

The Historical Context and the Emergence of the Royal Proclamation

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I'm honoured and humbled to be here. I've been asked to come here and speak but I'm really here to listen and to learn.

As a non-American living and working in America I'm often asked what I think I'm doing, and I suppose what I'm doing is trying to figure out the history of the United States and the history of this continent. To me that history makes no sense without the presence of Native people, which ironically are the people most neglected, certainly in United States history books.

So the Royal Proclamation, I suppose, makes no sense to me without the presence of Indian people. As this symposium attests, and as the number of people in this room attests, the Royal Proclamation of 1763 is clearly of crucial importance. What that importance is we may debate, but it's crucial importance in the establishment of the protocols, policies and procedures, and the relationship with Aboriginal peoples in Canada; in the United States, as they say, "Not so much."

I think, at the risk of stereotyping U.S. history, the Royal Proclamation doesn't get a lot of attention. Certainly in popular culture and Hollywood it gets no mention at all. The assumption is that what was going to happen was inevitable; that the American Revolution, American independence, was inevitable because of British mismanagement. This mismanagement is usually portrayed by arrogant, red-coated officers who wear powdered wigs, are not very bright and who speak like Prince Charles. It is assumed that these people have no hope of understanding American conditions and American aspirations to freedom; and that the American Revolution and the subsequent independence emerge out of a drive for freedom, and a struggle against taxes and tyranny.

My view is that the American Revolution is also a struggle about Native land, and who has control and access to it, and that the Royal Proclamation, as we've already heard, is an imperial instrument which has impact on Native peoples. But I also think it's an imperial policy that is

shaped by Native peoples. And so what I want to talk about in this first presentation is that aspect of it and how I think that works out.

This is a map that conveys a sense from the British perspective of how North America looked before 1763: British colonies east of the Appalachians hemmed in, not so much by the Appalachian Mountains, but by what lay beyond, which was the French, and the French empire. There is an area of dispute there between Britain and France.

It's a useful map, but I think it's also a fantasy, because it shows Canada, French Louisiana, Spanish Texas, Spanish Florida, and the British colonies, but it's all Indian Country, it's all Native land, and it gives no sense of the Native power and presence, which I think still in many ways shapes if not dominates, what the Europeans do and can do.

The area designated by that hatch mark encompasses what historians call the Ohio Country; the Ohio Valley, Kentucky, the State of Ohio today. And that's an area of competition and contest. The Ohio River and the Forks of the Ohio were seen by the British and the French as the keys to the continent. Whoever controlled those controlled access to the Interior.

The British looked to the Ohio Country as an area into which they can expand. The French see that Ohio country as the essential link between the colonies and settlements in the St. Lawrence and those in Illinois and down the Mississippi River.

So on maps like this we can clearly see that this is where France and England, the two superpowers of Europe, are going to duke it out in their struggle for North American hegemony. But it's also an area that's contested between Native people and Europeans. It's also an area that's contested between Virginia and Pennsylvania, both of whom are vying for access to the Forks of the Ohio, and lands that are there.

As Indian Country, it's also complicated and messy, and full of competition. Shawnees, Delawares, Wyandots and others are jostling for position. Many of them have come back to that area, after having been dispersed in the previous century. And they're also in the process of exerting their independence against the Onondaga Council, and the Haudenosaunee. So even a map that put "Indian Country", a label of that sort, on there, would be a bit of a distortion. It's a very messy and complicated area, and I think in large measure that's where a lot of the factors leading to this Proclamation emanate from.

Intrusions into the Ohio Country by the British had been going on since the 1740s, certainly since the Treaty of Lancaster in 1744. The year after, the Ohio Company of Virginia was formed, which initiated a series of procedures, policies, essentially a way of doing business

whereby the Virginia House of Burgesses made up of gentry gave grants of land to the Ohio Company and other land companies made up of gentry. Population in the British American colonies was increasing dramatically. Benjamin Franklin said it was “doubling every 25 years.” That meant that those who invested in or secured grants to land in the west had the opportunity to make a killing, once British settlers spilled over the Appalachian Mountains and began to move into that area.

This was a hope, and a policy and an investment by many people in Virginia in particular. People like George Washington, the Lee family, Patrick Henry, Thomas Jefferson, many of the names that we are familiar with as the founding fathers of the country.

But first you have to get access to and control of that country. And the French, too, are exerting their pressure. They make a forceful show in the Ohio Country, and that contest produces what in American history books is called the French and Indian War. I think a more accurate title from the perspective of the Native people would be the French and English War, which just happened to be fought on their doorsteps. It’s also called the Seven Years War, although it lasted for nine years.

