization of earlier policy commitments and not a program that was conceived in less than a month's time.

One final area of concentration concerning the document has been the matter of responsibility. Max Farrand suggested that "at every stage of their deliberation," the Board of Trade incorporated ideas which they had received from the Superintendents for Indian Affairs.⁶¹

⁵⁸ McIlwain, pp. xxiii-xxiv. Turner, Indian Trade of Wisconsin, pp. 43, 70.

⁵⁹ Gipson, The British Empire, IX, pp. 54-54. Sosin, p. 52.

⁶⁰ Alvord, "Genesis of the Proclamation," p. 52.

⁶¹ Farrand, p. 783.

Alvord long argued that Lord Shelburne had been the sole author of the frontier policy in the Proclamation and that Hillsborough, who Alvord felt was completely ignorant of colonial affairs, was to blame for the faults in that document.⁶² Subsequent studies have diminished the role of the Board of Trade and its President. Both Humphreys and Crane have offered evidence to refute Alvord's views. Turning from the Alvord defense of a "wise" Lord Shelburne, Humphreys suggested that whatever was good or bad about the Proclamation stemmed from the work of subordinate members of the Board of Trade. Both Shelburne and Hillsborough were dependent on the Secretary, John Pownall.⁶³ In turn, Verner Crane argues that it was the Secretary of State for the Southern Department, and not the Board of Trade, that did most of the work on the Proclamation.⁶⁴ Even Lord Egremont's role has been diminished by Crane, who suggested that it is to Governor Ellis, Egremont's guide in the colonial puzzle, that we must hand the responsibility for the wording and policy ideas within the Proclamation. To sum up the various views on who should be selected as responsible for the document, perhaps the most accurate interpretation is that it was a case of "multiple participation."⁶⁵

To be sure, this official statement which set up a boundary line "for the present" caused much "consternation" in America, and was hastened by the events of the spring and summer of 1763. Yet it was the

⁶² Alvord, "Genesis of the Proclamation," p. 34.

⁶³ Humphreys, pp. 241-264.

⁶⁴ Crane, pp. 367-373.

⁶⁵ Wickshire, p. 86.

fairest possible order to formalize the ad hoc commitments that had been made to the Indians. It was the product of several minds, some in the home office and some in the colonies.

One of the minds that contributed to the genesis of the proclamation was that of Sir William Johnson. As Indian Superintendent for the Northern Department he played a role in making pledges to the Indians to ease the problems of land frauds and trade abuses. In his own way Johnson contributed to the origin of the Proclamation of 1763. His letters to the Board of Trade were ripe with policy suggestions regarding a boundary line, land sales, and an Indian trade policy. As one of the subordinate officials he contributed to building the foundation for the post-war imperial program. Further, as an agent of the King and directly subordinate to the Commander-in-Chief in America, Johnson had the responsibility of carrying out the royal edicts. The Proclamation suggested the royal desires regarding the newly acquired colonial empire and colonial-Indian relations. It may be asked if Johnson succeeded in carrying them out. Critical issues relating Johnson to the Proclamation, both in its origin and application, will be discussed in the following chapters.

CHAPTER II

WILLIAM JOHNSON AND THE ORIGIN OF THE PROCLAMATION OF 1763

"As his Majesty's Agent in this country from no other motive than a desire to preserve the peace and promote the prosperity thereof," William Johnson reported the northern colonial frontier situation in 1762 to Lord Egremont in London.¹ He had indeed become deeply involved in his work as Northern Indian Superintendent and for many years prided himself in knowing that he supplied Whitehall with a more "tollerable Idea of Indian Affairs" than had been received in the earlier colonial period.² From his own evaluation of his role it could be inferred that Johnson held an important position as a subordinate official in the Whitehall bureaucracy which spanned the Atlantic. He may have been influential in suggesting policies that were incorporated into the Proclamation of 1763. Certainly, his constant insistence that Whitehall establish a frontier program could not be ignored by the London ministers. Who was Johnson and what was his role in the origin of the Proclamation?

Emigrating from Ireland in 1738, Johnson had been initiated to the problems of the American west along the New York frontier. The Mohawk Valley was the crucible of his experience in such frontier

¹Johnson to Egremont, May 1762. Papers, X, p. 462.

²Johnson to George Clinton, December 2, 1754. Ibid., IX, p. 146.

matters as Indian trade, land surveys, broken treaties, and the integration of two cultures. His life in colonial America, according to one biographer, was an extended effort to alleviate Indian problems and to hold back the land-hungry whites "gone well-nigh mad with the sight of open spaces."³ This land-rush was one of the first things he noted in a letter to the "dear Uncle" (Peter Warren) who had sponsored his trip across the Atlantic: "people here are mad Every day purchaseing land, & Surveying."⁴

The Irish immigrant did not escape the attention of the New York colonial leaders. In particular, the Albany oligarchy was jealous because he successfully competed for the Indian fur trade and championed the rights of the politically weak Palatine German settlers. Johnson's success in the Mohawk Valley was largely due to a power vacuum created by the absenteeism of the Albany landlords.⁵ Later Johnson would characterize these leaders as the

most unfitt Sett of Men in the World to Live on the Frontiers as they are neither laborious, industrious, nor Soldiers, all of which qualities are indispensably necessary for those who Settle on any of those Frontiers now.⁶

Except for the Albany tension, he found himself "much respected" in the area and attributed the "good will of all people," in part, to "my Own Behavior, which I trust in God I shall always continue."⁷

³ Arthur Pound, Johnson of the Mohawks (New York, 1930), pp. 17, 39.

⁴ Johnson to Peter Warren, May 10, 1739. Papers, I, p. 7.

⁵ Pound, pp. 8, 45. Also, James Thomas Flexner, Mohawk Baronet: Sir William Johnson of New York (New York, 1959), pp. 13-42.

⁶ Johnson to George Clinton, December 2, 1754. Papers, IX, p. 147.

⁷ Johnson to Peter Warren, May 10, 1739. Ibid., I, p. 7.

Johnson's arrival not only coincided with the need for a local champion in the Mohawk Valley, it was also contemporary with the struggle for control of the trans-Appalachian west. In this contest England had two adversaries; both the French and the Indians attempted to block all her advances into the interior. Whitehall at least was becoming aware that scattered and defenseless settlements were no protection against these threats.⁸ In time Johnson was to accentuate the need for fortified, evenly distributed outposts. Inviting Scots-Irish immigrants onto his frontier lands and later requesting 500 more families, he explained that his colonizing provided a "good Barrier between Us and the French," and, further, that "it would undoubtedly be vastly for the Interest of the Crown and Security of this Province to have the Frontiers Covered."⁹ He was extremely critical of the disorganized pattern of western development that had been followed to that time and tried to correct it by his own example.

Not long after his involvement in Mohawk Valley politics, Johnson worked his way into the administrative circles of his colony. Appointed Justice of the Peace in 1745, he rose to the New York Royal Council in 1751. Soon he had won the attention of the home ministry and all London.¹⁰ Shrewdly enough, Johnson had linked his ambition with the struggle for colonial empire. In the transition from poor immigrant

⁸See reports of the Board of Trade to the Privy Council. Great Britain, Privy Council, Acts of the Privy Council in England. Colonial Series (1613-1783), 6 vols. Almeric W. Fitzroy, W. L. Grant, and James Munroe, eds. (London, 1908-1912), VI, pp. 122-124, 149-154.

⁹Johnson to George Clinton, December 2, 1754. Papers, IX, p. 147.

¹⁰Flexner, pp. 13-68. Pound, p. 127.

to frontier sage, he became a subordinate royal official who contributed to the western policy which came formally from Whitehall.

King George's War (1744-1748) was the occasion for the public recognition he received early in his career. Because the apathetic New York council under the leadership of James Delancey did not support Governor George Clinton in building the defense against France, Clinton appointed Johnson Commissary to supply the Indians at Oswego and also commissioned him "Colonel of the Forces to be raised out of the Six Nations."¹¹ It was a "raveling war" for the Colonel who had to fight the stingy assembly, convince the Six Nations to support the campaign against Canada, and wait out the frustration when promised British aid never arrived.¹² Through it all Johnson seemed a "heaven trained" leader, combining what he could of red and white power.¹³ At least the Board of Trade sounded impressed when it reported that where Indian support had been hard to obtain, Colonel Johnson could now engage over 1,000 on reasonable notice.¹⁴ His name had become familiar to the London bureaucracy.

In the French and Indian War (1754-1763) Johnson became a star in his own right. At the Battle of Lake George on September 8, 1755, his forces defeated the French troops, and he became the hero of the first significant victory for the English in that confusing year.¹⁵ As

¹¹Pound, pp. 11-103. For Commissions see August 27 and August 28, 1746. Papers, I, pp. 59-60, 60-61.

¹²Flexner, pp. 80-92.

¹³Ibid., p. 3.

¹⁴Acts of the Privy Council, VI, p. 295.

¹⁵Flexner, pp. 147-160. Papers, II, pp. 32, 420.

"Major-General of the Forces to be raised out of the Six Nations,"¹⁶ Johnson became entangled in military politics. He was the superior officer in regard to collecting Indian troops, but the English generals were above him in recruiting regular troops. The confusion caused by this dual responsibility can be seen in Johnson's relations with General William Shirley, Governor of Massachusetts, and the so-called "Shirley Cabal."¹⁷ Other Generals, James Abercromby and Jeffrey Amherst, it seemed to Johnson, showed a similar lack of understanding for and appreciation of Johnson's position.¹⁸ In spite of the friction, however, His Majesty "learnt with sensible Pleasure, that, by the good order, kept by Sir William Johnson, among the Indians, no Act of cruelty has stained the Lustre of the British Arms."¹⁹ The award of the baronetcy after the Lake George victory was a symbol of royal esteem.²⁰

Throughout the French and Indian War, Johnson served not only in a military but also in a diplomatic post. On April 15, 1755, General Edward Braddock had presented him the commission "to have the Sole Management and direction of the Six Nations of Indians and their Allies."²¹

¹⁶April, 1755. Papers, I, pp. 468-475.

¹⁷Pound, pp. 188-189, 226.

¹⁸Flexner, pp. 189-190, 239-240.

¹⁹Kimball, ed., Correspondence of Pitt, II, p. 345.

²⁰November 11, 1755. New York Colonial Documents, VI, p. 1020. November 27, 1755, "Johnson's Patent of Hereditary Dignity." Papers, II, pp. 343-350.

²¹April 15, 1755. Papers, I, pp. 465-466. Lords of Trade to Secretary Fox, February 17, 1756. New York Colonial Documents, VII, p. 35.

Acknowledging his orders, the new Superintendent pledged that he would assert frugality and regularity in the matter of keeping accounts. An "undeviating integrity shall govern my whole conduct," he promised.²²

The Board of Trade had recommended his appointment so that he could supply them information about the frontier and aid them in organizing a general plan, and the new Indian official did not delay sending the latest intelligence. In his initial report as Superintendent, he stated the causes of the indifference in British-Indian relations. Unable to mask his tremendous respect for the "superior activity, attention and artful conduct of the French," the Superintendent suggested ways in which the British should "animate" themselves and regain the Indians' friendship, ways that were reminiscent of French methods.²³

Johnson hoped to establish an extensive system which would keep him abreast of Indian developments. Recommending that forts be built at every nation and garrisoned with a Lieutenant's party, he asked that they be provided with gunsmiths, armorers, and interpreters. Each post also needed to be regulated by a system of fair trade laws. Time and again in his correspondence during the French and Indian War Johnson expressed this need for "an equitable, an open and a well regulated Trade with the Indians."²⁴ Another familiar theme was that "Treaties of Limitations" should divide Indian and white lands. While he pleaded for a boundary line, however, he also urged the peaceful integration of the

²² Johnson to Lords of Trade, July 21, 1755. New York Colonial Documents, VI, p. 962.

²³ Ibid., VI, p. 962.

²⁴ Ibid., VI, p. 963. Also May 17, 1759. Ibid., VII, p. 377.

two cultures through the work of "missionaries of approved Characters, Ability and Zeal" and educated interpreters.²⁵

Connected to the military and diplomatic sides of the British government, Johnson had become a respected subordinate official of the royal bureaucracy. The suggestions which he penned to the Board of Trade often lent the final ounce of persuasion needed to set up a colonial policy. As such, he was responsible for some of the ad hoc commitments in the period between 1754 and 1763 that were finalized in the Royal Proclamation. His activities at the Albany Congress even before he had become the northern superintendent, his encouragement preliminary to the Treaty of Easton in 1758, and his achievements at the Detroit conference in 1761, are examples of his contributions to the frontier policy announced on October 7, 1763.

Johnson's presence and behavior at the Albany Congress (June-July of 1754) increased the good impression he was making with the home office. After this Congress the Board of Trade reached their decision to select him as sole Superintendent for Northern Indian affairs.²⁶ Johnson attended the Congress as councillor from New York, and he was one of the twenty-three commissioners who were convened to hear the grievances of both Indian and white parties. Various Indian tribes were taken aside and in private conferences were allowed to express their uneasiness.²⁷

²⁵ Ibid., VII, p. 377.

²⁶ John R. Alden, "The Albany Congress and the Creation of the Indian Superintendencies," Mississippi Valley Historical Review, XXVII (September, 1940), pp. 193-210. Billington, p. 121.

²⁷ Records of these proceedings in New York Colonial Documents, VI, pp. 853-892.

The Albany Congress "Representation" was a formal statement of policy suggestions on how to mitigate the friction.²⁸ It was offered to the Board of Trade for consideration. After rehearsing the details of the rightful ownership of the American continent, the French usurpation of the Cabot claim, and the laxity of the colonists in defending the English interest, the "Representation" discussed remedies for the critical situation.

The first proposal involved setting up a "wise superintendancy" and maintaining a close regard for the Indians. Secondly, in the matter of Indian intelligence, it was suggested that "some discreet person or persons be appointed to reside constantly with each Nation of Indians." The protection of the frontier was considered thirdly with the advice that naval vessels patrol the waterways to prevent French communications. The fourth recommendation for the benefit of preserving the Indian lands stated that "all future purchases be void unless made by the Government where such lands lye, and . . . in their [Indians'] public councils." Fifthly, it prescribed that "the patentees or possessors of large unsettled Territories be enjoined to cause them to be settled in a reasonable time on pain of forfeiture." As a final pledge to the Indians that their lands might be safe from white encroachment the "Representation" advocated:

That the bounds of these Colonies which extend to the South Sea, be contracted and limited by the Alegheny or Apalachian mountains, and that measures be taken for settling from time to time Colonies of His Majesty's protestant subjects, westward of said Mountains, in Convenient Cantons to be assigned for that purpose.²⁹

²⁸The "Representation" is found in *ibid.*, VI, pp. 885-888.

