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Title: Report of the Lords Commissioners for Trade and Plantations on the Petition of the Honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, Esquires, and their Associates

Author: Great Britain. Board of Trade

Release date: October 12, 2008 [eBook #26900]

Language: English

Credits: Produced by A www.PGDP.net Volunteer, Dave Morgan and the Online Distributed Proofreading Team at <http://www.pgdp.net>

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REPORT

OF THE

**LORDS COMMISSIONERS for
TRADE and PLANTATIONS**

ON THE

PETITION

OF THE

**Honourable THOMAS WALPOLE, BENJAMIN
FRANKLIN, JOHN SARGENT, and SAMUEL
WHARTON, Esquires, and their ASSOCIATES;**

FOR

**A Grant of Lands on the RIVER OHIO, in North
America; for the purpose of Erecting a new Government.**

WITH

OBSERVATIONS and REMARKS.

LONDON:

Printed for J. ALMON, opposite Burlington-House, in
Piccadilly.

MDCCLXXII.

OF

**The Lords Commissioners for
Trade and Plantations.**

ON THE

**P E T I T I O N of the Honourable
THOMAS WALPOLE and his Associates,
for a Grant of Lands on
the River OHIO in NORTH AMERICA.**

MY LORDS,

PURSUANT to your lordships order of the 25th May 1770, we have taken into our consideration the humble memorial of the honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, Esquires, in behalf of themselves and their associates, setting forth (among other things) "That they presented a petition to his Majesty, in council, for a grant of lands in America (*parcel* of the lands purchased by government of the Indians) in consideration of a price to be paid in purchase of the same; *that in pursuance of a suggestion which arose when the said petition was under consideration of the Lords Commissioners for trade and plantations*, the memorialists presented a petition to the Lords Commissioners of the treasury, proposing to purchase a larger tract of land on the river Ohio in America, sufficient for a separate government; whereupon their lordships were pleased to acquaint the memorialists, they had no objection to accepting the proposals made by them with respect to the purchase-money and quit-rent to be paid for the said tract of land, if it should be thought adviseable by those departments of government, to whom it belonged to judge of the propriety of the grant, both in point of policy and justice, that the grant should be made; in consequence whereof the memorialists humbly renew their application that a grant of said lands may be made to them, *reserving therein to all persons their just and legal rights to any parts or parcels of said lands which may be comprehended within the tract prayed for by the memorialists;*" whereupon we beg leave to report to your lordships,

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I. That according to the description of the tract of land prayed for by the memorialists, which description is annexed to their memorial, it appears to us to contain part of the dominion of Virginia, to the south of the river Ohio, and to extend several degrees of longitude westward from the western ridge of the Appalachian mountains, as will more fully appear to your Lordships from the annexed sketch of the said tract, which we have since caused to be delineated with as much exactness as possible, and herewith submit to your Lordships, to the end that your Lordships may judge with the greater precision of the situation of the lands prayed for in the memorial.

II. From this sketch your Lordships will observe, that a very considerable part of the lands prayed for, lies beyond the line, which has, in consequence of his Majesty's orders for that purpose, been settled by treaty, as well with the tribes of the Six Nations, and their confederates, as with the Cherokee Indians, as the boundary line between his Majesty's territories and their hunting grounds; and as the faith of the crown is pledged in the most solemn manner both to the Six Nations and to the Cherokees, that notwithstanding the former of these nations had ceded the property in the lands to his Majesty, yet no settlements shall be made beyond that line, it is our duty to report to your Lordships our opinion, that it would on that account be highly improper to comply with the request of the memorial, *so far as it includes any lands beyond the said line.*

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It remains therefore, that we report to your Lordships our opinion, how far it may consist with good policy and with justice, that his Majesty should comply with that part of the memorial which relates to those lands which are situated to the east of that line, and are part of the dominion of Virginia.

III. And first with regard to the policy, we take leave to remind your Lordships of that principle which was adopted by this Board, and approved and confirmed by his Majesty, immediately after the treaty of Paris, *viz.* the confining the western extent of settlements to such a distance from the sea coast, as that those settlements should lie *within the reach of the trade and commerce of this kingdom*, upon which the strength and riches of it depend, and also of the exercise of that authority and jurisdiction, which was conceived to be necessary for the preservation of the colonies, in a due subordination to, and dependance upon, the Mother Country; and these we apprehend to have been two capital objects of his Majesty's proclamation of the 7th of October 1763, by which his Majesty

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declares it to be his royal will and pleasure to reserve under his sovereignty, protection, and dominion, for the *use* of the Indians, all the lands not included within the three new governments, the limits of which are described therein, as also all the lands and territories lying to the westward of the sources of the rivers which shall fall into the sea from the west and north-west, and by which, all persons are forbid to make any purchases or settlements whatever, or to take possession of any of the lands above reserved, without special licence for that purpose.

IV. It is true indeed, that partly from *want of precision* in describing the line intended to be marked out by the proclamation of 1763, and partly from a consideration of justice *in regard to legal titles to lands*, which had been settled beyond that line, it has been since thought fit to enter into engagements with the Indians, for fixing a more precise and determinate *boundary* between his Majesty's territories and their hunting grounds. [8]

V. By this *boundary*, so far as it regards the case now in question, your Lordships will observe, that the hunting grounds of the Indians are reduced within narrower limits than were specified by the proclamation of 1763; we beg leave however, to submit to your Lordships, that the same principles of policy, in reference to settlements *at so great a distance* from the sea coast *as to be out of the reach of all advantageous intercourse with this kingdom*, continue to exist in their full force and spirit; and, though various propositions for erecting new colonies in the interior parts of America have been, in consequence of this extension of the boundary line, submitted to the consideration of government (particularly in that part of the country wherein are situated the lands now prayed for, with a view to that object) yet the dangers and disadvantages of complying with such proposals have been so obvious, as to defeat every attempt made for carrying them into execution.

VI. Many objections, besides those which we have already stated, occur to us to propositions of this kind; but as *every argument* on this subject is *collected together with great force and precision*, in a representation made to his Majesty by the Commissioners for Trade and Plantations in March 1768, we beg leave to state them to your Lordships in their words. [9]

In that representation they deliver their opinion upon a proposition for settling new colonies in the interior country as follows, *viz.*

"The proposition of forming inland colonies in America is, we humbly conceive, entirely new: it adopts principles in respect to American settlements, different from what have hitherto been the policy of this kingdom, and leads to a system which, if pursued through all its consequences, is, in the present state of that country, of the greatest importance.