In the course of that war, in 1755 General Edward Braddock leads a British army, the largest army that’s ever been assembled in North America, against the French fort at the Forks of the Ohio, Fort Duquesne. In the course of that campaign he manages to alienate his Indian allies. When Indian people ask him what’s going to become of Indian land once the British win; will the Indian people remain on the land? Braddock says no. He says famously “No savage shall inherit the land.”

Braddock alienates his Indian allies; he advances to Fort Duchesne without Indian allies, and meets disaster. His army is destroyed by a force of French and predominantly Indian warriors. Three years later, in 1758, General John Forbes leads another British army against Fort Duquesne and succeeds; he takes the fort. In fact, what he takes is a heap of ruins. The French abandon the fort, blow it up and withdraw, and the British arrive. And the reason why Forbes is successful has to do with Native American diplomacy. General John Forbes shared the same antipathy toward Native people that Braddock did; however, he better appreciated their importance in this campaign, and the role of Indian diplomacy in securing British military goals.

And prior to Forbes campaign, peace initiatives had been pursued at the Treaty of Easton, in Pennsylvania, in 1758. A Christian missionary by the name of Christian Frederick Post, had worked through prominent Delaware chiefs, Pesquetomen, Tamaqua, and Shingas; and 500

Native people had turned up at the Treaty of Easton, where the British gave them the assurances that they wanted – that once the war was won, their land would be secure. Essentially, the Native people of the Ohio Valley then switched sides, or at least shifted from being allied with the French to being neutral.

When the British see that happening, and it happens quite frequently, the term they use to describe it is 'fickle'. "These people are fickle. You cannot depend on them to follow a straight line. They are mercenary, they will see which way the wind is going, and they will go with the winner."

But they should have known better because Indian people had been telling them consistently since the 1740s and beyond, what their position was. And their position was that they wanted the Ohio Country left to them. They wanted and needed European merchants, French or British – the British had the advantage there because their goods were better quality and cheaper than the French – but they did not want their homelands occupied by the forces and the garrisons of an imperial power.

So what they're doing is following a consistent agenda, in which now it seems that a British victory is more likely to secure that goal. In that sense, I tend to think that for the Shawnees and the Delawares, the Treaty of Easton maybe represents the end of the war. They've got what they were fighting for. But it points out again the problem with a map like this that shows this huge block of territory, this blue chunk of territory as "French Empire". That's certainly how the British in the colonies and London viewed it, as this huge empire that was engulfing and exercising a stranglehold on the British colonies.

The French Empire, certainly beyond the St. Lawrence is pretty much a house of cards, and it rests on a network of allegiances with Native people. The French forts that dot the west depend for their defense not so much on palisades and firepower, but on the allegiance that the French have with the Indian people who live outside the forts. Once those allegiances are removed, as they were at the Treaty of Easton, even the French fort at Duquesne, which was a substantial edifice, is essentially indefensible.

Unfortunately I think that the appreciation that the British developed for the importance of Native allies and Native diplomacy during the war, they quickly forgot after the war. In 1763, at the Peace of Paris, France withdraws from North America. Britain is immensely successful not only in North America but around the world. 1759 is the year of victories. France is defeated on every

front, and the British are now victorious. They have inherited a huge empire; everything from the Atlantic to the Mississippi is now British, or at least the British have the claim to it.

They're also broke, bankrupt. With a huge empire to administer and no money to do it, the British government makes some decisions. Contrary to how they are portrayed I think in some U.S. history books, these people are not simply making ill-advised decisions, without really paying attention to the situation in America. Their decisions are formed on that. One of those decisions is "We've got a huge empire that we need to administer, but we also need to pay for it." And it seemed logical to people in London, that a war which from their perspective was largely fought for the American colonies might be paid for by taxing the American colonies. That was one of the smarter ideas that emanated out of London, and we all know where that went.

But the other piece of that was to embark on cost saving measures. And now that the French were defeated, surely Indian allies were no longer as important. So one way to save money was to cut back on giving gifts to Indian people. General Jeffery Amherst, the Commander-in-Chief of British forces in North America, did not understand what Sir William Johnson understood, which was that for Native allies, giving gifts was not payment, asking for gifts was not evidence of a mercenary nature. Giving and receiving gifts was essential to lubricating and cementing alliances. It established obligations, it demonstrated mutual need and dependence, it demonstrated mutual commitment.

At a time when French garrisons are evacuating the west, and British garrisons are marching in, and on the ruins of Fort Duquesne, rebuilding Fort Pitt, which I am given to understand was 10 times the size of Fort Duquesne – this is a formidable military presence coming into Indian Country. At the time that that happens, I think Native people are looking for evidence, clear demonstration that the British will be friends and allies; in a sense will act as a true father should. By refusing to give gifts, Amherst and his colleagues effectively send a declaration if not of war, of hostility. This is what gives rise to the war that we know as Pontiac's, where a dozen years before the Americans take on the British Empire, Indian people in the Ohio Valley and the Great Lakes do that. I like to call it The First War of Independence, and I think, and have argued, that this Native war of independence generates events that lead directly to a later war of independence, that of the American Revolution.