²⁹*Ibid.*, VI, p. 888.

The Albany Congress, thus advocated a firm frontier policy and recommended that a stable well-settled boundary line be erected. Only in such a framework could westward expansion proceed slowly and peacefully.

The immediate problem was how to offset the encroaching French and at the same time convince the natives that the British were not intending to remain on and settle their hunting grounds. Johnson seemed to echo the intents of the "Representation" as he spoke on the urgent matter. In his address to the Congress, "Measures Necessary to be taken,"³⁰ he sounded a familiar theme of concern for "our defenceless Frontiers" and for the lack of unity among the colonial governments concerning Indian policy. He may have desired to be appointed to the superintendency mentioned in the "Representation". If this is true, he was at least practical enough to align his ambitions with the immediate goal of extirpating the French. Thus, he registered a plea to "direct our management according to the present exigency."³¹

At the same conference, however, such loiterers as John Henry Lydius were working against Johnson and the "Representation" policy.³² Outside the Albany halls Lydius secured from the rum-filled Indians what would become known as the infamous "Connecticut Purchase."³³ It was not long until white settlers from Connecticut entered the rich

³⁰ "Measures Necessary to be taken with the Six Nations and other Matters Requisite to be preferred, towards defeating the designs of the French on the British Continent," in *ibid.*, VI, pp. 897-899.

³¹ *Ibid.*, VI, p. 897.

³² Pound, p. 165

³³ *Ibid.*, pp. 108-296.

lands of the Susquehanna River valley in north central Pennsylvania and began developing the "Wyoming tract" which Lydius had purchased. The Delaware Indians, finding their lands had been fraudulently ceded, became restive. Although they had selected the Oneidas as guardians of their interests at the Congress, they had not foreseen that their caretakers would be seduced into deeding their lands to ravenous White settlers.³⁴

With the Delawares desiring to repudiate the sale, General Abercromby wrote to Pitt of the need to settle the matter with the Pennsylvania Indians. Such an agreement, according to the General, would align the Indians on the English side.³⁵ Throughout the arrangements for the Easton parley (1758), which was to resolve the "Connecticut Purchase" issue, Johnson was in contact with William Denny, the Governor of Pennsylvania. Although the Indian Superintendent could not attend because of his military commitments to the Ticonderoga Campaign, the conference had his sanction.³⁶ "I hope these Measures & the Negotiations at the Proposed Congress," wrote the absentee Johnson, "will put things upon such a footing, as may for the future secure the frontiers of your Province."³⁷ To procure this "happy Security," not only for Pennsylvania but for the entire West, he

³⁴ Robert Hunter Morris to Johnson, November 15, 1754. Papers, IX, pp. 142-145. Richard Peters to Johnson, January 23, 1755. Ibid., IX, p. 155.

³⁵ Major-General Abercromby to Pitt, May 24, 1758. Ibid., II, pp. 838-841.

³⁶ Ibid. Also, Johnson to William Denny, July 21, 1758. Ibid., II, pp. 878-880.

³⁷ Ibid., II, p. 879.

recommended "an advantageous Trade for the Indians," "authoritative regulations" to convince them of the English friendship, and most important

a solemn public Treaty to agree upon clear & fixed Boundaries between our Settlements & their Hunting Grounds, so that each Party may know their own & be a mutual Protection to each other of their respective Possessions.³⁸

Johnson's deputy George Croghan was sent to the meeting in his place. Johnson wrote that although he could not foretell the outcome of the conference he felt that the results would be considerable and advantageous.³⁹ Finally the word arrived from Easton that the boundary promise had been made, and Governor Denny announced the satisfactory, but difficult conclusion of a treaty with the Delawares.⁴⁰ The matter of the settlement and lands of the Susquehannah valley was not yet finished; the "Connecticut Purchase" would plague Johnson for many years.⁴¹ Although he was not in attendance at the Easton Conference, it would seem that Johnson had done all that he could to assure that the results would set policy precedents.

Equally significant ad hoc commitments were made at the Detroit Conference in 1761. Directed by Amherst to journey into the trans-Appalachian area ceded by France in 1760, Johnson was to call together the western tribes and "settle all Indian Affairs and their trade on

³⁸ Ibid.

³⁹ Johnson to James Delancey, September 10, 1758. Ibid., II, p. 896. Johnson to William Denny, September 16, 1758. Ibid., III, pp. 1-2.

⁴⁰ "Treaty of Easton," The Annual Register . . . for the Year 1759 (London, 1790, 5th ed.), pp. 191-203. Denny to Johnson, October, 1758. Papers, III, pp. 10-11.

⁴¹ Pound, pp. 108, 165, 296.

the best footing."⁴² The Superintendent accordingly began his trek from Fort Johnson to the lands of the Ottawa Confederacy.⁴³ Along the way he met each tribe individually. Allaying their fears, he promised that their lands would no longer be fraudulently handled and that King George III had their best interests at heart and would keep them well supplied with powder and stores.⁴⁴

Ministers, gunsmiths, and interpreters accompanied Johnson. Some remained with the Indians to begin the program of educating the natives in the ways of the white man's civilization.⁴⁵ At such posts as Niagara, Oswego, Michilimackinack, and St. Joseph, Johnson drew up regulations for the conduct with the Indians, for keeping accounts and reporting intelligence, and for trade.⁴⁶

He had barely finished the conference at Burnetsfield in the Mohawk Valley when he received the news of a conspiracy among the Senecas and the Western Indians to tear down "every vestige of the British presence in their hunting grounds."⁴⁷ In the midst of this added anxiety Johnson reached Detroit in September. The conference and Treaty which followed on September 9 was a master stroke of Indian

⁴²General Amherst to Pitt, August 13, 1761. Correspondence of Pitt, II, pp. 463-464.

⁴³"Minutes of the Proceedings of Sir William Johnson, Bart. with the Indians on his Way to, and at Detroit in 1761." Papers, III, pp. 428-503. Also, "Journal." Ibid., XIII, pp. 215-274.

⁴⁴Minutes. Ibid., III, p. 435.

⁴⁵Ibid.

⁴⁶Ibid., III, pp. 463, 473-474.

⁴⁷Ibid., III, pp. 437-439.

diplomacy.⁴⁸ Johnson achieved the necessary balance between scolding and clemency in his work there. The Senecas, when taken aside, received a thorough reprimanding for causing the present disturbance. At the General Council, however, Johnson judiciously offered the king's protection in all matters.⁴⁹ His closing address excelled all the others both in its dramatic flair and its attempt to inspire Indian loyalty. "Altho' the management of your Affairs," Johnson began,

is the province allotted to me by his Majesty, I am no less bound by inclination than by duty to serve you, & so long as you shall pay a strict adherence to every part of the present treaty, I shall esteem all your Nations as our true and natural Allies, treat with you independent of any other Nation, or Nations of Indians whatsoever, & use the utmost exertion of my abilities in the promoting of your interest & welfare.⁵⁰

Back at Fort Johnson in early October he evaluated the outcome of his mission. An Indian war had been averted, but for how long?⁵¹ Reports were compiled for the Southern Secretary and the Board of Trade.⁵² In them, the Northern Superintendent urged that immediate action be taken to carry out his promises. The Indians, he noted, felt hemmed in and complained of the stringent British treatment. We must assure them that our presence in the Ohio Valley is not to "extirpate them," he wrote Egremont. Likewise, "The Department of Indian Affairs should

⁴⁸Ibid., III, pp. 474-480. Pound, p. 332.

⁴⁹Minutes. Papers, III, pp. 474-480.

⁵⁰Ibid., III, p. 480.

⁵¹Pound, pp. 349, 396, makes an issue of Johnson's one blunder at the conference. He recognized the Hurons rather than the Ottawas as head of the Western Confederacy.

⁵²Acts of the Privy Council, VI, pp. 341-347. Also, Johnson to Egremont, May 1762. Papers, X, pp. 460-463.

be carried on with regularity and uniformity."⁵³ Without firm and resolute action in these two areas an Indian war would certainly occur. The Superintendent had surveyed the situation for himself; he would never be convinced that speeches and treaties were sufficient to quell the restive Indians. Nor did he think that there was much hope that the proclamations for evicting the settlers in the Ohio Valley would restrain the pioneers from persisting in their westward movement.⁵⁴ Words and pledges, given at Albany, at Easton, and at Detroit, as Johnson foresaw, were not enough. Even Egremont's order to Amherst to use his influence to prohibit settlements seemed a weak token.⁵⁵ "Yet they wanted more assurance of Friendship," Johnson wrote to London in the summer of 1763.⁵⁶ Glumly he reported the frontier holocaust that had begun with the uprising of the Ottawa chief Pontiac.⁵⁷ "All of these evils have arisen from our considering the Indians incapable of doing us much damage" and "our treating them with indifference."⁵⁸ With prudent management, plentiful rewards, and military backing Johnson hoped to make an impressive show for the Indians that were still undecided in their support for Pontiac. In an "I told you so" tone, Johnson repeated that "meer words have in general not much weight

⁵³ Acts of the Privy Council, VI, pp. 341-342.

⁵⁴ Johnson to Egremont, May 1762. Papers, X, pp. 462-463.

⁵⁵ Ibid., X, p. 463.

⁵⁶ Johnson to the Lords of Trade, July 1, 1763. New York Colonial Documents, VII, p. 525.

⁵⁷ Ibid., pp. 525-527. The most recent and complete study of the border war is Howard H. Peckham, Pontiac and the Indian Uprising (Princeton, 1947).

⁵⁸ New York Colonial Documents, VII, p. 526.

with a People who judge by our actions and not our language to them."⁵⁹
 Only a boundary line and a show of generosity that would make peace worthwhile to the Indians could bring an end to the conflagration.

The Lords replied that they were counting on Johnson's ability and influence to quiet the frontier. "We do entirely agree with you in opinion as to the causes of this unhappy defection of the Indians," they wrote encouragingly.⁶⁰ "Convinced that nothing but the speedy establishment of some well digested and general plan for the regulation of our commercial and political concerns with them can effectually reconcile their esteem," they urged the colonial subordinate to supply them with information that might help them "carry out the royal intentions."⁶¹

Subsequent correspondence in the fall of 1763 between Johnson and the Board was but a mere formality. "I humbly conceive," he wrote after the October 7th Proclamation had been issued,

that a certain line should be run at the back of the Northern Colonies, beyond which no settlement should be made, until the whole Six Nations should think proper of selling part thereof. This would encourage thick settlement of the Frontiers, oblige the Proprietors of large grants to get them Inhabited, and secure the Indians from being further deceived by many who make a practice of imposing on a few Indians with liquor and fair promises to sign Deeds, which are generally disavowed by the nation.⁶²

⁵⁹Ibid.

⁶⁰Lords of Trade to Johnson, September 29, 1763. Ibid., VII, p. 567.

⁶¹Ibid.

⁶²Johnson to Lords of Trade, November 13, 1763. Ibid., VII, p. 578.

His rhetoric in 1763 sounds something like that of the "Representation" of 1754. The precedents had been set. Thanks, in part, to Johnson the Board already had some idea what it would do. Hurried into final draft form because of the Pontiac uprising, the Proclamation merely formalized the commitments that had been made between 1754 and 1763. To be sure, Johnson's recommendations for a boundary, for a frontier plan that would regulate Indian trade and manage the interior fairly, had been heard. He was one of the many subordinate officials determining Whitehall policy.

The Superintendent's work was not finished when the Proclamation was issued. The Western Indians had not been subdued, and until the "kiss of peace" with Pontiac in 1766 Johnson labored to tame them.⁶³ Then there was the matter of placing the policies suggested in the Proclamation on a more permanent basis. Johnson had been an outspoken proponent of a centralized Indian Affairs program. He particularly emphasized the need to establish a well organized trade policy and to promote fair dealings in land transactions. His relation to the Proclamation of 1763 must now be evaluated in light of how he applied the programs it outlined.

⁶³Peckham, p. 297.

CHAPTER III

SIR WILLIAM JOHNSON AND THE CENTRALIZATION OF INDIAN AFFAIRS

Many problems accompanied the French cession of the trans-Appalachian land in 1763 and the subsequent Royal Proclamation. The latter revealed the Imperial concern for Western affairs. By formalizing the promises which had been made prior to 1763 the British ministry hoped to placate the Indians on the western borders of the colonies. The edict called for a stricter control over Indian trade through the process of licensing traders and establishing necessary regulations. It also provided for a boundary line to prevent colonial encroachments on Indian lands. At best these provisions were vague and in need of further delineation. At worst, they were an ineffective modus vivendi. If the Proclamation was to be more than a meaningless truce its policies needed to be put into actual practice. The years between 1763 and 1768 were a critical period for implementing the royal intentions.

Due to the prevailing conditions and attitudes the Proclamation policies could not be worked out and put into effect immediately. The Indians of the Western Confederacy were still restive. The French influence, a remnant of the former control in the Illinois territory, also exacerbated the problem of the final transfer of the western area to British sovereignty. Further complications arose from the colonists who had increased their competition for the fur trade and lands, and

who seemed little ruffled by the Royal order. as if the muddle of affairs on the American side of the Atlantic was not enough, the ministries in London added to the confusion. The turnover in such key positions as President of the Board of Trade and Secretary of State for the Southern Department precluded the smooth implementation of the western policy. In 1768 these offices were eclipsed by the newly created Secretary of State for the Colonies. By that time, too, less attention was being paid to the west than to the rebellious colonists in the east.

In spite of the confusion, royal officials were expected to carry out the letter and spirit of the Proclamation. Sir William Johnson shared that responsibility. As Northern Superintendent he had a dual role to fulfill. He was to function as an overseer in economic relations with the Indians in his department. He was also to serve as chief advisor to and agent for the king in Indian land affairs. During the period 1763 to 1768 it is particularly difficult to distinguish his "economic" duties from his "diplomatic" functions. Nevertheless, the two will be given separate attention in this and the following chapters. How well did Johnson, as a subordinate royal official, apply the Proclamation and carry out his "economic" role?

The establishment of a sound trading program became a priority for Johnson in the years after the Proclamation was issued. If an organized plan of trade could be set up, the Indians would then have an external example of British fair-dealing.