"The great object of colonizing upon the continent of North America, has been to improve and extend the commerce, navigation, and manufactures of this kingdom, upon which its strength and security depend.

1. "By promoting the advantageous fishery carried on upon the northern coast. [10]
2. "By encouraging the growth and culture of naval stores, and of raw materials, to be transported hither in exchange for perfect manufactures and other merchandise.
3. "By securing a supply of lumber, provisions, and other necessaries, for the support of our establishments in the American islands.

"In order to answer these salutary purposes, it has been the policy of this kingdom to confine her settlements as much as possible to the sea coast, and not to extend them to places inaccessible to shipping, and consequently more out of the reach of commerce; a plan, which, at the same time that it secured the attainment of these commercial objects, had the further political advantage of guarding against all interfering of foreign powers, and of enabling this kingdom to keep up a superior naval force in those seas, by the actual possession of such rivers and harbours as were proper stations for fleets in time of war.

"Such, may it please your Majesty, have been the considerations inducing that plan of policy hitherto pursued in the settlement of your Majesty's American colonies, with which the private interest and sagacity of the settlers co-operated from the first establishments formed upon that continent: It was upon these principles, and with these views, that government undertook the settling of Nova Scotia in 1749; and it was from a view of the advantages represented to arise from it in these different articles, that it was so liberally supported by the aid of parliament. [11]

"The same motives, though operating in a less degree, and applying to fewer objects, did, as we humbly conceive, induce the forming the colonies of Georgia, East Florida, and West Florida, to the South, and the making those provincial arrangements in the proclamation of 1763, by which the interior country was left to the possession of the Indians.

"Having thus briefly stated what has been the policy of this kingdom in respect to colonizing in America, it may be necessary to take a cursory view of what has been the effect of it in those colonies, where there has been sufficient time for that effect to discover itself; because, if it shall appear from the present state of these settlements, and the progress they have made, that they are likely to produce the advantages above stated, it will, we humbly apprehend, be a very strong argument against forming settlements in the interior country; more especially, when every advantage, derived from an established government, would naturally tend to draw the stream of population; fertility of soil and temperature of climate offering superior incitements to settlers, who, exposed to few hardships, and struggling with few difficulties, could, with little labour, earn an abundance for their own wants, but without a possibility of supplying ours with any considerable quantities. Nor would these inducements be confined in their operation to foreign emigrants, determining their choice where to settle, but would act most powerfully upon the inhabitants of the northern and southern latitudes of your Majesty's American dominions; who, ever suffering under the opposite extremes of heat and cold, would be equally tempted by a moderate climate to abandon latitudes peculiarly adapted to the production of those things, which are by Nature denied to us; and for the whole of which we should, without their assistance, stand indebted to, and dependant upon other countries.

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"It is well known that antecedent to the year 1749, all that part of the sea-coast of the British empire in America, which extends north-east from the province of Main to Canceau in Nova Scotia, and from thence to the mouth of St. Laurence river, lay waste and neglected; though naturally affording, or capable by art of producing, every species of naval stores; the seas abounding with whale, cod, and other valuable fish, and having many great rivers, bays, and harbours, fit for the reception of ships of war. Thus circumstanced, a consideration of the great commercial advantages which would follow from securing the possession of this country, combined with the evidence of the value set upon it by our enemies, who, during the war which terminated at that period, had, at an immense expence, attempted to wrest it from us, induced that plan, for the settlement of Novia Scotia, to which we have before referred; and which, being prosecuted with vigour, though at a very large expence to this kingdom, secured the possession of that province, and formed those establishments which contributed so greatly to facilitate and promote the success of your Majesty's arms in the late war.

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"The establishment of government in this part of America, having opened to the view and information of your Majesty's subjects in other colonies the great commercial advantages to be derived from it, induced a zeal for migration; and associations were formed for taking up lands, and making settlements, in this province, by principal persons residing in these colonies.

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"In consequence of these associations, upwards of ten thousand souls have passed from those colonies into Novia Scotia; who have either engaged in the fisheries, or become exporters of lumber and provisions to the West Indies. And further settlements, to the extent of twenty-one townships, of one hundred thousand acres each, have been engaged to be made there, by many of the principal persons in Pennsylvania, whose names and association for that purpose now lie before your Majesty in council.

"The government of Massachusets Bay, as well as the proprietors of large tracts to the eastward of the province of Main, excited by the success of these settlements, are giving every encouragement to the like settlements in that valuable country, lying between them and Novia Scotia; and the proprietors of the twelve townships lately laid out there, by the Massachusets government, now solicit your Majesty for a confirmation of their title.

"Such, may it please your Majesty, is the present state of the progress making in the settlement of the northern parts of the sea coasts of North America, in consequence of what appears to have been the policy adopted by this kingdom. And many persons of rank and substance here are proceeding to carry into execution the plan which your Majesty (pursuing the same principles of commercial policy) has approved for the settlement of the islands of St. John and Cape Breton, and of the new established colonies to the south. And, therefore, as we are fully convinced, that the encouraging settlements upon the sea coast of North America is founded in the true principles of commercial policy; as we find upon examination, that the happy effects of that policy are now beginning to open themselves, in the establishment of these branches of commerce, culture, and navigation, upon which the strength, wealth, and security of this kingdom depend; we cannot be of opinion, that it would in any view be adviseable, to divest your Majesty's subjects in America from the pursuit of those important objects, by adopting measures of a new policy, *at an expence to this kingdom, which in its present state it is unable to bear.*

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"This, may it please your Majesty, being the light in which we view the proposition of colonizing in the interior country, considered as a general principle of policy; we shall, in the next place, proceed to examine the several arguments urged in support of the particular establishments now recommended.

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"These arguments appear to us reducible to the following general propositions, viz.

First, "That such colonies will promote population, and increase the demands for and consumption of British manufactures."

Secondly, "That they will secure the fur trade, and prevent an illicit trade, or interfering of French or Spaniards with the Indians."

Thirdly, "That they will be a defence and protection to the old colonies against the Indians."

Fourthly, "That they will contribute to lessen the present heavy expence of supplying provisions to the different forts and garrisons."

Lastly, "That they are necessary in respect to the inhabitants already residing in those places where they are proposed to be established, who require some form of civil government."

"After what we have already stated with respect to the policy of encouraging colonies in the interior country as a general principle, we trust it will not be necessary to enter into an ample discussion of the arguments brought to support the foregoing propositions.