Even before the war is over, the British are considering and wrestling with the problem of expansion onto Indian land; how to control it, how to regulate it. After the Treaty of Easton, in 1758, the British army actually ejected squatters from Indian land, even burned cabins. Colonel

Henry Bouquet, the Commander at Fort Pitt, refused a bribe from the Ohio Company to turn a blind eye, and he issued his own proclamation in 1761 declaring Indian land off limits.

So Pontiac's war did not cause a British policy that saw the need to limit and regulate and control expansion onto Indian land, but it certainly hurried it up. I'll read this so I don't confuse the chronology:

That summer there had been proposals floating around the British government about enacting something like this. On September 16 Lord Halifax, incorporating suggestions from two proposals drafted earlier in the summer, presented his plan to the Cabinet. By October 4, the Earl of Hillsborough, the new President of the Board of Trade, had touched up the draft, run the document by the Attorney General for legal amendments and returned it to Halifax. The Privy Council gave its pro-forma approval, and on October 7, The King officially promulgated it.

Historian Fred Anderson says that by the standards of 18th Century government the Royal Proclamation was issued at breakneck speed. By the standards of the present U.S. Congress this is lightning speed.

What effect did it have in that area of the country? To squatters and settlers who were either already settled on this land or intending to do so, probably not too much. This was an edict of a distant government. The British army government lacked the forces, the manpower to enforce it along the whole barrier of the Appalachian Mountains.

Part of the intention of the Proclamation – if you were looking at the image that I was going to have there, which shows the line that Brian Slattery described, running down the back of the Appalachians – I think there is a twofold intent there. One is to stop British settlers swarming over the mountains; the other is, recognizing that the British population is growing at the rate it is, to divert it north and south, into three of the four new colonies that had been created by the Proclamation: to Quebec (as well as to Nova Scotia) in the north; and to East Florida and West Florida in the south.

But the people who are most affected by the Proclamation in the American colonies are those people who had the most to gain and now feel they have the most to lose. People like George Washington, who have had these investments in trans-Appalachian land (read: Indian land) for years, and have constantly been securing – grants of land.

In 1754 the Governor of Virginia had issued land bounty grants to encourage Virginians to sign up and fight in the war. Washington had been buying up those; buying up the land bounty grants of veterans. So for Washington and other people who have fought with the British Empire until

1763, and now expect to secure the fruits of victory – their rights to now be able to sell the land that they have acquired from Indians to British settlers – now that door is slammed closed in their face. To them it seems that the old French and Indian barrier, which for so long had kept British settlement east of the Appalachians, has now been replaced by a British-Indian barrier. The British are now, in their view, coddling up to the Indians, to frustrate people like Washington who shed blood, who sacrificed in the great war for empire.

On June 3, 1763, Washington joined other Virginian gentry in forming a new land company, called the Mississippi Land Company. Washington was already in the Ohio Company, he had all kinds of smaller schemes at work, but the Mississippi Company was a huge venture. His timing was a little off, because June 3 was the date when Ojibwa people attacked and took Michilimakinac in Pontiac's war. That war knocked the British Empire back on its heels, captured every British fort west of the Appalachians, except Niagara, Fort Pitt and Detroit.

Those events by Native people, in that area of the country, in the middle of the continent, sent shock waves across the Atlantic and then back again in the form of the Royal Proclamation, which then initiated a further series of reverberations and repercussions, through the American colonies, and drove people like Washington, Patrick Henry, Thomas Jefferson, the Lees, and others, to seriously question their allegiance to the British Empire and their identity as British citizens.

With the Proclamation of 1763, I think, American independence becomes a very big idea, and some of the people who are going to shout the loudest about freedom in the next 15-20 years, are very much concerned with themselves having the freedom to acquire Indian land and to sell that land to settlers.

Questions:

Question (n/a): What was the 'ripple effect' of Pontiac's War?

Answer (Colin Calloway): This was the response by the British to military threat by First Nations which led to the Royal Proclamation.

Question (n/a): Outside of Nova Scotia and Quebec, what effect does the Royal Proclamation have today?

Answer (Mark Walters): The Supreme Court should revisit the enforcement/application of the Royal Proclamation in modern day; especially since there have been arguments that at the time of the Royal Proclamation, the Crown could not have envisioned expansion as far westward as British Columbia. Since the Royal Proclamation is a living document, however, its applicability needs to be revisited within the broader, contemporary context of Canada.