The Superintendent reread that portion of the recent pronouncement which allowed to all the King's subjects "free and open trade." It called for obedience to "such regulations as we shall at any time think

fit . . . to direct and appoint for the benefit of the said trade."¹

Johnson also had before him the letter from the Lords of Trade under the date of August 5, 1763. "In what manner this free trade is to be

regulated and by what general plan the Interests and Policies of the Indians are to be form'd and directed, will in a great measure depend upon such opinions and proposals as we shall receive from you and his Majesty's Agent for the Southern District, upon this subject."²

The Lords urged Johnson to transmit as soon as possible "What will in your Judgement be a proper Plan for the future Management and direction of these important Interests."

Johnson's response to the Board of Trade was more than a plan for implementing Indian trade. What he proposed was a complete reorganization of Indian affairs.³ His innovations were related to the authority and personnel of the revamped system. The two Indian Superintendents were to be subordinate only to the Crown and Privy Council. Separated from the ignorance of colonial laws and the interference of the royal military establishment, the superintendents would have a free hand to carry out the Imperial policies. Previous run-ins with colonists in New York, with Governor Shirley of Massachusetts, and with General Amherst had educated Johnson to the necessity of an independent superintendency. He continued to "beg leave to recommend" this distinction in authority.

That the Superintendent should have the Sole Management of Indian Affairs, is not only Essential to his Majesty's

¹The Annual Register . . . for the Year 1763, p. 212.

²New York Colonial Documents, VII, pp. 535-536.

³Johnson to the Earl of Halifax, November 19, 1763. Papers, IV, pp. 248-250.

Interest, but absolutely Necessary to the well discharging of that Office, which would otherwise prove Ineffectual from the different Interests and Systems of the several Colonies. It is humbly proposed . . . that all private persons, Societies, or Bodies Corporate, be prohibited from Intermeddling, in like manner as the Civil and Military, it having often, and may again happen that such persons may attempt it I have seen so many Instances of this nature, which have nearly involved us in a Rupture with some Nations.⁴

In addition, each superintendent would command his own "army" of frontier personnel. Deputies, commissaries, blacksmiths, and interpreters were necessary for the new system. Spread across the unwieldy frontier, these persons could check the activities of the more wily traders and land grabbers.

As to the handling of the trade and supervision of the "pernicious" practices of the traders, Johnson's recommendations were sweeping. Since the two hundred trading points scattered across the frontier were difficult to control, he suggested that trade be centralized at eleven distinct posts in his department--approximately one to each tribal area. If the department was so centralized it would be easier to make annual visits, keep careful records, and channel the intelligence reports. Likewise, the most abusive trading practices could be curtailed. By limiting trade to specific points he could assure that the sale of rifle-barrelled guns was prohibited, that the sale of rum was properly restricted, that the practice of giving credit to the Indians was abandoned, and that standard weights and measures

⁴Johnson's "Sentiments, Remarks and Additions humbly offered to the Lords Commissioners for Trade, and Plantations, on their Plan for the future management of Indian Affairs," October 8, 1764. Clarence W. Alvord and Clarence Edwin Carter, eds., Collections of the Illinois State Historical Library, X (Springfield, Illinois, 1915), pp. 229-230.

were utilized.⁵

As he worked on his plan, Johnson tried to outline to the Board of Trade a program that balanced between strict military control and the utter chaos of decentralized trade. He was confident that this scheme would prove to be the cheapest and most efficient mode of handling the Proclamation promises.⁶

In addition to the letters he sent to Whitehall, Johnson secured George Croghan, a successful Ohio Valley trader and skilled Indian diplomat, as a personal lobbyist. Johnson felt that Croghan could persuade the Lords of Trade to take immediate action on the reform plan. In London in 1764, Croghan tried to impress these ideas upon the minds of those connected with frontier policy making.

At the outset Croghan was unhappy with the inertia in government circles. He complained to Johnson, in a letter characteristically filled with spelling and grammatical errors, that,

Tho I have been hear Now a Month Nothing has been Don
Respecting North Amerrica. The peple hear Spend thire
time in Nothing butt abuseing one a Nother & Striveing
who Shall be in powere with a view to Serve themselves
& thire frends, and neglect the publick.⁷

Things looked brighter a month later when Croghan wrote Johnson that he was taking care of Indian affairs and that General Amherst had been discredited throughout England. He hoped that the Lords would listen to the plan for a more careful handling of the delicate Indian situation.⁸

⁵Ibid., X, pp. 334-335.

⁶Johnson to Halifax, November 19, 1763. Papers, IV, pp. 248-250.

⁷George Croghan to Johnson, March 10, 1764. Ibid., IV, p. 362.

⁸April 14, 1764. Ibid., IV, p. 396.

Croghan, however, did not address the Lords until June 8, 1764. Eager to "Endeavour at removing Prejudices & Misrepresentations of the Natives and their little Consequence to the prosperity of his Majesty's colonies in America," he discussed the problems inherent in the peaceful cultivation of white and Indian relations.⁹

Croghan developed his insights into the clash between the two cultural groups by comparing the red man's haughtiness with the white man's impropriety. While the Indians love their liberty and will do anything regardless of the consequences once they feel their rights have been violated, Croghan explained, the white man has no sense of the manner in which to address the Indian and assure him that his freedoms are being respected. Johnson's lobbyist cautioned the British to refrain from a policy of chastisement even though the Indians might at times seem to deserve punishment for their rampaging behavior. To calculate war was pure folly in his eyes; "nothing but Fatigue and devastation of our Frontiers and load[ing] the Nation with debt" would result.¹⁰ Instead, and here Croghan concurred with Johnson, the "cheapest and best method in the End" would be the establishment of a centralized policy for Indian Affairs.¹¹

To both men it seemed that the only way to cultivate friendship was through positive action that protected Indian lands via a boundary line, offered good trade, and bestowed annual gifts of good-will. The

⁹Croghan to the Lords of Trade, June 8, 1764. Collections, X, p. 263.

¹⁰Ibid., p. 259.

¹¹Ibid.

Indians would be shrewd enough to discern from the external, organized program that the British word could be trusted. They would then "see their own Interest in living in Friendship with his Majesty's subjects in America."¹²

Both Croghan and Johnson had used the fear tactic to urge the Board to adopt the comprehensive plan for Indian affairs. They suggested to the Lords that a general defection among the Indians, far greater than the Pontiac crisis, could be expected if they dawdled on the plan.¹³ The only result of such a showdown would be the utter rout of the British and an increased debt. Apparently the Lords were aware of the urgency and on July 10, 1764, they issued the "Plan for Imperial Control of Indian Affairs."¹⁴

The Lords' Plan of 1764 was based on Johnson's recommendations. It contained forty-two points to be considered in managing Indian problems. The Plan was published for comments and additions before it would be fully authorized. Prophetic of what would befall the Plan-- the endless round of debates for the next four years until it was finally cancelled--Croghan wrote a gloomy report to Johnson before his departure from London. "Little attension paid by the present Ministry to amerriican affairs as they Study Nothing butt to keep them Selves in power."¹⁵

¹²Ibid., X, p. 258.

¹³Ibid., X, p. 257. Also Johnson to Halifax, November 19, 1763. Papers, IV, p. 249.

¹⁴New York Colonial Documents, VII, pp. 634-636.

¹⁵Croghan to Johnson, July 12, 1764. Papers, IV, p. 465.

Besides the unstable situation of the London ministries which Croghan had reported, practical realities on the American side of the Atlantic were enough to impede the progress of centralization. The problem of taking the Illinois country from the French was of immediate concern. The Pontiac uprising had complicated the change of sovereignty from France to Britain. Even by the Spring and Summer of 1764, the Illinois area had not been taken. Various military manoeuvres, coming in from Pensacola and Louisiana as well as the Great Lakes, had been abortive. The appearance of troops unnerved the Indians all the more thanks to the French, who continued their rumors against the new British overlords. They hinted that the armies were coming to force the Indians to give up lands and to violate the peace. "They [Indians] apprehended we design to enslave them, & consider our Advancing into their Country, as so many Steps to effect it," Johnson reported.¹⁶

The Northern Superintendent had long been calling for signs to the Indians "of our pacific disposition" and assurances that the trade would be reopened. "The necessity of gratifying them with favours or paying some Tribute for the Possession of Illinois, as well as our more northern possessions is very clear."¹⁷ The only way to conquer the jealousy of the Indians and bring peace to the borders was a show of generosity; "if we are determined to possess our Out Posts, Trade & ca securely, it cannot be done for a Century by any other means than that of purchasing the favor of the numerous Indian Inhabitants."¹⁸

¹⁶ Johnson to Lords of Trade, August 20, 1764. Collections, X, p. 307.

¹⁷ Johnson to Gage, June 9, 1764. Ibid., X. 263.

¹⁸ Johnson to Lords of Trade, August 20, 1764. Ibid., X, p. 307.

Johnson's words struck hard at the British policy which discouraged outright gifts to the Indians.

Those concerned with the American frontier, however, agreed that the Illinois country should be taken by peaceful means and with a show of generosity. Croghan had argued his position before the Lords of Trade. General Thomas Gage, also, appeared to be sympathetic toward the Johnson-Croghan policy. He advocated doing everything possible "towards compleating this work happily, and without coming to blows." While Johnson was intent on securing permanent Indian trust, Gage's plea was based on considerations of the expense of war so far inland and "the backwardness of the Provinces to give assistance, in driving the enemy from their doors."¹⁹

Realizing that the French agitation had contributed to the powder-keg conditions on the frontier, Gage tried diplomacy in his "Proclamation to the Inhabitants of the Illinois."²⁰ He requested that the French residents cooperate with the arriving British soldiers to facilitate a peaceful occupation and save that area from the scourge of war. Gage was also aware that a personal encounter would be necessary to quell the Indians' fears. "I have thought of all Means," he wrote Johnson, "how it would be possible to get a proper Person to the Illinois to talk to, and make Friends of the Savages in those Parts."²¹

After Croghan returned from London he was appointed by Johnson as the "proper Person" to carry out the peaceful accomodation of the

¹⁹Gage to Halifax, July 13, 1764. Ibid., X, p. 283.

²⁰December 30, 1764. Ibid., X, pp. 395-396.

²¹June 24, 1764. Ibid., X, p. 269.

area.²² Although his mission was stymied at Fort Pitt after a raid on his baggage of supplies and trade goods, the signs at the end of 1764 were promising. Colonel Bouquet had some success in preliminary talks with the Shawnee and Delaware tribes. He concluded that "from their present humble Dispositions . . . they are sincerely disposed for peace; and that they will not easily break it, provided they are kept under proper management."²³

From February to October 1765 Croghan labored to obtain "the Indians consent to our possessing the important Posts at the Illinois," as Gage had ordered.²⁴ He found the Western Indians eager for re-opening the trade, but also told Johnson that "they don't look on themselves under any obligations to us, but rather think we are obliged to them for letting us reside in their Country."²⁵ They would thus expect some presents. Whereas the Indians expected external tokens of friendship, the British considered gifts as blackmail. Johnson knew he would have difficulty trying to convince the Lords of Trade of this necessity, but it would be worth the price to have an unmolested passage for the troops that would occupy the Illinois outposts.

The formal transfer of the Illinois area came at Fort de Chartres on October 10, 1765. The French commander, Louis St. Ange, turned his

²² Johnson to Gage, December 18, 1764. Papers, IV, p. 625.

²³ Gage to Johnson, December 6, 1764. Collections, X, p. 369.

²⁴ Croghan's Journal from February 28, 1765 to October 8, 1765. Clarence Walworth and Clarence Edwin Carter, eds., Collections of the Illinois State Historical Library, XI (Springfield, Illinois, 1916), pp. 1-52.

²⁵ Croghan to Johnson, November 1765. Ibid., XI, 54.

post over to the British Captain Richard Stirling.²⁶ Johnson celebrated the success and put in an additional request for the final authorization of the Lords' Plan in his report. "The importance of

this Acquisition will be better known in a Year or Two, by which time if these Indians are properly Treated, I have good hopes they will be weaned from their Dependence upon and Friendship for the French Inhabitants of that Country."²⁷

His hopes depended on the controls that the new plan for Indian affairs would bring. That Plan was still pending final approval and the issue of French influence continued to harass the frontier situation. The Northern Superintendent had often wished "that the French Inhabitants at and about the Illinois would withdraw themselves, or behave better," but he was realistic enough to know that this was not probable. "At least there will remain enough of them to poison the Minds of the Indians."²⁸ Gage's suggestion that the Department enact a policy that would totally bar the French "from coming amongst them [Indians]"²⁹ hardly seemed workable.

Johnson shared Croghan's view that it was only natural that the Indians felt so close to the French. They "have been bred up together like children in that Country, & the French have always adopted the Indians Customs & manners, Treated them Civilly & supplied their wants

²⁶Transaction in *ibid.*, XI, pp. 91-101. Also, Gage to Johnson, October 28, 1765. *Papers*, IV, p. 861.

²⁷Johnson to the Lords of Trade, November 16, 1765. *Collections*, XI, p. 117.

²⁸Johnson to Cadwallader Colden, January 22, 1765. *Papers*, IV, p. 639.

²⁹Gage to Johnson, December 6, 1764. *Collections*, X, p. 369.

generously."³⁰ By contrast, Johnson noted, these same Indians "who Judge by Externals only . . . in all their Acquaintance with us upon the Frontiers have never found anything like it." Instead they have experienced "harsh treatment, Angry words, and in short every thing which can be thought of to inspire them with a dislike for our manners & a Jealousy of our views."³¹ Further, Johnson feared, His Majesty's subjects would probably continue their "ill-calculated" behavior. The Plan had to be enacted; "no other method can be pursued with any probability of success."³²

Other practical problems besides securing the western lands and countering the French influence troubled Johnson's dream of centralization. Closer to his Mohawk Valley home the Six Nations were restive. In 1764 the Superintendent had raised a force of Indians to accompany Colonel John Bradstreet on his mission to the Illinois via Niagara. They returned unimpressed by Bradstreet's behavior. Having allowed his troops to be intimidated by a false treaty with imposters at the Sandusky crossing, the Colonel ended his mission in shame. Johnson queried how "we can readily expect their [Six Nations] Assistance on any future occasion . . . our errors (to give them no worse name) have made us look less in the Indians eyes than ever."³³

The colonists contributed to the uneasy peace with the Indians in

³⁰ Croghan to Johnson, November 1765. Ibid., XI, p. 53.

³¹ Johnson to Lords, December 26, 1764. Ibid., X, p. 393.

³² Johnson to Lords, November 16, 1765. Ibid., XI, pp. 117-118.