"We admit as an undeniable principle of true policy, that with a view to prevent manufactures, it is necessary and proper to open an extent of territory for colonization proportioned to the increase of people, as a large number of inhabitants, cooped up in narrow limits, without a sufficiency of land for produce, would be compell'd to convert their attention and industry to manufactures; but we submit whether the encouragement given to the settlement of the colonies upon the sea coast, and the effect which such encouragement has had, have not already effectually provided for this object, as well as for increasing the demand for, and consumption of British manufactures, an advantage which, in our humble opinion, would not be promoted by these new colonies, which being proposed to be established, at the distance of *above fifteen hundred miles from the sea*, and in places which, upon the fullest evidence, are found to be utterly inaccessible to shipping, will, from their inability to find returns wherewith to pay for the manufactures of Great Britain, be probably led to manufacture for themselves; a consequence which experience shews has constantly attended in greater or lesser degree every inland settlement, and therefore ought, in our humble opinion, to be carefully guarded against, by *encouraging* the settlement of that extensive tract of sea coast hitherto unoccupied; *which, together with the liberty that the inhabitants of the middle colonies will have (in consequence of the proposed boundary line with the Indians) of gradually extending themselves backwards*, will more effectually and beneficially answer the object of encouraging population and consumption, than the erection of new governments; such gradual extension might through the medium of a continued population, upon even the same extent of territory, preserve a communication of mutual commercial benefits between its extremest parts and Great Britain, *impossible to exist in colonies separated by immense tracts of unpeopled desert*.—As to the effect which it is supposed the colonies may have to increase and promote the fur trade, and to prevent all contraband trade or intercourse between the Indians under your Majesty's protection, and the French or Spaniards; it does appear to us, that the extension of the fur trade depends entirely upon the Indians being undisturbed in the possession of their hunting, grounds; that all colonizing does in its nature, and must in its consequences, operate to the prejudice of that branch of commerce, and that the French and Spaniard would be left in possession of a great part of what remained; as New Orleans would still continue the best and surest market.

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"As to the protection which it is supposed these new colonies may be capable of affording to the old ones, it will, in our opinion, appear on the slightest view of their situation, that so far from affording protection to the old colonies, they will stand most in need of it themselves.

"It cannot be denied, that new colonies would be of advantage in raising provisions for the supply of such forts and garrisons as may be kept up in the neighbourhood of them; but as the degree of utility will be proportioned to the number and situation of these forts and garrisons, which upon the result of the present enquiry it may be thought advisable to continue, so the force of the argument will depend upon that event.

"The present French inhabitants in the neighbourhood of the Lakes will, in our humble opinion, be sufficient to furnish with provisions whatever posts may be necessary to be continued there; and as there are also French inhabitants settled in some parts of the country lying upon the Mississippi, between the rivers Illinois and the Ohio, it is to be hoped that a sufficient number of these may be induced to fix their abode, where the same convenience and advantage may be derived from them; but if no such circumstance were to exist, and no such assistance to be expected from it, the objections stated to the plan now under our consideration are superior to this, or any other advantage it can

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produce; and although civil establishments have frequently rendered the expence of an armed force necessary for their protection, one of the many objections to these now proposed, yet we humbly presume there never has been an instance of a government instituted merely with a view to supply a body of troops with suitable provisions; nor is it necessary in these instances for the settlements, already existing as above described, which being formed under military establishments, and ever subjected to military authority, do not, in our humble opinion, require any other superintendance than that of the military officers commanding at these posts.

"In addition to this opinion of the Board of Trade, expressed in the foregoing recital, we further beg leave to refer your Lordships to the opinion of the Commander in Chief of his Majesty's forces in North America, who, in a letter laid before us by the Earl of Hillsborough, delivers his sentiments with regard to the settlements in the interior parts of America in the following words, viz.

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VII. "As to increasing the settlements to respectable provinces, and to colonization *in general terms* in the *remote* countries, I conceive it altogether inconsistent with sound policy; for there is little appearance that the advantages will arise from it which nations expect when they send out colonies into *foreign countries*; they can give no encouragement to the fishery, and though the country might afford some kind of naval stores, the distance would be too far to transport them; and for the same reason they could not supply the sugar islands with lumber and provisions. As for the raising wine, silk, and other commodities, the same may be said of the present colonies without planting others for the purpose at so vast a distance; but on the supposition that they would be raised, their very long transportation must probably make them too dear for any market. I do not apprehend the inhabitants could have any commodities to barter for manufactures except skins and furs, which will naturally decrease as the country increases in people, and the desarts are cultivated; so that in the course of a few years necessity would force them to provide manufactures of some kind for themselves; and when all connection upheld by commerce with the mother country shall cease, it may be expected, that an independancy on her government will soon follow; the pretence of forming barriers will have no end; wherever we settle, however remote, there must be a frontier; and there is room enough for the colonists to spread within our present limits, for a century to come. If we reflect how the people of themselves have gradually retired from the coast, we shall be convinced they want no encouragement to desert sea coasts, and go into the back countries, where the lands are better, and got upon easier terms; they are already almost out of the reach of law and government; neither the endeavours of government, or fear of Indians, has kept them properly within bounds; and it is apparently most for the interest of Great Britain to confine the colonies on the side of the back country, and to direct their settlements along the sea coast, where millions of acres are yet uncultivated. The lower provinces are still thinly inhabited, and not brought to the point of perfection that has been aimed at for the mutual benefit of Great Britain and themselves. Although America may supply the mother country with many articles, few of them are yet supplied in quantities equal to her consumption, the quantity of iron transported is not great, of hemp very small, and there are many other commodities not necessary to enumerate, which America has not yet been able to raise, notwithstanding the encouragement given her by bounties and premiums. The laying open new tracts of fertile territory in moderate climates might lessen her present produce; for it is the passion of every man to be a landholder, and the people have a natural disposition to rove in search of good lands, however distant. It may be a question likewise, whether colonization of the kind could be effected *without an Indian war, and fighting for every inch of ground*. The Indians have long been jealous of our power, and have no patience in seeing us approach their towns, and settle up on their hunting grounds; atonements may be made for a fraud discovered in a trader, and even the murder of some of their tribes, but *encroachments* upon their lands have often produced serious consequences. The springs of the last general war are to be discovered near the Allegany mountains, and upon the banks of the Ohio.

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"It is so obvious, that settlers might raise provisions to feed the troops cheaper than it can be transported from the country below, that it is not necessary to explain it; but I must own I know no other use in settlements, or can give any other reason for supporting forts, than to protect the settlements, and keep the settlers in subjection to government.

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"I conceive, that to procure all the commerce it will afford, and as little expence to ourselves as we can, is the only object we shall have in view in the interior country, for a century to come; and I imagine it might be effected, by proper management, without either forts or settlements. Our manufactures are as much desired by the Indians, as their peltry is sought for by us; what was originally deemed a superfluity, or a luxury by the natives, is now become a necessary; they are disused to the bow, and can neither hunt, or make war without fire-arms, powder, and lead. The British provinces can only supply them with their necessaries, which they know, and for their own sakes would protect the trader, which they actually do at present. It would remain with us to prevent the trader's

being guilty of frauds and impositions, and to pursue the same methods to that end, as are taken in the Southern district; and I must confess, though the plan pursued in that district might be improved by proper laws to support it, that I do not know a better, or more oeconomic plan for the management of trade; there are neither forts nor settlements, in the Southern department, and there are both in the Northern department; and your Lordships will be the best judge, which of them has given you the least trouble; in which we have had the fewest quarrels with, or complaints from the Indians.

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"I know of nothing so liable to bring on a serious quarrel with Indians *as an invasion of their property*. Let the savages enjoy their deserts in quiet; little bickerings that may unavoidably sometimes happen, may soon be accommodated; and I am of opinion, independent of the motives of common justice and humanity, that the principles of interest and policy, should induce us rather to protect than molest them: were they driven from their forests, the peltry trade would decrease; and it is *not impossible* that worse savages would take refuge in them, for they might then become the asylum of fugitive Negroes, and idle vagabonds, escaped from justice, who in time might become formidable, and subsist by rapine, and plundering the lower countries."

VIII. The opinions delivered in the foregoing recitals are so accurate and precise, as to make it almost unnecessary to add any thing more: But we beg leave to lay before your Lordships the sentiments of his Majesty's Governor of Georgia, upon the subject of large grants in the interior parts of America, whose knowledge and experience in the affairs of the colonies give great weight to his opinion.

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In a letter to us, on the subject of the mischiefs attending such grants, he expresses himself in the following manner, viz.

"And now, my Lords, I beg your patience a moment, while I consider this matter in a more extensive point of view, and go a little further in declaring my sentiments and opinion, with respect to the granting of large bodies of land, in the back parts of the province of Georgia, or in any other of his Majesty's Northern colonies, at a distance from the sea-coast, or from such parts of any province as are already settled and inhabited.

"And this matter, my Lords, appears to me, in a very serious and alarming light; and I humbly conceive may be attended with the greatest and worst of consequences; for, my Lords, if a vast territory be granted to any set of gentlemen, who really mean to people it, and actually do so, it must draw and carry out a great number of people from Great Britain; and I apprehend they will soon become a kind of separate and independent people, and who will set up for themselves; that they will soon have manufactures of their own; that they will neither take supplies from the mother country, or from the provinces, at the back of which they are settled; that being at a distance from the seat of government, courts, magistrates, &c. &c. they will be out of the reach and controul of law and government; that it will become a receptacle and kind of asylum for offenders, who will fly from justice to such new country or colony; and therefore crimes and offences will be committed, not only by the inhabitants of such new settlements, but elsewhere, and pass with impunity; and that in process of time (and perhaps at no great distance) they will become formidable enough, to oppose his Majesty's authority, disturb government, and even give law to the other or first settled part of the country, and throw every thing into confusion.

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"My Lords, I hope I shall not be thought impertinent, when I give my opinion freely, in a matter of so great consequence, as I conceive this to be; and, my Lords, I apprehend, that in all the American colonies, great care should be taken, that the lands on the sea-coast, should be thick settled with inhabitants, and well cultivated and improved; and that the settlements should be gradually extended back into the province, and as much connected as possible, to keep the people together in as narrow a compass *as the nature of the lands, and state of things will admit of*; and by which means there would probably become only one general view and interest amongst them, and the power of government and law would of course naturally and easily go with them, and matters thereby properly regulated, and kept in due order and obedience; and they would have no idea of resisting or transgressing either without being amenable to justice, and subject to punishment for any offences they may commit.

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"But, my Lords, to suffer a kind of *province within a province*, and one that may, indeed must in process of time become superior, and too big for the head, or original settlement or seat of government, to me conveys with it many ideas of consequence, of such a nature, as I apprehend are extremely dangerous and improper, and it would be the policy of government to avoid and prevent, whilst in their power to do so.

"My ideas, my Lords, are not chimerical; I know something of the situation and state of things in America; and from some little occurrences or instances that have already really happened, I can very easily figure to myself what may, and, in short, what will certainly happen, if not prevented in time."

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IX. At the same time that we submit the foregoing reasoning against colonization in the interior country to your Lordships consideration, it is proper we should take notice of one argument, which has been invariably held forth in support or every proposition of this nature, and upon which the present proponents appear to lay great stress. It is urged, that such is the state of the country now proposed to be granted, and erected into a separate government, that no endeavours on the part of the crown can avail, to prevent its being settled by those who, by the increase of population in the middle colonies, are continually emigrating to the Westward, and forming themselves into colonies in that country, without the intervention or controul of government, and who, if suffered to continue in that lawless state of anarchy and confusion, will commit such abuses as cannot fail of involving us in quarrel and dispute with the Indians, and thereby endangering the security of his Majesty's colonies.

We admit, that this is an argument that deserves attention; and we rather take notice of it in this place, because some of the objections stated by Governor Wright *lose their force upon the supposition that the grants against which he argues are to be erected into separate governments*. But we are clearly of opinion, that his arguments do, in the general view of them, as applied to the question of granting lands in the interior parts of America, stand unanswerable; and *admitting* that the settlers in the country in question are *as numerous as report states them to be*, yet we submit to your Lordships, that this is a fact which does, in the nature of it, operate strongly in point of argument *against* what is proposed; for if the foregoing reasoning has any weight, it certainly ought to induce your Lordships to advise his Majesty to take every method to *check* the progress of these settlements, and *not* to make such grants of the land as will have an immediate tendency to encourage them; a measure which we conceive is altogether as unnecessary as it is impolitic, as we see nothing to hinder the government of Virginia from extending the laws and constitution of that colony to such persons as may have already settled there *under legal titles*.