³³ Johnson to Lords, December 26, 1764. Ibid., X, p. 392. Also, Johnson to Gage, December 18, 1764. Papers. IV, p. 626.

the period when Johnson was attempting to secure his reforms. As they competed for dominance in the fur trade and in land speculation, their behavior aroused questions among the Indians as to the trustworthiness of British domination. A monopoly of the Pennsylvania frontier and especially the area around Fort Pitt was coveted by at least four colonies. Merchants and planters from each participated in the great race to establish control along the frontier. Connecticut, by virtue of its "sea to sea" charter grant, asserted its rights to the Ohio Valley lands.³⁴ Virginia and Pennsylvania vied for the Fort Pitt and Ohio Valley areas which had long been a source of friction between the two colonies.³⁵ Maryland settlers helped themselves to lands along the Ohio River.³⁶

The rivalry among the land and trading companies of one colony often exceeded that between the colonies. Virginia had at least four land companies claiming territory in the Ohio and Mississippi Valleys: the Ohio Company, the Loyal Company, the Greenbrier, and the Mississippi Company. Connecticut championed its Susquehanna Company in Pennsylvania, while Penn's colony boasted the trading companies of Baynton, Wharton and Morgan, and the firm of Franks-Gratz.³⁷

The result of this colonial activity was increased anxiety for the Indians and their Northern Superintendent. In addition, the London

³⁴Connecticut Assembly's Resolution in Papers, II, pp. 493-495.

³⁵W. Neil Franklin, "Pennsylvania-Virginia Rivalry for the Indian Trade of the Ohio Valley," Mississippi Valley Historical Review, XX (March 1934), pp. 462-480.

³⁶Abernethy, pp. 94-95.

³⁷Ibid., pp. 4-8, 24-25, 27.

ministry became more concerned with the problem. The colonial leaders, however, appeared to be little dismayed. One example, the case of the Maryland and Virginia squatters at the Redstone settlement on the Ohio River, demonstrates the frustrations which the Superintendent encountered in dealing with groups that were hostile toward any organized trade and land movements. Lord Shelburne ordered their removal in 1767 because they had violated the Proclamation Line.³⁸ Johnson and Gage attempted to comply. In addition to their sending a military detachment to the area,³⁹ both men wrote to John Blair, the temporary governor of Virginia, requesting that he and the Council order the Redstone settlers to leave. When Blair brought the matter before the House of Burgesses they did not vote for outright eviction. Instead, they issued a vague recommendation concerning the role of the government in preventing fatal consequences with the Indians.⁴⁰ Their resolution was ineffective, and the Redstone settlers remained. Continued outbursts of colonial friction and impropriety forbode ill for the tense frontier.

With the perplexing situations in Illinois and Pennsylvania, Johnson continued to insist on the passage of the Plan. The cure-all, a reformed Indian Affairs Department, never came. It took four years for all concerned to debate the Plan, and to reach the final verdict

³⁸ Shelburne to Johnson, September 13, 1766 and June, 1767. Papers, V, pp. 375, 567.

³⁹ Gage to Johnson, June 28, 1767. Ibid., V, p. 574.

⁴⁰ 31 March, 8 George III, 1768. John Pendleton Kennedy, ed., Journal of the House of Burgesses of Virginia, 1766-1769 (Richmond, 1906), pp. 141-142.

that it was not workable. Throughout that time Johnson advocated certain points that would clarify portions of the proposal. He suggested the area of each superintendent's jurisdiction, the establishment of a centralized trade system, the independence of the Department from the military branch, and a method of financing the Department. Finally, he was forced to admit the overall impracticality of the program.

The matter of the jurisdiction of the Northern and Southern agents was the one suggestion that won approval. Johnson advocated a boundary line that dipped south of the Ohio River. Since his Six Nations had claims to territory to the south he proposed that the line separating the Departments follow "from the Mississippi Upwards to the Catawba River, and up the Said River to its head near the great Ridge or Blue Mountains, at the Back of Virginia."⁴¹ One significant fact about this boundary was that the Illinois country was to be included in the Northern Department's jurisdiction. Even though "Mr. Stewart thinks it most convenient for the southern Department," both Johnson and Gage were agreed that it was more accessible through the North; "The Communication this way [down the Ohio rather than up the Mississippi] is certainly the shortest and most easy."⁴² The Illinois area was thus assigned as the "Western Division" of the Northern Department.⁴³

The key to the plan of 1764, the point on which it could fail or succeed, was the centralized trading program. Compared to the dispersed French style, the British plan was a novelty. Johnson outlined the

⁴¹ Johnson on Lords' Plan, October 8, 1764. Collections, X, p. 328.

⁴² Gage to Johnson, February 25, 1765. Ibid., X, p. 461.

⁴³ Johnson to Gage, March 9, 1765. Papers, IV, p. 666.

principal posts where the trade would be located: Oswego and Niagara for the Six Nations and the Missassauga tribes; Fort Pitt, the Shawnees and Delawares; Detroit, the Hurons, Pottawatomie, Ottawa, and Miamis; Michilimackinac, Ottawas and Chippewas and others around Lake Superior; Green Bay, the Foxes, and others west of Lake Michigan; Fort Chartres for the Illinois trade and Wabash Indians; Chicoutimi, north of Quebec; Carillon, the Six Nations near Montreal; and also Forts Frederick and Halifax for the Northern District.⁴⁴ All of the reasonable arguments for centralizing the trade—better security, hand-picked staff, more efficient handling of books and intelligence, plus a savings to the Department and the traders who incur expenses by going overland—could not insure that the plan was feasible.

At first, Gage had agreed that this would be workable and that it "will be part of the intended Regulations from Home."⁴⁵ However, the slow process of establishing the posts coupled with the weight of custom worked against the proposed centralization. Gage later admitted that the restricted trade "approved of by most People at first from its good Appearance, is found upon Trial not to answer."⁴⁶

The traditional French practice of wintering with the Indians was one custom for which the new program had not accounted. Gage began to advocate rethinking the matter of wintering lest the French "worm the English out of the Trade." Fearing that the regulations might be too

⁴⁴Johnson on Lords' Plan, October 8, 1764. Collections, X, pp. 328-329.

⁴⁵Gage to Johnson, June 24, 1764. Ibid., X, p. 268.

⁴⁶Gage to Shelburne, February 22, 1767. Ibid., XI, p. 509.

strict and that "the Posts and Forts will be of no Consequence," Gage was suggesting that Johnson be flexible; "if it is found out that the Trade at the Posts only will not answer so well as to let the Traders loose; and at Liberty to go where they please, that method must be adopted and the present one abolished."⁴⁷

A conflict over trading methods arose between New York and Pennsylvania traders and the Canadians. The former preferred the centralized plan since they would save on transportation into the hinterland. The latter argued that the Indians lived too far distant from the posts to come to trade and that a free trade policy should be effected.⁴⁸ When the Pennsylvania firm of Baynton, Wharton and Morgan, in order to compete, sent goods into an Indian village, Johnson protested their action as "not only contrary to the General Plan but also to the General Security of the public."⁴⁹ In the long run he acquiesced to the reality that the centralized plan was not completely satisfactory.

Johnson's suggestions concerning the independence and economic self-sufficiency of the Department met with the prejudices of London policy makers and were likewise tabled. Critics, like Richard Jackson, who was part of the Shelburne faction, feared giving too much power to the Indian Superintendents. His objection was that there would be no checks against someone of a more corrupt nature than the present super-

⁴⁷Gage to Johnson, August 18, 1765. *Ibid.*, XI, p. 76.

⁴⁸"Memorial of Traders in Behalf of Free Trade with the Indians," September 20, 1766. *Ibid.*, XI, pp. 378-382. Also see Guy Carleton to Johnson, March 1767. *Papers*, V, pp. 520-524.

⁴⁹Johnson to Baynton, Wharton, & Morgan, September 16, 1766. *Collections*, XI, p. 377.

intendents who might hold the position in the future.⁵⁰ The actual denial of independence to Johnson, however, was based on a more pragmatic reason: the need for a central channel to coordinate colonial intelligence. In 1766, Shelburne announced to Johnson that "The System of Indian Affairs as managed by Superintendents must ultimately be under [the Commander in Chief's] Direction."⁵¹ At the time, Johnson could only submit to the chain of command and work through General Gage.

Careful consideration was given to the argument that the Department could finance itself. Johnson had demonstrated that the Agents needed a well-financed program in order to carry out the Imperial policies. Those involved in prosecuting Indian Affairs needed to be generously reimbursed for

the various Expenses which they must incurr from their offices, the necessary Appearance which in good policy they should make, and the disagreeable Duties of their Employment, the attendance upon Indians and Journeys . . . denying them the Recesses which those in all other Stations enjoy.⁵²

Johnson agreed wholeheartedly with one New York merchant that the misconceptions involved in the subject of Indian affairs were never so far off base than "when they say it can be done or ought to be at no expense."⁵³

According to Johnson's estimates the annual expenses for the

⁵⁰ Jackson, "Remarks on the Plan." Ibid., XI, p. 423.

⁵¹ Shelburne to Johnson, December 11, 1766. Papers, V, p. 448

⁵² Johnson on Lords' Plan, October 8, 1764. Collections, X, pp. 324-325.

⁵³ Harry Gordon to Johnson, March 4, 1766. Papers, V, p. 49.

Department of the North--salaries, funds for tools, presents, rent, and transportation, among others--would amount to £10,850. To support this operation, he proposed a 5% duty on the fur trade plus an equal duty on the sale of liquor, firearms, and ammunition. The estimated annual income from this tax plan would equal £10,963.⁵⁴ This self-sufficient finance program would even bring a profit.

Because the Plan of 1764 contained the provision for taxation on the fur trade it had to be approved by Parliament. However, no ministry, after considering the colonial reaction to the Stamp Act, was willing to risk pushing the matter through Parliament. In April of 1768 came the final order. Hillsborough, then Secretary of State for the Colonies, announced that the central trade was to be disbanded and put back into the hands of the colonists.⁵⁵

The foregoing discussion has outlined the manner in which Johnson, a subordinate royal official, attempted to apply the program of Indian trade dictated in the Proclamation of 1763. That document had called for free trade to all British subjects, but it had not provided the exact regulations for it. The Superintendent's "economic" function involved delineating a program that would make this Proclamation promise a reality. His suggestions involved points which he had been recommending to the London office since the time he received his commission from General Braddock in 1755. The most important of these concerned the need for a well-regulated and centralized trade. In his

⁵⁴ Johnson's "Scheme for raising duties to defray expenses for the Northern Department," October 8, 1764. Collections, X, pp. 336-339.

⁵⁵ Earl of Hillsborough, April 15, 1768. Papers, VI, p. 193. Also, New York Colonial Documents, VIII, pp. 57-58.

Department, Johnson wanted the trade to be localized at eleven distinct posts. Each post would contain its own contingent of the superintendent's "army": Blacksmiths, interpreters and missionaries would be stationed at each center. They would carry the white man's civilization into the tribal areas and see that the trade restrictions were upheld. In turn, they would keep orderly books and records, and channel Indian intelligence back to the Superintendent. Johnson attempted to outline a program that would serve the royal interest well. He hoped to correct the chaos which had attended the previous practice of allowing control of the fur trade to each colony. At the same time, he tried to steer clear of a strict military policy. During the critical years between 1763 and 1768 Johnson worked for the finalization of the Indian plan and the consequent fulfillment of the Proclamation promise regarding proper trade regulation.

Johnson's trade reforms, however, were contained within a larger scheme for centralizing the whole Indian Department. He urged that both the Northern and Southern Agencies be directly accountable to the king. Thus, each would be free of interference from competing, jealous colonies and from the military establishment. Johnson was insistent about an independent superintendency. He tried to sell the idea to the home government on the basis that the Northern Department could be economically self-sufficient. He demonstrated, at least on paper, that by placing an excise tax on the fur trade his Agency could pay its own way and even show a profit.

Johnson also used the argument that an independent department was necessary in order to carry out a consistent frontier policy. The personnel in each department would be skilled Indian diplomats capable

of soothing tension on the frontier. They would be directly accountable to the superintendent. The latter, in turn, acting in the king's name, would serve as a fountain of justice to the Indians. He would control trade abuses, guard their interests in trade and lands, and shower the tribes with gifts. Such a centralized arrangement would insure that the Indians would recognize the benevolence and good will of the king and British government. The result would be the cheapest and best means for maintaining the Indian alliance and peace on the colonial frontier.

Johnson remained interested in the Plan throughout the critical period. By 1766 it was obvious that the idea of a separate Indian agency was unacceptable when Shelburne wrote to the Superintendent that the Department must be subordinate to the military branch. The trade scheme was tabled two years later.

The failure of the Plan of 1764 was not entirely the fault of the Superintendent. Problems in London and in America precluded the smooth implementation of the Proclamation policies as set forth in the Plan. Changes in the ministries at Whitehall detracted from the concentration needed in forming a western policy. Croghan had noted the petty jealousies and factions in London government circles during his 1764 visit.

The Plan was stalled in endless debates in the Board of Trade, but not all the discussion was based on personal interest. Some were critical of the super-authority which the Plan delegated to the agent and feared the appointment of an ill-disposed superintendent who might misuse the power of his office. Others could see the necessity of having centralized channels for colonial intelligence. They maintained that

an independent agency outside the bureaucratic chain of command would be impractical. Finally, the matter of the tax on the fur trade was feared as a point for further agitation of the tense relations with the eastern colonies. No ministry was willing to risk its reputation by pressing the matter of a tax in Parliament.

The American scene was a source of friction which also contributed to the final defeat of the Plan. The rebellious colonists caused a displacement of Whitehall's attention from the west to the Atlantic coast. Colonial leaders often did little to halt the imprudent behavior of their people on the frontier. Also, the Illinois territory provided problems that challenged the workability of the Plan.

If Johnson is not entirely blameable for the failure of the Plan of 1764, he still shares some of that responsibility. Certainly, it would be erroneous to assert that he lacked concern for the direction and reform of the Indian trade and Department affairs. The evidence presented in this chapter, however, does suggest that Johnson's concern may have been misguided and that he may have made some erroneous judgements concerning the situation. These misjudgements coupled with conditions beyond his control precluded the success for which he labored.

In the first place, the Illinois territory was a difficult area to control. If Johnson contemplated an easy centralization of trade there after the first trial years, then he had misjudged the size of the imperial domain. His experience in the Mohawk Valley in earlier days may have biased his thinking. The latter area was more limited in scope and it was easier to build up trade controls there. His view of the problem of centralization after 1763 seems to have been influenced

by this previous experience. This prejudice seems to have hampered critically his ability to think creatively. It might be expected that, after several years had passed and he could see that the Plan was not being accepted with enthusiasm, Johnson would devise an alternative scheme for ordering economic affairs. He seems to have made no attempt to change radically the program he had advocated since 1755.