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X. And there is one objection suggested by Governor Wright to the extension of settlements in the interior country, which, we submit, deserves your Lordships particular attention, viz. the encouragement that is thereby held out to the emigration of his Majesty's European subjects; an argument which, in the present peculiar situation of this kingdom, demands very serious consideration, and has for some time past had so great weight with this Board, that it has induced us to deny our concurrence to many proposals for grants of land, even in those parts of the continent of America where, in all other respects, we are of opinion, that it consists with the true policy of this kingdom to encourage settlements; and this consideration of the certain bad consequences which must result from a continuance of such emigrations, as have lately taken place from various parts of his Majesty's European dominions, added to the constant drains to Africa, to the East Indies, and to the new ceded Islands, will we trust, with what has been before stated, be a sufficient answer to every argument that can be urged in support of the present memorial, so far as regards the consideration of it in point of policy.

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XI. With regard to the propriety in point of *justice* of making the grant desired, we presume this consideration can have reference only to the case of such persons who have already possession of lands in that part of the country under legal titles derived from grants made by the Governor and Council of Virginia; upon which case we have only to observe, that it does appear to us, that there are *some* such possessions held by persons who are not parties to the present Memorial; and therefore, if your Lordships shall be of opinion, that the making the grant desired would, notwithstanding the reservation proposed in respect to such titles, have the effect to disturb those possessions, or to expose the proprietors to suit and litigation, we do conceive, that, in that case, the grant would be objectionable in point of justice.

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XII. Upon the whole, therefore, we cannot recommend to your Lordships to advise his Majesty to comply with the prayer of this Memorial, either as to the erection of any parts of the lands into a separate government, or the making a grant of them to the Memorialists; but, on the contrary, we are of opinion, that settlements in that distant part of the country should be as much discouraged as possible; and that, in order thereto, it will be expedient, not only that the orders which have been given to the Governor of Virginia, not to make any further grants beyond the line prescribed by the proclamation of 1763, should be continued and enforced, but that another proclamation should be issued, declaratory of his Majesty's resolution not to allow, for the *present*, any new settlements beyond that line, and to forbid all persons from taking up or settling any lands in that part of the country.

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We are,

My Lords,

Your Lordships most obedient and

WHITEHALL,
April 15, 1772.

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**OBSERVATIONS on,
and ANSWERS to, the
foregoing REPORT.**

I. The first paragraph of the Report, we apprehend, was intended to establish two propositions as facts;—viz.—

First, That the tract of land agreed for with the Lords Commissioners of the Treasury, contains *part* of the dominion of Virginia.

Second, That it extends several degrees of longitude *Westward* from the Western ridge of the *Alleghany* mountains.

On the first proposition we shall only remark, that no part of the above tract is to the *Eastward* of the Alleghany mountains;—and that these mountains must be considered as the true Western boundary of *Virginia*;—for the King was *not* seised and possessed of a right *to the country Westward* of the mountains, until his Majesty purchased it, in the year 1768, from the Six Nations: and since that time, there has not been any annexation of such purchase, or of any part thereof, to the colony of Virginia.

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On the second proposition,—we shall just observe, that the Lords Commissioners for Trade and Plantations appear to us to be as erroneous in this as in the former proposition; for their Lordships say, that the tract of land under consideration *extends several degrees* of longitude *Westward*. The truth is, that it is not more, on a medium, than one degree and a half of longitude from the Western ridge of the Alleghany mountains to the river Ohio.

II. It appears by the second paragraph, as if the Lords Commissioners for Trade and Plantations apprehended,—that the lands south-westerly of the *boundary line*, marked on a map annexed to their Lordships *report*,—were either claimed by the Cherokees, or were their hunting grounds, or were the hunting grounds of the Six Nations and their confederates.

As to any claim of the Cherokees to the above country, it is altogether new and indefensible; and never was heard of, until the appointment of Mr. Stewart to the superintendency of the Southern colonies, about the year 1764; and this, we flatter ourselves, will not only be obvious from the following state of facts, but that the right to *all the country* on the Southerly side of the river Ohio, quite to the Cherokee River, is *now* undoubtedly vested in the King, by the grant which the Six Nations made to his Majesty at Fort Stanwix, in November 1768.—In short, the lands from the *Great Kenhawa* to the *Cherokee river* never were, either the dwelling or hunting grounds of the *Cherokees*;—but formerly belonged to, and were inhabited by the *Shawanesse*, until such time as they were conquered by the Six Nations.

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Mr. Colden, the present Lieutenant Governor of New York, in his History of the Five Nations, observes, that about the year 1664, "the Five Nations being amply supplied by the English with firearms and ammunition, gave a full swing to their warlike genius. They carried their arms *as far South as Carolina*, to the Northward of New England, and as *far West as the river Mississippi*, over a vast country,—which extended 1200 miles in length from North to South, and 600 miles in breadth,—where they entirely destroyed whole nations, of whom there are no accounts remaining among the English."

In 1701,—the Five Nations put all their hunting lands under the protection of the English, as appears by the records, and by the recital and confirmation thereof, in their deed to the King of the 4th September 1726;—and Governor Pownal, who many years ago diligently searched into the rights of the natives, and in particular into those of the Northern confederacy, says, in his book intituled, the *Administration of the Colonies*, "The right of the Five Nation confederacy to the hunting *lands of Ohio*, Ticûcksouchrondite and Scaniaderiada, by the conquest they made, in subduing the *Shaöanaes*, Delawares (as we call them) Twictwees and Oilinois, may be fairly proved, as they stood possessed thereof at the peace of Reswick 1697."—And confirmatory hereof, Mr. Lewis Evans, a gentleman of great American knowledge, in his map of the middle colonies, published in America in

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the year 1755, has laid down the country on the *South-easterly side* of the river Ohio, *as the hunting lands of the Six Nations*; and in his Analysis to this map, he expressly says,—"The *Shawanese*, who were formerly one of the most considerable nations of those parts of America, whose seat extended from *Kentucke* South-westward to the Mississippi, have been subdued by the confederates (or Six Nations) *and the country since became their property*. No nation," Mr. Evans adds, "held out with greater resolution and bravery, and although they have been scattered in all parts for a while, they are again collected on *Ohio*, under the dominion of the confederates."

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At a congress held in the year 1744, by the provinces of Pennsylvania, Maryland, and Virginia with the Six Nations,—the Commissioners of Virginia, in a speech to the Sachems and Warriors of that confederacy, say, "tell us what nations of Indians you conquered any lands from in Virginia, how long it is since, and what possession you have had; and if it does appear, that there is any land on the *borders* of Virginia that the Six Nations have a right to, we are willing to make you satisfaction."

To this speech the Six Nations gave the following animated and decisive answer:—"All the world knows we conquered the several nations living on Sasquehanna, Cohongoranto [*i.e.* Powtomack] *and on the back of the great mountains in Virginia*;—the Conoy-uck-suck-roona, Cock-now-was-roonan, Tohoa-irough-roonan, and Connutskin-ough-roonaw *feel* the effects of our conquests; being now a part of our nations, and their lands at *our* disposal. We know very well, it hath often been said by the Virginians, that the King of England and the people of that colony conquered the people who lived there; but it is not true. We will allow, they conquered the Sachdagughronaw, and drove back the Tuskaroras [the first resided near the branches of James's River in Virginia, and the latter on these branches] and that they have, on that account, a right to some parts of Virginia; *but as to what lies beyond the mountains, we conquered the nations residing there, and that land, if the Virginians ever get a good right to it, it must be by us.*"

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In the year 1750, the French seized four English traders, who were trading with the Six Nations, Shawanese and Delawares, on the waters of the Ohio, and sent them prisoners to Quebeck, and from thence to France.

In 1754, the French took a formal possession of the river Ohio, and built forts at Venango, —at the confluence of the Ohio and Monongehela, and at the *mouth of the Cherokee River*.

In 1755, General Braddock was sent to America with an army, to remove the French from their possessions *over* the Allegany mountains, and on the river Ohio; and on his arrival at Alexandria, held a council of war with the Governors of Virginia, Maryland, Pennsylvania, New York, and the Massachusetts Bay;—And as these gentlemen well knew, that the country claimed by the French, *over the Allegany mountains, and South-westerly to the river Mississippi*, was the unquestionable property of the *six Nations*, and *not* of the Cherokees, or any other tribe of Indians,—the General gave instructions to Sir William Johnson, to call together the Indians of the *Six Nations*, and lay before them their before-mentioned grant to the King in 1726,—wherein they had put all their hunting lands *under his Majesty's protection; to be guaranteed to them, and to their use*:—And as General Braddock's instructions are clearly declaratory of the right of the Six Nations to the lands under consideration, we shall here transcribe the conclusive words of them,—"*And it appearing that the French have, from time to time, by fraud and violence, built strong forts within the limits of the said lands, contrary to the covenant chain of the said deed and treaties, you are, in my name, to assure the said nations, that I am come by his Majesty's order, to destroy all the said forts, and to build such others, as shall protect and secure the said lands to them, their heirs and successors for ever, according to the intent and spirit of the said treaty; and I do therefore call upon them to take up the hatchet, and come and take possession of their own lands.*"

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That General Braddock and the American Governors, were *not* singular in their opinion, as to the right of the Six Nations to the land *over* the Allegany mountains, and on both sides of the river Ohio, quite to the Mississippi,—is evident, from the memorials which passed between the British and French Courts in 1755.

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In a memorial delivered by the King's Ministers on the 7th June 1755, to the Duke Mirepoix, relative to the pretensions of France to the above-mentioned lands, they very justly observed—"As to the exposition, which is made in the French memorial of the 15th article of the treaty of Utrecht, the Court of Great Britain does not think it can have any foundation, either by the words or the intention of this treaty.

1st, "The Court of Great Britain cannot allow of this article, relating only to the persons of the Savages, and *not their country*: The words of this treaty are clear and precise, that is to say, the Five *Nations* or Cantons, are subject to the dominion of Great Britain,—which, by the received exposition of all treaties, must relate to the *country*, as well to the persons of the inhabitants;—it is what France has acknowledged in the most solemn manner;—She

has well weighed the importance of this acknowledgement, at the time of signing this treaty, and Great Britain can never give it up. The countries possessed by these Indians, *are very well known, and are not at all so undetermined*, as it is pretended in the memorial: they *possess and make them over, as other proprietors do, in all other places.*"

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5th, "Whatever pretext might be alledged by France, in considering these countries as the appurtenances of Canada; *it is a certain truth, that they have belonged, and (as they have not been given up, or made over to the English) belong still to the same Indian nations;* which, by the 15th article of the treaty of Utrecht, France agreed not to molest,—*Nullum in posterum impedimento, aut molestia afficiant.*"

"Notwithstanding all that has been advanced in this article, the Court of Great Britain *cannot* agree to France having the least title to the river Ohio, and the *territory in question.*" [N.B. This was all the country, from the Allegany mountains to the Ohio, and down the same, and on both sides thereof to the river Mississippi.]

"Even that of possession is not, nor can it be alledged on this occasion; since France cannot pretend to have had any such before the treaty of Aix-la-Chapelle, nor since, unless it be that of certain *forts*, unjustly erected lately *on the lands which evidently, belong to the Five Nations*, or which these have made over to the Crown of Great Britain or its subjects, as may be proved by treaties and acts of the greatest authority.—*What* the Court of Great Britain *maintained, and what it insists upon, is, That the Five Nations of the Iroquois, acknowledged by France, are, by origin, or by right of conquest the lawful proprietors of the river Ohio, and the territory in question:* And as to the territory, which has been *yielded and made over by these people* to Great Britain (which cannot but be owned must be the most just and lawful manner of making an acquisition of this sort) she reclaims it, as belonging to her, having continued cultivating it for above 20 years past, and having made settlements in several parts of it, from the sources even of the Ohio to Pichawillanes, in the center of the territory between the Ohio and the Wabache."

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In 1755, the Lords Commissioners for Trade and Plantations were so solicitous to ascertain the territory of the Six Nations, that Dr. Mitchel, by their desire, published a large map of North America; and Mr. Pownal, the present Secretary of the Board of Trade, *then* certified, as appears on the map,—That the Doctor was furnished with documents for the purpose from that Board.—In this map Dr. Mitchel observes, "That the Six Nations have extended their territories, ever since the year 1672, *when they subdued and were incorporated with the antient Shawanese, the native proprietors of these countries, and the river Ohio:* Besides which, they likewise claim a right of conquest over the Illinois, and all the Mississippi, as far as they extend. This," he adds, "is confirmed by their own claims and possessions in 1742, which include all the bounds here laid down, and none have ever thought fit to dispute them." And, in confirmation of this right of the Six Nations to the country on the Ohio, as mentioned by the King's Ministers, in their memorial to the Duke of Mirepoix in 1755, we would just remark, that the Six Nations, Shawanese and Delawares, were in the *actual occupation* of the lands *Southward* of the Great Kenhawa for some time after the French had encroached up on the river Ohio; and that in the year 1752, these tribes had a large town on Kentucke River,—238 miles below the *Sioto*:—That in the year 1754, they resided and hunted on the *Southerly* side of the river Ohio, in the *Low Country*, at about 320 miles *below* the Great Kenhawa;—and in the year 1755, they had also a large town opposite to the mouth of Sioto;—*at the very place*, which is the *Southern boundary* line of the tract of land applied for by Mr. Walpole and his associates.—But it is a certain fact, that the Cherokees *never* had any towns or settlements in the country, *Southward* of the Great Kenhawa;—that they do *not* hunt there, and that neither the Six Nations, Shawanese nor Delawares, do *now* reside or hunt on the Southerly side of the river Ohio, nor did *not* for several years *before* they sold the country to the King.—These are facts, which can be easily and fully proved.