Secondly, Johnson's hope for an immediate approval of the Plan was ill-founded. The political scene in London and the diversity of problems which each ministry had to face prevented a full concentration on western policies alone. Croghan had hinted of this potential problem in 1764. Nevertheless, Johnson fumed about the "Inability in the Executive parts of the Government."⁵⁶

Lastly, Johnson misjudged the conditions in the colonies. On the one hand he did not foresee that the location of trade at specific posts would not be acceptable to all comers. On the other hand, his proposed tax on the fur trade was the very antithesis of what the eastern colonists were demanding during this period. He seemed unable to create an alternative to this tax and, thus, shared in the downfall of the Plan.

Johnson's efforts to carry out the "economic" role of his superintendency seem to have been honest ones. Nevertheless, he was not successful in applying the letter of the Proclamation concerning trade. He relinquished his duties in this sphere not without some reservations. Writing to Henry Moore, the Governor of New York, he noted that "The Management of the Trade is therefore committed to the Colonies, from an expectation that they have profited by the Experience of former mis-

⁵⁶ Johnson to Gage, May 17, 1766. Papers, V, p. 216.

conduct, . . . and which I heartily wish may no longer exist."⁵⁷ He had finally accepted the fact that trading concerns were "entirely seperated from the powers & Dutys of the Superintendants over Indian Affairs, & Transactions, which are distinct in their Nature."⁵⁸

In one of his functions Johnson had failed. He, therefore, shared in the ill-fate of the Proclamation promises and the Plan of 1764. The evaluation of career in the critical period between 1763 and 1768, however, is only half complete. His success or failure in his "diplomatic" role is yet to be examined. The Superintendent's actions with regard to the land policy and boundary line outlined in the Proclamation must be reviewed. Only after a full picture of his behavior with regard to the edict of 1763 has been presented can a full critique be made of Johnson's superintendency during this critical period.

⁵⁷ Johnson to Henry Moore, July 20, 1768. *Ibid.*, VI, p. 282.

⁵⁸ *Ibid.*, VI, pp. 282-283.

CHAPTER IV

THE SUPERINTENDENT AND INDIAN LAND AFFAIRS

An assessment of Johnson's success in carrying out the diplomatic side of his superintendency during the critical years (1763-1768) must begin by recalling the fact that there was no clear delineation between this role and his economic function. The foregoing chapter revealed that land problems which involved his diplomatic prowess often impinged upon his economic concern for securing a centralized Indian trade. In addition, it should be stated that if, on occasion, Johnson misjudged the colonists' attitudes, he did not misunderstand their desire for land. In fact, Johnson did not remain immune from the land-hunger which he had noted upon his arrival in the colonies. It is the central concern of this chapter to evaluate how well Johnson applied the Proclamation policies concerning land affairs and in what way personal "conflicts of interest" interfered with his "diplomatic" role.

Both the Proclamation of 1763 and the subsequent Plan of 1764 suggested the means for handling land transactions. The Proclamation, in addition to reserving lands west of the boundary, placed a prohibition on the purchase, survey, and patenting of lands, "for the present." However, it had allowed that "if at any time any of the said Indians should be inclined to dispose of the said lands" they could do so "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 [] or the proprietors [] respectively within which they shall lie . . . conformable to such directions and instructions as we shall think proper to give for that purpose.¹

The Plan of 1764 was more specific as to the role of the superintendents. In such affairs as the "purchases of Lands" they were to "advise and act in concert with the Governors . . . of the several Colonies within their respective Districts." The Plan also called for "proper measures" in determining the "precise & exact boundary" between Indian and white lands and in surveying and patenting the lands.²

When Johnson commented on the Plan, he urged the Board of Trade to be realistic in setting up the new program. Again, he emphasized the need for the superintendents to have a freer hand in Indian affairs.

As for purchasing lands, Johnson stated that

it would prove still more Satisfactory to the Indians, if the Superintendant, Either by himself or his Deputy, be ordered to attend such meetings, and that a Map of the Tract be deposited in his Office for Their Inspection which will Enable him to satisfy them, in case any future dispute should arise [sic] concerning it.³

He also complained of the distance between the Superintendent and Governor which might make it difficult for them to meet for conferences in all cases of land transactions.⁴ That the Indian agent should take a more active role in the "delicate matter" of drawing boundary lines was evident from his notes. He recommended an addition to the Procla-

¹Annual Register . . . 1763, p. 212.

²Plan for Imperial Control of Indian Affairs, July 10, 1764. Collections, X, pp. 274-275, 280.

³Johnson to the Lords of Trade, October 8, 1764. Ibid., X, p. 336.

⁴Ibid., X, p. 330.

mation line that "would comprehend the Villages of the Six Nations, and others on and about the Branches of the Susquehanna."⁵ Johnson, characteristically, advocated that subsequent changes in the boundary line be attended with generous payments and gifts. He thus conceived of his office as involving service as a central clearing house in land transactions and action in adjusting the boundary line.

Implicit in Johnson's commission to act as a royal agent in carrying out Proclamation policies was the assumption that he would act according to the precedents and programs established at Whitehall. In matters relating to land affairs the agent would be expected to represent, by his own behavior, the philosophy of land ownership and method of making land grants. Exactly what these precedents were and how he operated within them are a part of the story of his superintendency.

In regard to land ownership, the problem of "who owned the land?" had been present throughout colonial development. The British crown claimed the area, resting its title on John Cabot's explorations in 1497. On the basis of Cabot's voyages the Crown had reserved all America to itself, but on occasion had granted portions to corporate and proprietary colonizing ventures. Royal ownership was challenged in the seventeenth century by Roger Williams and William Penn, who recognized Indian title to the land and purchased land for settlement from them.

The examples of Williams and Penn brought about no immediate change in the philosophy of ownership at Whitehall. The "policy of our Constitution that wheresoever the Kings Dominions estends [*sic*] he is

⁵Ibid.

the Fountain of all Property in Lands" remained unaltered.⁶ Developments during the mid-eighteenth century, however, forced a discussion and review of this philosophy.

These talks were part of the studied effort being made to reorganize the empire throughout 1760 and 1761. In order to clear up the "fatal Effects" of the then current view of land ownership, the Board of Trade tried to grasp the Indians' point of view. The Albany Congress "Representation" and Johnson's letters during the French and Indian War had called for discretion in land dealings.⁷ The Lords, after drawing upon these sources, reported to the Privy Council that the British view, to the Indians way of thinking, was an "open Violation of those Solemn Compacts by which they yielded to [the English] the Dominion, but not the property of those Lands."⁸

The terms "Dominion" and "property" posed a problem of semantics. The Board, however, was seriously considering that Indian property rights should not be ignored. They urged a halt to the "dangerous tendency" of "Granting lands hitherto unsettled and establishing Colonies upon the Frontiers before the Claims of the Indians are ascertained."⁹ In the wake of these deliberations came the Proclamation, which suggested an official alteration in land ownership philosophy. The "Indians . . . who live under our protection, should not be

⁶John T. Kempe to Johnson, August 12, 1765. Papers, IV, p. 818. Also see Chapter 1, p. 2, n3, above.

⁷See Chapter 2, pp. 26-27, above.

⁸Board of Trade Report reviewed December 1761. Acts of the Privy Council, IV, p. 496.

⁹Ibid., IV, p. 497.

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"¹⁰

How sweeping was this modification? George III had not really encroached upon his own sovereignty in allowing the Indians control of their hunting grounds. Indeed, throughout the 1760's the central principle remained unchanged. Legally speaking, "the King can grant Lands within his Dominions here, as well without a previous Conveyance from the Indians as with."¹¹ The king's right to all property in his dominions could not be challenged; "To Deny that Right, in the Crown, in any place, is in Effect denying his Right to Rule there."¹² Nevertheless, after considering the volatile nature of Indian land affairs, Whitehall had found it expedient to adopt a policy "not to Grant lands before they were purchased from the Indians."¹³

While the alterations in land philosophy were thus superficial, Whitehall expedients were to be established on a firm footing. This was to be part of Johnson's role. He was bound on the one hand to demand that Indian title be extinguished before granting lands. On the other hand, he was to see that the Crown preserved its claim by allowing no private purchases from the Indians. Accordingly, Johnson prosecuted the Wyoming settlement of Connecticut squatters in Pennsylvania and the Virginia settlers at Redstone. Closer to his own

¹⁰Annual Register . . . 1763, p. 212.

¹¹Kempe to Johnson, August 12, 1765. Papers, IV, p. 818.

¹²Ibid.

¹³Acts of the Privy Council, IV, p. 497.

Mohawk Valley domain, Johnson sought to evict Cobus Maybe who had settled without purchase on Indian lands.¹⁴ George Klock also felt the full weight of Johnson's power when the Superintendent attacked his "surreptitious" attempts to purchase lands belonging to the Canajoharie Mohawk tribe.¹⁵

Johnson seemed to follow all the requisite procedures for securing justice for the Indians and protecting their land titles. At least in one instance he violated those precedents in favor of his own interests. The case in point was the "Canajoharie Gift", a tract of land extending north of the Mohawk River for thirteen miles and situated between the two Canada Creeks, "the most Compleat Indian Deed of Gift ever granted by the Six Nations."¹⁶ The "gift" was given in 1760 as a "testimony of their Esteem for me."¹⁷ In his attempt to obtain a patent for the "gift" Johnson found the New York Governor and Council frowning on it "as a private Purchase."¹⁸ At that time the under-secretary of state for New York, Goldsbrow Banyar, criticized Johnson for violating precedents:

it is denied flatly, that you or any one else have a Right to purchase Lands without License from the Go-

¹⁴Captains Butler and Fry to Johnson, February 18, 1767. Papers, V, p. 493, summary of a letter concerning orders for evicting Maybe. Also, Johnson to Governor Henry Moore, May 29, 1767. Ibid., V, p. 556.

¹⁵Johnson to Goldsbrow Banyar, April 7, 1763. Ibid., IV, pp. 78-80. Also, to Kempe, January 3, 1763. Ibid., IV, p. 24.

¹⁶Johnson to Banyar, January 2, 1761. Ibid., III, pp. 296-297. Johnson to John Pownall, April 18, 1763. Ibid., IV, p. 89.

¹⁷Johnson to Pownall, April 18, 1763, Ibid., IV, p. 90.

¹⁸Banyar to Johnson, June 24, 1761. Ibid., III, p. 424.

vernment [T]hat there is the least essential difference between a Deed of Purchase and a Deed of Gift. [B]esides if we admit a Right in the Indians to give their Lands to whom they please, what becomes of the Right of the Crown or its Representatives to dispense the Crown Bounty.¹⁹

The question in the New York officials' minds was that Johnson "immediately afterwards gave them [the Mohawks] the sum of 1200 Dollars or 480 Currency in Specie together with a handsome present for their familys." Johnson insisted that this was not a purchase, rather "it was usual in such Cases to give them somewhat in return."²⁰ The New York Council remained doubtful. Another cause for suspicion was that these lands "lay nearly adjoining to my own Purchases",²¹ as he admitted. Again Johnson professed that these "Lands were so far from being Sollicitted for by me, that I had never any thought of it," until the Indians approached him.²²

In order to get the grant approved by the Council Johnson was willing to allow the councilmen in on the spoils. By the time that had been arranged, "His Majestys Instructions to the Governor arrived, forbidding any further grants without the King's Special License and approbation."²³ When Banyar explained the Council's hesitancy to concede the grant because of the moratorium, Johnson announced "I dont look upon His Majestys instructions to prevent obtaining a Pattent for Land pur-

¹⁹Ibid., III, p. 425.

²⁰Johnson to Pownall, April 18, 1763. Ibid., IV., p. 90.

²¹Johnson to Lords of Trade, October 8, 1765. Collections, X, p. 325.

²²Ibid.

²³Johnson to Pownall, April 18, 1763. Papers, IV, p. 90.

chased, & paid for [!] previous to the Governors receiving it."²⁴ In his response, Johnson had virtually admitted the fact that the Canajoharie tract was not a gift. In addition, he set himself apart from the royal orders. The matter was dropped until the Proclamation was issued.

Johnson revived his attempts to secure the patent between 1763 and 1768. The issue had become a moral cause for him. Not the least virtue of the battle was that it would be a personal victory over George Klock, who had been trying to secure title to the same lands though he was aware of Johnson's claim.²⁵ Johnson circumvented the established channels²⁶ in the effort and placed his plea before John Pownall, the Lords of Trade, and the Earl of Shelburne.²⁷ The ultimate weapon for cutting through red tape was a personal memorial to the King. Johnson, therefore, addressed George III in May of 1766 and asked for a special concession of the grant in light of the "service" he had performed in the Colonies.²⁸

The case of the Canajoharie gift was finally decided in Johnson's favor. The reward of the Patent was partly the result of the lobbying

²⁴Johnson to Banyar, March 13, 1762. *Ibid.*, III, p. 647.

²⁵Flexner, p. 226, argues that Johnson felt he had a "moral right" to the lands, particularly in the showdown with Klock. Also see "Indian Affairs Proceedings," September 15, 1766. *Papers*, XII, p. 184.

²⁶"I have already met with such unreasonable . . . opposition from the Council," Johnson to Henry Moore, June 28, 1766. *Ibid.*, V, p. 288.

²⁷Johnson to Pownall, April 18, 1763. *Ibid.*, IV, p. 90. To the Board of Trade, October 8, 1765. *Collections*, X, p. 325. To Shelburne, December 16, 1766. *Papers*, V, p. 450.

²⁸May 1766. *New York Colonial Documents*, VII, pp. 839-42.

efforts of his son John²⁹ in London in 1767 and the good offices of Thomas Penn.³⁰ In addition his cause was aided by the favorable recommendation from the Board of Trade to the Privy Council and the King. Even though the Board felt that if the transaction had "taken place subsequent to the Proclamation . . . it is clear beyond a Doubt that such a proceeding would have been expressly Disallowed as Contrary to" it, it considered Johnson's merits and allowed him the favor.³¹ The Patent was drafted in the summer of 1769.³²

The assumption that Johnson, as Superintendent, would at all times uphold the royal philosophy of land ownership and follow the established means for securing a grant of land was ill founded. Here his personal interest conflicted with his public duty.