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In October 1768, at a congress held with the Six Nations at Fort Stanwix, they observed to Sir William Johnson: "Now, brother, you who know all our affairs, must be sensible, that *our* rights go much farther to the *Southward* than the *Kenhawa*,—and that we have a very good and clear title as far *South* as the *Cherokee River*, which we cannot allow to be the right of any other Indians, without doing wrong to our posterity, and acting unworthy those warriors who fought and conquered it;—we therefore expect this our right will be considered."

In November 1768, the Six Nations sold to the King all the country on the Southerly side of the river Ohio, as far as to the Cherokee river; but notwithstanding that sale, as soon as it was understood in Virginia, that government *favoured* the pretensions of the Cherokees, and that Dr. Walker and Colonel Lewis (the commissioners sent from that colony to the congress at Fort Stanwix) had returned from thence, the late Lord Bottetourt sent these gentlemen to Charles-town, South-Carolina, to endeavour to convince Mr. Stuart, the Southern superintendent of Indian affairs, of the necessity of enlarging the boundary line, which he had settled with the Cherokees;—and to run it from the *Great Kenhawa* to Holston's river.—These gentlemen were appointed commissioners by his Lordship, as they

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had been long conversant in Indian affairs, and were well acquainted with the actual extent of the Cherokee country.—Whilst these commissioners were in South Carolina, they wrote a letter to Mr. Stuart, as he had been but a very few years in the Indian service, (and could not, from the nature of his former employment, be supposed to be properly informed about the Cherokee territory), respecting the claims of the Cherokees to the lands *Southward* of the Great Kenhawa, and therein they expressed themselves as follows:

"Charles-town, South Carolina,
February 2, 1769.

"The country *Southward* of the *Big Kenhawa* was never claimed by the *Cherokees*, and now is the property of the Crown, as Sir William Johnson purchased it of the Six Nations at a very considerable expence, and took a deed of cession from them at Fort Stanwix."

In 1769, the house of burgesses of the colony of Virginia represented to Lord Bottetourt, "That they have the greatest reason to fear the said line," (meaning the boundary line, which the Lords Commissioners for Trade and Plantations have referred to, in the map annexed to their Lordships report) "if confirmed, would constantly open to the Indians, and others *enemies* to his Majesty, a free and easy ingress to the heart of the country on the Ohio, Holston's river, and the Great Kenhawa; whereby the settlements which may be attempted in these quarters will, in all probability, be utterly destroyed, and *that great extent of country* [at least 800 miles in length] *from the mouth of the Kenhawa to the mouth of the Cherokee river* extending Eastward as far as the Laurell Hill, *so lately ceded to his Majesty, to which no tribe of Indians at present set up any pretensions, will be entirely abandoned to the Cherokees*; in consequence of which, claims, *totally destructive* of the true interest of his Majesty, may at some future time arise, *and acquisitions justly ranked among the most valuable of the late war be altogether lost.*"

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From the foregoing detail of facts, it is obvious,

1st. That the country *Southward* of the *Great Kenhawa*, at least as far as the Cherokee river, originally belonged to the Shawanesse.

2d. That the Six Nations, in virtue of their conquest of the Shawanesse, became the lawful proprietors of that country.

3d. That the King, in consequence of the grant from the Six Nations, made to his Majesty at Fort Stanwix in 1768, is *now* vested with the undoubted right and property thereof. 4th. That the Cherokees *never* resided, nor hunted in that country, and have *not* any kind of right to it.

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5th. That the House of Burgesses of the colony of Virginia have, upon good grounds, asserted, [such as properly arise from the nature of their stations, and proximity to the Cherokee country], that the Cherokees had not any just pretensions to the territory *Southward* of the Great Kenhawa.

And lastly, That neither the Six Nations, the Shawanesse nor Delawares, do *now* reside, or hunt in that country.

From these considerations, it is evident no possible injury can arise to his Majesty's Service,—to the Six Nations and their confederacy,—or to the Cherokees, by permitting us to settle the *whole* of the lands comprehended within our contract with the Lords Commissioners of the Treasury:—If, however, there has been any treaty held with the Six Nations, *since* the cession made to his Majesty at Fort Stanwix, whereby the faith of the crown is pledged, both to the Six Nations and the Cherokees, that no settlements should be made beyond the line, marked on their Lordships report; we say, if such agreement has been made by the orders of government with these tribes, (not withstanding, as the Lords Commissioners have acknowledged, "*the Six Nations had ceded the property in the lands to his Majesty*")—We flatter ourselves, that the objection of their Lordships in the second paragraph of their Report, will be entirely obviated, by a specific clause being inserted in the King's grant to us, *expressly prohibiting us from settling any part of the same*, until such time as we shall have *first* obtained his Majesty's allowance, and the full consent of the Cherokees, and the Six Nations and their confederates, for that purpose.

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III. In regard to the third paragraph of their Lordships Report, that it was the *principle* of the board of trade, *after* the treaty of Paris, "to *confine* the western extent of settlements to such a distance from the sea-coast, as that these settlements should lie within the *reach* of the trade and commerce of this kingdom," &c. we shall not presume to controvert;—but it may be observed, that the settlement of the country *over* the Allegany mountains, and on the Ohio, was *not* understood, either *before* the treaty of Paris, nor intended to be so considered by his Majesty's proclamation of October 1763, "as *without*

the reach of the trade and commerce of this kingdom," &c.;—for, in the year 1748, Mr. John Hanbury, and a number of other gentlemen, petitioned the King for a grant of 500,000 acres of land over the Allegany mountains, and on the river Ohio and its branches; and the Lords Commissioners for Trade and Plantations were then pleased to report to the Lords committee of his Majesty's most honourable privy council, "That the settlement of the country, lying to the westward of the great mountains, as it was the center of the British dominions, would be for his Majesty's interest, and the advantage and security of Virginia and the neighbouring colonies."