In addition to his commission to follow the royal will in the philosophy of land ownership and the methods for securing land, Johnson was expected to carry out the precedent involving the size of grants. The "unofficial" practice that had been established in the colonies worked against the "official" program. Here, lands were considered to be a part of the reward for payment of services rendered to the Empire. Long before Johnson began amassing his estate in the Mohawk Valley, royal officials had become the most successful land speculators. Those

²⁹ Johnson to John Johnson, January 26, 1767. Papers, V, p. 475.

³⁰ Richard Peters to Johnson, January 10, 1766. Ibid., V, p. 8.
Thomas Penn to Johnson, November 8, 1766. Ibid., V, p. 418.

³¹ August 26, 1766. Acts of the Privy Council, IV, p. 750.

³² Warrant for the Royal Grant, May 22, 1769. Papers, V, pp. 770-773. Entered in Patent Rolls, June 8, 1769

who have apologized for Johnson's behavior in this instance can thus say that he was "merely following the customs of the day."³³ The New York colony was a case in point with regard to its royal officials making exorbitant land grants. When, in 1761, the London office announced that an end would be put to such practices, land magnates found ways to circumvent the prohibition. "Dummy" names--these might be phony names or those of friends who could be trusted to turn the lands over to the estate builder once he had received a patent--were supplied to petitions.³⁴ For example, when the rumor spread that the King had contemplated limiting grants of personal favor to 12,000 acres, Johnson was advised to "find some other name" for the remainder of the acres in his Canajoharie petition.³⁵

In spite of his personal dealings, Johnson turned the weight of his office toward those who had amassed large estates and defrauded the Indians in the process. At least one long standing offence, that of the Kayadorsseras and Livingston patents, was prosecuted to a finish in the period of 1763 to 1768. The enormities that had been committed in these grants had been a source of grievance among the Mohawks. Johnson had first complained about the patent in 1754:

³³Edith M. Fox, Land Speculation in the Mohawk Country (Ithaca, N.Y., 1949), p. 4. For early practice of land granting see Colden, "The State of the Lands in the Province of New York in 1732," E. B. O'Callaghan, ed., Documentary History of the State of New York, 4 vols. (Albany, 1850-1851), II, p. 905. Also see Johnson to Henry Moore, February 14, 1767. Papers, V, p. 492. Peter Remsen & Isaac Law to Johnson, September 6, 1768. Ibid., VI, p. 355.

³⁴Fox, p. ix. Irving Mark, Agrarian Conflicts in Colonial New York (Port Washington, New York, 1965), p. 41.

³⁵Cadwallader Colden to Johnson, November 29, 1769. Papers, XII, p. 756.

Kanadarusseras alias Queens Borough, [lies] between the Mohawk & Hudsons River, containing about Seven hundred thousand Acres Yet unsettled, & undivided The other is a Pattennt which Phillip Livingston & others got for the Verry Castle of the Canajoharees includeing all the Indians Houses, Corn Lands &ca Surveyed by Moon light, & never sold by them.³⁶

At the end of the French and Indian War Johnson re-examined the issue. Once again private concerns were to interfere with his public endeavors. At the same time he was prosecuting the owners of these large tracts, he was attempting to add to his own holdings the 66,000 acres in his Canajoharie claim.³⁷ In addition, there were "insinuation[s]" by Johnson's enemies that his patent of Kingsborough [secured in 1765] included 12,000 acres of the Kyaderosseras grant.³⁸ Finally, George Klock claimed a right to the lands by virtue of his purchase of part of the Livingston patent.³⁹ Regardless of his personal interests, Johnson publicly declared it his "duty to make every such remonstrance which may appear Essential to the Peace and Welfare of the province."⁴⁰ The "unconscionable grant,"⁴¹ as Johnson described it to the Lords of Trade, needed immediate attention in order to carry out the "official" Whitehall policy towards large land grants. "If nothing is done in any of these matters, I cannot but think myself in

³⁶Johnson to William Shirley, December 17, 1754. *Ibid.*, I, p. 432.

³⁷Mark, pp. 40-41.

³⁸Witham Marsh to Johnson, December 11, 1763. *Papers*, IV, p. 267.

³⁹Johnson felt that Klock's "Quit claim, carries with it a bad look," to Colden, March 19, 1761. *Ibid.*, III, p. 364.

⁴⁰Johnson to Banyar, April 7, 1763. *Ibid.*, IV, p. 80.

⁴¹Johnson to Lords of Trade, September 25, 1763. *New York Colonial Documents*, VII, p. 559.

a very odd situation;"⁴² his proclamations to the Indians promising the end of encroachments on their lands would not be convincing.

With John T. Kempe, Attorney General of New York, Johnson considered the legal procedure to be taken. Kempe held that the patentees, by right of their deed, would be upheld in a Common Law court.⁴³ In the course of seeking due justice for the "ignorant" Indians who lacked protection in this judicial system, Johnson came in contact with the "Committee" charged with the Kayadorosseras and Livingston affairs. They admitted that they had "totally neglected" the lands "'till the reduction of Canada," but held that as they now had every intention of paying stricter care to them they should not be troubled in their patent.⁴⁴

Johnson would not allow the matter to rest until the patent had been properly surveyed and the Indians' right upheld. Finally the Board of Trade acted. Lord Shelburne wrote that "Orders will be given to the Governor and Attorney General of New York to bring to Trial as soon as possible . . . and to terminate without delay the Affairs of the extravagant Grant of Kayadorosseros."⁴⁵ Not until August 1768 could Johnson report that "The long dispute . . . is at length brought to a Conclusion."⁴⁶ The matter had been settled out of court. The pro-

⁴²Johnson to Gage, March 9, 1765. Collections, X, p. 463.

⁴³Kempe to Johnson, August 12, 1765. Papers, IV, p. 819. Also see Johnson to Colden, July 25, 1763. Ibid., IV, p. 176.

⁴⁴Johnson to Kempe, June 28, 1766. Ibid., V, p. 285.

⁴⁵Shelburne to Johnson, June 29, 1767. Ibid., V, p. 567.

⁴⁶Johnson to Gage, August 5 and August 14, 1768. Ibid., VI, p. 308 and XII, p. 588.

prietors agreed to release the Livingston claims at the Mohawk Castle, while the Indians yielded "their claim [to the Kayaderosseras Creek area] to the Patentees in my presence."⁴⁷ In November of 1769 Johnson was informed that the new patent was on its way to the Lords for final confirmation.⁴⁸

Acting within this framework of land precedents, Johnson sought to carry out his diplomatic role. His desire to do the Indians justice and apply the Proclamation policies fully seems blantly mixed with personal interest. When the question of precedents in land affairs touched upon Mohawk Valley problems, Johnson was not always involved as a disinterested royal official. Rather his role as Mohawk landlord interfered with the diplomatic functions of his office.

In general cases involving his opinion of land affairs Johnson had less difficulty in applying the letter and spirit of the Proclamation. From 1763 to 1768 his advice was sought by royal officials, military and professionals alike. In the first instance, General Gage was one of these royal officials who applied to Johnson with regard to securing lands.

My family increases and tho' I have had good Pay, my expences have been great; And as for Emoluments, I have never known what they were, so that the Increase of my private Fortune is not much bettered. I have thought of Lands if I can obtain them advantageously.⁴⁹

⁴⁷ Johnson to Hillsborough, August 1768. Documentary History of New York, II, p. 905. Also see to Henry Moore, February 14, 1767. Papers, V, p. 492. Peter Remsen & Isaac Law to Johnson, September 6, 1768, Ibid., VI, p. 355.

⁴⁸ Colden to Johnson, November 29, 1769. Ibid., XII, p. 756.

⁴⁹ Gage to Johnson, April 20, 1766. Ibid., V, pp. 187-188.

Johnson had informed the General that the Ohio Valley lands he sought were beyond the Proclamation line and that the Superintendent could do nothing to forward Gage's request until he was "fully empowered to settle this boundary." His recommendations in this case followed his earlier plea for an evenly distributed and thickly settled frontier. He suggested that Gage consider lands yet vacant along the Mohawk River.⁵⁰

Johnson's advice filtered down through the ranks of royal officials and even included the commissaries of trade, who "were to have a Tract of Land each."⁵¹ He recommended to Robert Leake, the Commissary General at New York, that the men take up tracts in the New Hampshire lands "lately made a present of this Province," because it was not intended that the free grants of the Crown should be made "in any quarter within the Claim of the Indians."⁵²

Military personnel, both active and veteran, petitioned the Northern Superintendent. Each had a bargaining point for his request-- "the Service he had performed" for the crown.⁵³ Some were merely seeking information as to whether or not the Indian titles had been extinguished on certain lands.⁵⁴ Others proposed claims where title still rested with the Indians. In the case of a Lt. Pfister, stationed at

⁵⁰ Johnson to Gage, May 3, 1766. *Ibid.*, V, p. 199.

⁵¹ Johnson to Robert Leake, August 16, 1765. *Collections*, XI, p. 75.

⁵² *Ibid.*

⁵³ Johnson to Colden, March 16, 1765. *Papers*, IV, p. 366.

⁵⁴ Lt. Col. A. Provost to Johnson, June 14, 1764. *Ibid.*, IV, p. 448.

Fort Schlosser near Niagara, Johnson gave permission to use unceded lands. The Indian Agent had no doubts about the propriety of this matter provided that Pfister kept his "Improvements within moderate Limits about the Fort."⁵⁵ Special dispensations had to be made, however, for those who requested tracts beyond the boundary line.

Lt. George MacDougall, whom Johnson believed "to be an honest, Active Man,"⁵⁶ petitioned the Board of Trade for a grant for "Hog Island." Because this land, three miles above Detroit, was located in the Indian territory reserved by the Proclamation, the Board advised the Privy Council that "no Absolute Grant" could be made. The Board, however, did suggest the expedient of "Temporary Occupation." Because of MacDougall's past record, his ability to supply Detroit from Hog Island, and his interest in maintaining peaceful intercourse with the Indians, the Board of Trade was of the "opinion that every Encouragement should be given to him . . . as far as the Tenor of the Proclamation . . . will allow."⁵⁷

In addition to his involvement with Royal officials and military personnel, Johnson advised various professionals in the colonies. Some were interested in lands for their family's benefit, like Thomas Barton, a minister for the Society for the Propagation of the Gospel in Foreign Parts.⁵⁸ Others, such as Henry Bostock and Peter Hansenclever, wanted

⁵⁵ Johnson to Gage, April 4, 1766. Collections, XI, p. 209.

⁵⁶ Johnson to Croghan, March 5, 1766. Papers, V, p. 77.

⁵⁷ December 1767. Acts of the Privy Council, V, pp. 119-120.

⁵⁸ Thomas Barton to Johnson, November 9, 1765. Papers, IV, p. 868. Also, William Smith to Johnson, June 22, 1767. Ibid., V, p. 570.

to locate potential mining and manufacturing sites.⁵⁹

Far more troublesome than all of these "legitimate" claimants were the activities of the "illegitimate" settlers. The Proclamation line seemed to be a matter to be ignored as approximately five thousand families had settled beyond the Alleghenies by 1768.⁶⁰ The Indians had repeatedly aired their complaint:

That the country westward of the Allegany Mountains, was their property -- That they had never ceded it, either to their Father the King of Great Britain, or to his Subjects. That the white people contrary to solemn engagements . . . had settled on it and drove the wild Game out of that part of their country.⁶¹

Settlers troubled the land situation on the eastern side of the boundary line as well. Some, like Cobus Maybe, had squatted on vacant lands without securing a title or purchase from the Indians and thus resided in direct contradiction to the spirit of the Proclamation.⁶²

Such was the nature of the complaints and petitions which Johnson daily attended to as Superintendent. He seems to have executed his public duty here without the influence of private interest. On a larger scale the Superintendent was involved in formulating and com-

⁵⁹Order for Johnson and Gage to comment on lands sought by Bostock, May 4, 1768. Acts of the Privy Council, V, p. 130. Johnson to Peter Hansenclever, March 22, 1765. Papers, IV, p. 697. Also to same, August, 29, 1766. Ibid., V, p. 367. Hansenclever to Johnson, August 23, 1767. Ibid., V, 641. For the interest of William Smith in iron manufacturing see Thomas Barton to Johnson, November 9, 1765. Ibid., V, pp. 865-866.

⁶⁰This number was estimated by a contemporary figure, Samuel Wharton, and is found in Clark, p. 87.

⁶¹Croghan to Johnson, June 2, 1767.

⁶²See p. 64, n14, above.

menting on Whitehall policy for the future of the interior. His activities with regard to establishing a frontier colony and also involving the adjustment of the boundary reveal the scope of his role as a subordinate royal official. In these tasks, Johnson once again had difficulty separating his public and personal concerns.

The western division of the Northern Department was a source of special concern for Johnson and the London ministries in the period 1763 to 1768. As was noted in the preceding chapter, the final surrender of the Illinois territory by the French and the attempts to reopen the fur trade there had created friction with the Indians. The problem of how to maintain the area occasioned suggestions other than those directly related to the centralized trade in the Lords' Plan.

In 1766, Johnson wrote to Secretary Conway concerning the Illinois, but "on a different subject" than trade.⁶³ For the first time he publicly announced to the Board of Trade his interest in colonizing the interior. Not the least of the merits of the scheme, he felt, was that "the intended Settlement may be productive of a regular Civil Government in that Valuable Country."⁶⁴ He urged that the extent and power of civil jurisdiction be extended to the interior and used as a screening device to keep out "loose evil disposed Persons" and those who would interfere with the British interests and fur trade.⁶⁵

As late as April 1765, however, Johnson had not been promoting

⁶³ Johnson to Conway, July 10, 1766. Papers, V, p. 319.

⁶⁴ Johnson to William Franklin, May 3, 1766. Collections, XI, p. 224.

⁶⁵ Johnson's comments on "Advantages of an Illinois Colony," under cover letter to Conway, July 10, 1766. Papers, V, p. 328.

such a venture. Indeed, he had commented that,

As to any settlement to be made there at this time, I think [it] premature & such as may be productive of a general Defection of the Indians as their principal grounds of uneasiness arises from our pushing our Settlements to the west.⁶⁶

At that time he felt that whatever "civilizing" influences were to go to the west could be supplied by the interpreters and missionaries centered at each post according to the Plan of 1764. An additional reason for discouraging colonization of the interior at this time--an argument which Johnson did not employ--was that such a venture would violate the Proclamation boundary line.

Johnson, nevertheless, was aware of the talk of settling a Colony from the Mouth of the Ohio to the Illinois [sic] which was going on in London circles in 1764.⁶⁷ Not until the final surrender of Fort Chartres in the fall of 1765 could such a scheme be considered feasible. It was George Croghan on mission to the Illinois in 1764 and 1765 who provided the opening wedge, and in turn intimated to Johnson that the Indians "had not the least objection to our erecting posts therein, for Trade, nor to our forming a settlement and Cultivating Lands" provided they received proper satisfaction.⁶⁸

By 1766, Johnson was more pliable with respect to colonizing the area. He was disgruntled with the slow paces of the Plan of 1764 in the discussions at Whitehall. He was also concerned with the French influence still troubling the Illinois. Consequently, he looked for

⁶⁶ Johnson to Dennellan, April 3, 1765. Collections, X, p. 467.

⁶⁷ Croghan to Johnson, March 10, 1764. Papers, IV, p. 363.

⁶⁸ Croghan to Johnson, December 27, 1765. Ibid., IV, p. 888.

other means to secure the interior for the British. He, accordingly, directed Croghan to "enquire into the French Bounds & property at the Illinois," and to take the "better opportunity of making a good choice" of lands suitable for a colony.⁶⁹ In addition, Johnson had become connected with the group of Philadelphia merchants, including the Baynton, Wharton, and Morgan Firm, called the "Suffering Traders". He promised to secure some lands from the Indians as repayment for the losses the merchants had suffered in the French and Indian War and Pontiac's uprising.⁷⁰ Johnson slowly was becoming committed to a plan for colonization beyond the boundary line. When the proposals for an "Illinois Company" to colonize the interior were formalized as the "Articles of Agreement" (March, 1766), Johnson's name appeared along with those of Croghan and ten Philadelphia merchants.⁷¹

Even though he was allowed one-eighth part of the proposed 120,000 acre grant, Johnson was to remain a "secret" party until the affair was approved in England, "as itt's thought that your honor . . . Can be of more Service by Nott being thought Concern'd."⁷² That Johnson was concerned with the success of the plan is evident in the advice he offered to the promoters:

⁶⁹ Johnson to Croghan, March 28, 1766. Ibid., V, p. 120. Johnson appears to have given Croghan a "blank check" when he stated that he had "no objection to what you propose on that subject there."

⁷⁰ Johnson to Baynton, Wharton, & Morgan, January 20, 1766. Ibid. V, p. 16.

⁷¹ Articles of Agreement of the Illinois Company, March 29, 1766. Collections, XI, pp. 203-204. Also see Croghan to Johnson, March 30, 1766. Papers, V, pp. 128-130.

⁷² Croghan to Johnson. Ibid., V, p. 128.

The bounds of the intended Colony . . . may possible [sic] be deemed at home as too Extensive Notwithstanding the Just reasons assigned for it in the proposals/. I would therefore be humbly of Opinion that to Guard against that Exception it might be submitted to his Majesty whether he chose that, or a more Limited Tract not to extend so far North.⁷³

Nevertheless, he agreed to the masquerade and acknowledged that he would "chearfully do every thing consistent with my Office for Carry-
ing it into Execution as early as possible."⁷⁴

In line with his promise to recommend it as "an Affair I had heard was in Agitation,"⁷⁵ he wrote to London in July 1766, of this plan that was "intended for a publick benefit & proposed by men of whose Motives I can have no doubt." It was a "Scheme . . . so reasonable and so well calculated for the mutual interests of great Britain & it's [sic] Colonies," that in Johnson's estimation it merited Whitehall's immediate attention.⁷⁶

Johnson's support for the Illinois colony, however, had not been solicited by the government as part of his official services. As such, it was an "unofficial" comment on the forthcoming western policy. To harbor such a scheme was a contradiction to the Proclamation policy that had established the boundary line. Although he was guilty of violating his sworn duty to carry out the king's wishes, he continued to insist that the plan was essential to the royal interests.

In London, the counterpart of Johnson's "disinterested" lobbying

⁷³ Johnson to William Franklin, May 3, 1766. Collections, XI, p. 225.

⁷⁴ Johnson to William Franklin, June 29, 1766. Ibid., XI, p. 318.

⁷⁵ Ibid.

⁷⁶ Johnson to Conway, July 10, 1766. Papers, V, pp. 319-320.

efforts was provided by Benjamin Franklin, who had

long been of Opinion that a well-conducted western Colony, if it could be settled with the Approbation of the Indians, would be of great National Advantage with respect to the Trade, and particularly useful with respect to the old Colonies as a Security to their Frontiers.⁷⁷

Franklin's role in this instance was to lobby the interests of the Illinois Company before the ministry and especially Lord Shelburne. He was also charged with allaying the reservations of those opposed to western expansion such as the Earl of Hillsborough and Lord Barrington. Such fears as the distance of the interior, the expense of carrying goods there, the difficulties of defending and governing the area, and the fear that it would promote an independent feeling prejudicial to England and drain people who could colonize other settlements, had become enlarged in the minds of the policy-makers after the ill-fated reception of the Grenville revenue program in the colonies.⁷⁸

In the course of convincing Lord Shelburne of the wisdom of such a plan of expansion, Franklin converted him to the idea that colonizing the west would be economically advantageous. The crown revenue could be increased in the sale and rental of western lands to speculators. In turn, Shelburne became more sympathetic to colonizing endeavors, and the hopes of the "Illinois Company" rose.⁷⁹

The new regulations regarding the interior were not forthcoming. They had to be considered in light of the final decision on the Plan

⁷⁷ Benjamin Franklin to Johnson, September 12, 1766. Collections, XI, pp. 376-377.

⁷⁸ B. F. to William Franklin, September 27, 1766. Ibid., XI, p. 395.

⁷⁹ Sosin, p. 152.

of 1764 and in the midst of other plans for the interior. Finally, the change in ministries and the accession of the Earl of Hillsborough to the newly created post of Secretary of State for the Colonies in 1768 frustrated all hopes for immediate success for the colonizers. The Plan of 1764 was permanently tabled that year and, likewise, the Illinois Company proposals were cast aside.

This change in Whitehall's attitude toward a program for the interior was the result of problems created by the rebellious eastern colonists. Hillsborough was determined to pay stricter attention to the rebels. Part of the new discipline to be placed on the colonies included the order for establishing a permanent boundary line, a line that could be enforced.⁸⁰ On March 12, 1768, Hillsborough gave his official approval for the conference that would determine a lasting barrier between white and Indian lands.⁸¹ In the Matter of drawing a boundary, Johnson's diplomatic functions were called upon "officially."

For five years Johnson had been urging the finalization of the boundary that had been prescribed in the Proclamation "for the present." He had proposed such a division before the Proclamation was issued. During Croghan's London visit (1764) Johnson's further "thoughts on itt" had been put before Lord Halifax and the Board of Trade.⁸² The final order for a permanent line did not come immediately from Whitehall.

⁸⁰ Ibid., pp. 166-167.

⁸¹ March 12, 1768. New York Colonial Documents, VIII, p. 36.

⁸² Croghan to Johnson, March 10, 1764. Papers, IV, p. 363.

When, in conference with the Indians, Johnson was asked whether he "had received any satisfactory accounts from court respecting the intended boundary line," he was obliged to utter empty assurances.⁸³ As ordered by Shelburne, Johnson was to "take every measure that Prudence can suggest to appease for the Present the too just resentment of the Indian Tribes." Awaiting some "General Plan . . . for restraining in the future those settlements" beyond the boundary, he was nevertheless to engage in "carrying into strict Execution, His Majesty's Proclamation."⁸⁴

The year 1767 was particularly tense along the frontier, and Johnson noted that the Indians, having "patiently waited for redress several years, . . . were now quite tired & began to despair of it."⁸⁵ Lobbyists in England, representing colonial trading and land companies who felt they could gain from a readjusted boundary, capitalized on the theme of frontier violence resulting from the Indians' despair.⁸⁶ The superintendents and the lobbyists together sounded a note of urgency, and Shelburne seemed to agree that the "Completion of a Boundary Line . . . [was] a Matter . . . essential for the Preservation of Peace and Harmony with those People."⁸⁷

On January 5, 1768 came the letter authorizing Johnson, the

⁸³Johnson to Shelburne, October 26, 1767. *Ibid.*, V, p. 762.

⁸⁴Shelburne to Johnson, September 13, 1766. *Ibid.*, V, pp. 374-375.

⁸⁵Johnson to Shelburne, October 26, 1767. *Ibid.*, V, p. 762.

⁸⁶Sosin, pp. 161-163.

⁸⁷Shelburne to Johnson, December 19, 1767. *Papers*, VI, p. 22.

commander in chief, and the colonial governors to establish the division.⁸⁸ Together they were to act as general purchasers for the Crown, but were "not to settle what Parts of these new Lands are to be assigned to this or that Province. That would be a work we should never End."⁸⁹ While Johnson nevertheless concerned himself with what lands were to be secured, what tribal rights were to be extinguished, and what colonial claims were to be honored,⁹⁰ Gage raised another issue concerning the results of the forthcoming treaty. He was concerned with the problem of enforcing the agreement.

If means are not fallen upon to protect the Indians in their Persons and Propertys, it matters little where the Boundarys are fixed. The frontier People have now transgressed them, [and] have neither been effectually removed or punished for their Encroachments. [A]nd when the proposed Limits shall be fixed I despair not of living long enough to hear that they have transgressed them also.⁹¹

Throughout the preliminary preparations for the treaty, Johnson and Gage appear to have taken all the most pressing problems into consideration. The comparison between Gage's note of pessimism concerning the success of the boundary and Johnson's optimism that all interests could be balanced seems to suggest that Gage had a more realistic outlook on what could be expected.

Hillsborough's order arrived in May 1768, and the plans for the meeting which was to take place at Fort Stanwix were put into action.

⁸⁸New York Colonial Documents, VIII, p. 2.

⁸⁹Gage to Johnson, April 18, 1768. Papers, VI, p. 201.

⁹⁰Johnson to Gage, April 23, 1768., VI, pp. 205-207.

⁹¹Gage to Johnson, May 3, 1768. Ibid., VI, p. 212.

During the course of this treaty conference, Johnson did not carry out the letter of his instructions. He was to secure a line from Oswego on the Susquehanna, near the Southern boundary of New York, to the Ohio River above Fort Pitt, and then drop the line down the Ohio to the mouth of the Great Kanawha River. This line for the Northern Department's frontier would then link up with the one established by the Southern Superintendent John Stuart. Johnson violated Hillsborough's order, however, and extended the boundary to the Tennessee River.⁹²

Johnson defended his action by holding that "I have obtained more favorable [lands] for the Crown than was prescribed to me, in the settlement of which I acted to the best of my Judgement and hope it will be approved of."⁹³ What Johnson had actually done was to bargain for separate Indian grants favorable to the "Suffering Traders," and to Croghan. Hillsborough was not impressed in the least with Johnson's "better judgement." And "after some deliberation the Board of Trade issued a report in April, 1769, in which it condemned Johnson for exceeding his instructions."⁹⁴ The Treaty of Fort Stanwix which had been negotiated in October 1768 was finally accepted in 1770, without the additional grants.⁹⁵

Johnson's actions at Fort Stanwix were no exception to his behavior in regard to land affairs throughout the period 1763 to 1768. True, he did handle the everyday petitioners and advice-seekers with

⁹² Sosin, p. 176.

⁹³ Johnson to Thomas Penn, November 18, 1768. Papers, VI, p. 473.

⁹⁴ Sosin, p. 178.

⁹⁵ Ibid., p. 180.

the prudence that his office demanded. This behavior suggests a "wise" superintendent, but it is not the whole truth. Johnson often fell short of fulfilling his diplomatic role and failed to practice the letter and spirit of the Proclamation land policies. This failure was particularly evident when his public role conflicted with his private interests. For instance, he was more than ready to prosecute violations in the Mohawk Valley which he considered his personal domain. George Klock and the Kayaderosseras patentees felt the full weight of the Superintendent's influence working against them. While Johnson was critical of their improper and fraudulent methods of acquiring lands, he was not particularly scrupulous himself. In order to secure his Canajoharie grant he had circumvented the very means and precedents of land transfer which he was commissioned to protect.

The "Illinois Company" affair and the Fort Stanwix Treaty seem to further blacken the Superintendent's image. It is true that in regard to the former it could be argued that Johnson's recommendations were in keeping with his original commission. One task with which he was entrusted was to assist Whitehall in formulating a frontier policy. In the case of the Illinois Company his opinions were not directly requested by the home government. Nevertheless, they could be construed as a general statement in which he supported a frontier program that would include colonization. Such an interpretation, however, glosses over the fact that Johnson had a personal interest in at least one-eighth of the proposed Illinois grant. In addition it neglects the evidence of Johnson's collusion with the Philadelphia merchants. Perhaps Johnson's effective power was dwindling during this critical period, and he found himself becoming intimidated by this group of

traders and land speculators. This argument seems unlikely, however, in light of Johnson's personal history of amassing land grants. He was not a disinterested party in the Illinois proposals.

In the case of the Fort Stanwix Treaty, Johnson's reasons for disobeying his instructions do not seem clear. That he secured no personal gain from the conference and land transactions there has become an accepted fact, according to his biographers. If this is true, his behavior there is even more puzzling. The issue might be raised again that Johnson was losing real power and was becoming intimidated by the land speculators. In 1768 Johnson had the power to take a stand against them and use the royal authority granted to him for the conference. He could have drawn the boundary line as ordered by Hillsborough and thus have demonstrated the force of his superintendency. Instead he acquiesced to the "Suffering Traders", the Baynton, Wharton, and Morgan interests, and played the land game according to their rules. This suggestion hardly seems possible to those who have noted Johnson's streak of pride and independence. His biographers hold that Johnson made the best treaty possible and balanced all interests in order to maintain peace on the colonial frontier. If the latter interpretation is true then Johnson again misjudged the colonial situation. The land speculators received the greater share of the advantage from the new boundary line.

The notions that miscalculations and personal interest seriously impeded Johnson's work as Northern Superintendent in carrying out the Proclamation policies have been presented in this and the foregoing chapter. A final evaluation must now be made of his role in the formulation and success in the application of the royal intentions.

CHAPTER V

SUMMARY AND CONCLUSIONS

Johnson's career as the "sole Superintendent for Indian Affairs in the Northern Department" was a full and active one. His biographers, notably James T. Flexner and Arthur Pound, have recounted his life work in fuller detail than the present study. Both Flexner and Pound, however, have idealized their subject. Although they have noted the few mistakes he made in his public career--at the Detroit Conference (1761) where he recognized the Hurons and not the Ottawas as head of the Western Confederacy, and in the Treaty of Fort Stanwix (1768) where he disregarded royal instructions--they regard his superintendency as "wise" and praise his service as a "gate-keeper" against frontier encroachments by white colonists. In addition, when they have related his personal interest in amassing a hundred-thousand acre estate in the Mohawk Valley, sometimes by unethical means, they have excused their subject's behavior as being typical and in line with the custom of the day. Where he erred, they apologize. According to his biographers, his saving grace was that he at least understood the responsibilities of frontier landlordship and that he knew how to cultivate Indian relations.

The present study has afforded the chance for a second look at the career of the much esteemed superintendent. Special attention has been paid to Johnson and the manner in which he carried out the dual

role of his office. The focal point for this evaluation has been the formulation and execution of the Proclamation of 1763. Johnson's superintendency has been assessed within the bounds of the years 1763 and 1768 because these years formed a "critical period" for framing and implementing the royal edict.

The first chapter, after tracing the origin and interpretation of the Proclamation, suggested that Johnson was one figure who was involved in the formulation of that document. His advice was part of that pool of information on which the Board of Trade, Privy Council, and King relied. The superintendent was thus part of that group whose "multiple participation" led directly to the issuance of the Proclamation.

In the second chapter Johnson's activities between 1754 and 1763 were examined to note the points at which his influence was felt in the royal proclamation. He had no part in suggesting the future management of Canada and Florida. He did suggest, however, certain policies that related to the problem of the trans-Appalachian frontier. By his actions in the colonies and his letters to the Board of Trade, Johnson played a role in the formulation of the announcement that was issued in the fall of 1763.

His activities in the colonies prior to 1763 involved making certain commitments to the Indians, and these were formalized in the royal edict. He was a staunch advocate of a boundary line and had been instrumental in seeing that this agreement was established at the Easton Conference (1758). In another precedent-setting activity, his trip to Detroit in 1761, Johnson made promises concerning the trading system and issued regulations for centralizing the trade at distinct posts in

the soon-to-be acquired Illinois territory. He reported these activities to the Board of Trade and urged the adoption of the trade plan and boundary. His claim that he had only the true British interests and the security of the empire at heart seems to be reliable here. He had no sympathy for the colonists who violated the rights of the very Indians whom the British government sought as allies during the French and Indian War. He thus recommended certain devices to obviate the dire results of colonial encroachments. The subsequent wording of the Proclamation on these matters was not Johnson's. However, he had been instrumental in securing the ad hoc commitments that lay behind the provisions outlined in the edict.

Johnson was well aware that the Proclamation would be an ineffectual tool for taming the frontier unless it was put into immediate practice. The years between 1763 and 1768 were critical in this respect. It was suggested that the conditions of the times--the confusion among the London governing circles and the rebellious activities of the eastern colonists--precluded the establishment of the Proclamation. This was indeed the case. However, it does not follow necessarily that subordinate officials should claim the muddled situation as an excuse for their failure to make the policies as workable as possible.

Chapters three and four concentrated on the manner in which Johnson endeavored to make the Proclamation a reality. Part of his commission requested that he assist Whitehall by supplying suggestions on how to manage frontier affairs. His recommendations were incorporated into the Lords' Plan of 1764. The story of his superintendency throughout these critical years relates the way in which Johnson urged

the final authorization of this Plan. The Plan of 1764 proposed a major reorganization of the Department of Imperial Indian Affairs. Johnson fought for the acceptance of two key points within this plan. He demanded that the superintendents have a free hand in all frontier matters, trade and lands. He also argued that the Northern Department could be self-sufficient.

In emphasizing the necessity of an independent department Johnson was biased by his past experience with those who were not experienced in Indian affairs. His argument, however, went beyond bureaucratic logic, and it suggests that he was not content to remain in a subordinate position. The increased size of the empire necessitated the centralization of all colonial intelligence. The maintenance of an imperial program demanded that all officials adhere to a chain of command that would facilitate the task of the policy makers in London. It would not have been feasible to have had a separate agency dictating frontier affairs and existing outside of the central channels.

It seems evident that Johnson was impatient with a scheme that would compromise his importance. He pressed Whitehall for an independent superintendency. His behavior in personal land interests is a further indication of his dislike of the bureaucratic system. In the case of the Canajoharie "gift" he circumvented the proper channels for securing lands and used the influence of his office to request a special grant from the king.

The assertion that the failure of subordinate officials like Johnson to carry out the Proclamation policies can be excused because of the muddled political scene in London, is not wholly acceptable. Certainly Johnson had to wait for the final decision from Whitehall.

enacting the frontier program in the Plan of 1764. To be sure, petty problems in London divided the ministries and precluded the final authorization. Nevertheless it could be concluded that Johnson contributed to this confusion and to the ultimate failure of the ideas in the Proclamation and in the Plan of 1764. He insisted on an independent superintendency, a position that was not feasible to Whitehall's way of thinking at that time. He ignored the bureaucratic channels in his personal affairs.

Chapter three considered the problems which the Superintendent faced in implementing the Proclamation policy of a "free and open" trade to all British subjects. The immediate application of the promised trade awaited the approval of the Plan of 1764. In addition to this delay, Johnson's success in carrying out his "economic" function was curtailed by his own miscalculations.

His recommendations for the centralization of trade had not accounted for the unique problems of the Illinois territory--the expansive area and the difficulties involved in limiting intercourse with the Indians to distinct posts. It cannot be denied that Johnson had the best interests of the Indians in mind when he formulated his grand scheme. Such a centralized plan could correct the abuses done to the Indians through the unrestricted sale of rum and firearms, the use of credit, and the lack of standardized weights and measures. Previous experience in the Mohawk Valley, where he had monopolized the trade within ten years after his arrival in the colonies, limited Johnson's outlook on what measures to apply to the enlarged Indian trade. The New York frontier was smaller than the trans-Appalachian and Illinois interior. Central controls were more natural to the

Mohawk Valley area than to the Illinois territory. Johnson was unable to offer any alternatives to his "grand scheme" that would assure fair trading practices, restrain the competitive jealousy of numerous trading firms, and yet allow the necessary freedom of movement to the traders who ventured into the Illinois. Finally, he acquiesced to the reality that the plan was not workable, and he accepted the decision from London which returned the control of the fur trade to the individual colonial governments.

The final decision on the Plan of 1764 seems to have come less as a result of the impracticality of trade centralization than as a reaction to the proposed tax on the trade. Johnson favored the excise tax as a source of revenue because the funds could be used not only to finance the trading posts, but also to support an independent superintendency. In arguing that the Northern Department could be self-sufficient, Johnson had failed to foresee the change in public temper both in the colonies and in England. Because the colonists were prepared to resist all programs of taxation imposed by Parliament, and because British officials were therefore reluctant to press the issue of this particular tax in Parliament, the Plan was tabled as not acceptable.

Johnson, it seems did not fully understand that this taxation crisis was one reason why the bureaucratic machinery worked so slowly and why the home government stalled in its final verdict on the Plan of 1764. He did not search for other expedients for financing the central trade posts. He was so enamored with the thought of an independent, self-sufficient superintendency that he could only complain when approval was not forthcoming. Such marks of personal jealousy for the

importance of his public office blinded him from seeing any other means to finance at least the trade organization, if not the superintendency.

While Johnson's failure to carry out his economic role may be attributed to a combination of sincere miscalculations and personal aggrandizement, his failures in the "diplomatic" function of his office seem to be more clearly influenced by his personal interests. Chapter four was concerned with reviewing the manner in which Johnson executed this role and applied the land policies of the Proclamation. It might be assumed that as a royal official he would channel his actions to coincide with official policies concerning land grants, colonizing the interior, and guarding the boundary line.

Johnson's record of handling the everyday type of land problems, requests, and petitions appears to be respectable. He sincerely professed his desire to protect the Indians from land abuses. He seemed eager to carry out the letter and spirit of the royal edict with regard to land policies. Until land crises reached into the heart of his Mohawk Valley, there seemed to be no doubt in his mind as to what his diplomatic role involved.

On the New York frontier, his self-interest clouded his interpretation of this function. He counted himself supreme in this territory, and he used the full weight of his office to obstruct would-be competitors there. Johnson prosecuted the affairs of George Klock and the Kayaderosseras patentees with tremendous vigor. He was able to see "justice" done to the Mohawk tribes, but seemed to have no pangs of conscience when this "justice" clearly coincided with his interest in land of the Canajoharie "gift."

One further note may suggest that Johnson's personal concerns

motivated him to prosecute frauds on the Six Nations lands. Where such problems persisted outside his personal Mohawk Valley domain, the Superintendent seems to have acted with less vigor. The settlements at Wyoming and Redstone were clearly encroachments on Indian lands and violations of the Whitehall policy. The squatters in these areas resided in Johnson's jurisdiction. Yet, at the same time that he was successful in his home valley dealings, he failed to remove these other violators. It could be argued that since these squatters resided in Pennsylvania and were generally supported by the "mother colonies" from which they had migrated (Virginia, Maryland, and Connecticut) Johnson had little effective control over them. This notion seems unlikely considering Johnson's sensitivity to the importance of his public position. He did not favor any compromise of his power as superintendent. In addition, he had authorization from Shelburne to evict these settlers. Why did he fail to assert the full strength of his office and prosecute their removal to the finish? The evidence presented in this study would suggest that, apart from the stubbornness of the squatters, and quite unlike his relation to the New York frontier, Johnson lacked a personal interest in this area. Consequently he was not fully moved to wield a heavy hand against Redstone and Wyoming. Certainly he was to work with the colonial governors on frontier problems. However, in areas where he held no direct land interests it seems he failed to take an active role in applying the Proclamation policies. Rather, he turned the matter over to the governors.

It is hard to explain why Johnson emasculated that power which he had long been calling for, especially when he was officially authorized to employ it. The lack of land interests in some areas may suggest, in

part, why he failed fully and equitably to enforce the diplomatic office with which he was entrusted.

Beyond what might be considered "general land dealings," the Superintendent was commissioned to uphold the royal intentions concerning the boundary line and alterations in frontier policy. In two instances Johnson violated the responsibility of his office. In 1766 he became interested in the Illinois Company. His recommendations for this colonizing endeavor were clouded by his one-eighth share in the proposed 120,000 acre grant. More important, however, was the fact that Johnson promoted the development of an interior colony that would violate the as yet unaltered Proclamation line. His support of the Illinois Company went beyond his commission to comment on and suggest plans for the west. The impropriety involved in this case was his acting without official notice from Whitehall that it intended to establish a civil government in the interior. Rather, Johnson acted on rumors of the talk in London circles concerning colonization. Benjamin Franklin suggested that Shelburne seemed sympathetic to the scheme. These rumors and reports, however, were hardly a final authorization on the matter of colonization. It was dangerous business for a royal appointee to act on the basis of such flimsy evidence.

Johnson's personal stake in the Illinois proposal is not completely sufficient to account for his unorthodox behavior in this case. By 1766 problems in his relations with Whitehall added to his willingness to approve the venture. He was frustrated by the home government's failure to adopt the Plan of 1764. Out of his shortsighted view of the problems involved in the acceptance of that program, he began to search for other means to control the trade in the untamed interior. He was

more amenable to the proposals of the Illinois Company. In addition, Johnson seems to have gravitated toward the dominant Pennsylvania trading and land speculating firms. This drift seems to have been part of an effort to salvage the power and esteem of his office, power which he felt London denied. His was the type of personality that thrived on playing the role of chief advisor to various interests. Yet, in altering the focus of his role, Johnson compromised that office which was one source of power with the merchants and speculators.

If Johnson violated the Proclamation in harboring the Illinois scheme, his action was not atypical. Once before, in the instance of his Canajoharie patent, he had become impatient with the bureaucratic way of handling things and circumvented the proper channels of action. Such arrogance when applied to public actions, like promoting colonization, hindered his ability to execute the Proclamation policies completely.

This characterization of Johnson as a man who was driven by self-interest and a jealous regard for the independent status of his office seems applicable to his behavior at the Fort Stanwix Conference (1768). Perhaps his violation of Hillsborough's orders and his manipulations that secured a more extensive boundary line can be seen to be a result of his distaste for the idea of being a subordinate royal official with no real power. According to this interpretation, Johnson may have hoped to increase his status among colonial associates by a show of diplomatic prowess. He certainly did not carry out his commission, which required his prosecution of the new frontier policy that came from Whitehall in 1768.

From this overview of Johnson's role in formulating and carrying

into action the Proclamation of 1763 certain concluding remarks can be made. In the first place, he was instrumental in establishing policies that were incorporated in the imperial policy announced at the end of the French and Indian War. Serving as Superintendent of the Northern Department from 1755 onward, Johnson had kept the channels of communication open by his continuous stream of reports to the Lords of Trade. He was therefore successful in fulfilling his function of assisting Whitehall in determining the frontier policy contained in the Proclamation.

Secondly, the Superintendent was not so valuable in carrying the Proclamation program into effect in the critical period between 1763 and 1768. He was, of course, responsible for the major parts of the Lords' Plan for Imperial Control of Indian Affairs which was issued in 1764 to implement further the policies contained in the royal edict. The Plan, however, proved unworkable. The failure of the Plan and ultimately the Proclamation was due in part to circumstances beyond his control. However, some of the responsibility for the fall of this initial western program rests with Johnson. Operating in a capacity as a subordinate royal official, he made several miscalculations regarding the extent of the frontier, the temper of the eastern colonists, and the complicated political scene in London. These erroneous judgements, though sincere, were often based on previous experiences and not geared to the current times. These prejudices seemed to stifle Johnson's ability to think creatively and devise alternate schemes for ordering his superintendency and for carrying out the Proclamation promises.

Finally, a large portion of Johnson's failure in applying the

letter and spirit of the official policy resulted from the impact of his private concerns and self-interest on his public role. When his personal status and landlord interests were at stake, he was unable to differentiate his private from his official concerns. As such he was not a good example of the policy which he was commissioned to enact. In addition, his self-interest interfered with his ability to accept the subordinate position which his superintendency entailed. This critical point of conflict does not appear on the surface of his public actions in 1763. By 1768, however, Johnson appears to be a different man. In the earlier days, when Whitehall was considering his suggestions for an independent and self-sufficient Department, Johnson had little reason to be antagonistic toward the system. In 1768 his real power had been diminished to the point where Johnson felt the "injustice" of the bureaucracy. This private pique helps to explain some of the events and actions which hindered his success in carrying out the express policies of the Proclamation. The true British interests, which he had professed to uphold, no longer coincided with the true Johnson interests. Thus he was unable to rise above the conflict and instead fell short of maintaining a "wise" superintendency during this critical period between 1763 and 1768.

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