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And on the 23d of February 1748-9, the Lords Commissioners for Trade and Plantations again reported to the Lords of the committee of the privy council, that they had "fully set forth the great utility and advantage of extending our settlements beyond the great mountains ("which Report has been approved of by your Lordships").—And as, by these new proposals, there is a great probability of having a much larger tract of the said country settled than under the former, we are of opinion, that it will be greatly for his Majesty's service, and the welfare and security of Virginia, to comply with the prayer of the petition."

And on the 16th of March 1748-9, an instruction was sent to the Governor of Virginia to grant 500,000 acres of land over the Allegany mountains to the aforesaid Mr. Hanbury and his partners (who are now part of the company of Mr. Walpole and his associates); and that instruction sets forth, That "such settlements will be for our interest, and the advantage and security of our said colony, as well as the advantage of the neighbouring ones;—inasmuch as our loving subjects will be thereby enabled to cultivate a friendship, and carry on a more extensive commerce with the nations of Indians inhabiting those parts; and such examples may likewise induce the neighbouring colonies to turn their thoughts towards designs of the same nature."—Hence we apprehend, it is evident, that a former board of trade, at which Lord Halifax presided, was of opinion, that settlements over the Allegany mountains were not against the King's interest, nor at such a distance from the sea-coast, as to be without "the reach of the trade and commerce of this kingdom," nor where its authority or jurisdiction could not be exercised.—But the Report under consideration suggests, that two capital objects of the proclamation of 1763 were, to confine future settlements to the "sources of the rivers which fall into the sea from the West and North-West," (or, in other words, to the Eastern side of the Allegany mountains) and to the three new governments of Canada, East Florida, and West Florida;—and to establish this fact, the Lords Commissioners for Trade and Plantations recite a part of that proclamation.

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But if the whole of this proclamation is considered, it will be found to contain the nine following heads; viz.¹

1st, To declare to his Majesty's subjects, that he had erected four distinct and separate governments in America; viz. Quebec, East Florida, West Florida, and Grenada.

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2d, To ascertain the respective boundaries of these four new governments.

3d, To testify the royal sense and approbation of the conduct and bravery, both of the officers and soldiers of the King's army, and of the reduced officers of the navy, who had served in North America, and to reward them, by grants of lands in Quebec, and in East and West Florida, without fee or reward.

4th, To hinder the governors of Quebec, East Florida and West Florida, from granting warrants of survey, or passing patents for lands, beyond the bounds of their respective governments.

5th, To forbid the governors of any other colonies or plantations in America, from granting warrants or passing patents for lands, beyond the heads or sources of any of the rivers, which fall into the Atlantic Ocean from the west or north-west, or upon any lands whatever, "which, not having been CEDED to or purchased by the King, are reserved to the said Indians, or any of them."

6th, To reserve, "for the present," under the King's sovereignty, protection, and dominion, for the use of the said Indians, all the lands not included within the limits of the said three new governments, or within the limits of the Hudson's Bay company; as also, all the lands lying to the westward of the sources of the rivers, which fall into the sea from the west and north-west, and forbidding the King's subjects, from making any purchases of settlements whatever, or taking possession of the lands so reserved, without his Majesty's leave and licence first obtained.

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7th, To require all persons, who had made settlements on lands, not purchased by the King from the Indians, to remove from such settlements.

8th, To regulate the future purchases of lands from the Indians, within such parts as his Majesty, by that proclamation, permitted settlements to be made.

9th, To declare, that the trade with the Indians should be free and open to all his Majesty's subjects, and to prescribe the manner how it shall be carried on.

And lastly, To require all military officers, and the superintendants of Indian affairs, to seize and apprehend all persons who stood charged with treasons, murders, &c. and who had fled from justice, and taken refuge in the reserved lands of the Indians, to send such persons to the colony, *where* they stood accused.

From this proclamation, therefore, it is obvious, that the sole design of it, independent of the establishment of the three new governments, ascertaining their respective boundaries, rewarding the officers and soldiers, and regulating the Indian trade, and apprehending felons, was to *convince* the Indians "of his Majesty's justice and determined resolution to remove all reasonable cause of discontent," by interdicting all settlements on land, not *ceded to or purchased by his Majesty*; and declaring it to be, as we have already mentioned, his royal will and pleasure, "for *the present, to reserve*, under his sovereignty, protection, and dominion, *for the use of the Indians*, all the lands and territories lying to the westward of the sources of the rivers which fall into the sea from the west and north-west."—Can any words express more decisively the royal intention?—Do they not explicitly mention, That the territory is, *at present*, reserved under his Majesty's protection, *for the use of the Indians*?—And as the Indians had *no use* for those lands, which are bounded *westerly* by the *south-east side* of the river Ohio, either for residence or hunting, they were willing to sell them; and accordingly did sell them to the King in November 1768, (the occasion of which sale will be fully explained in our observations on the succeeding paragraphs of the *Report*).—Of course, the proclamation, so far as it regarded the settlement of the lands included within that purchase, has absolutely and undoubtedly ceased.—The late Mr. Grenville, who was, at the time of issuing this proclamation, the minister of this kingdom, always admitted, that the design of it was totally accomplished, *so soon as the country was purchased of the natives*.

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IV. In this paragraph, the Lords Commissioners for Trade and Plantations mention two reasons for his Majesty's entering into engagements with the Indians, for fixing a *more precise and determinate boundary line*, than was settled by the proclamation of October 1763, viz.

1st, Partly for want of *precision* in the one intended to be marked by the proclamation of 1763.

2d, And partly from a consideration of justice in regard to *legal titles to lands*.

We have, we presume, fully proved, in our observations on the third paragraph,—That the design of the proclamation, so far as it related to lands *westward* of the Allegany mountains, was for no other purpose than to *reserve* them, under his Majesty's protection, for *the present, for the use of the Indians*; to which we shall only add, That the line established by the proclamation, so far as it concerned the lands in question, could *not* possibly be fixed and described with more *precision*, than the proclamation itself describes it; for it declares,—That "all the lands and territories lying to the westward of the sources of the rivers, *which fall into the sea from the west and north-west*," should be reserved under his Majesty's protection.

Neither, in our opinion, was his Majesty induced to enter into engagements with the Indians for fixing a more *precise* and determinate boundary "*partly from a consideration of justice, in regard to legal titles to lands*,"—for there were *none* such (as we shall prove) comprehended within the tract *now* under consideration.

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But for a full comprehension of ALL the reasons for his Majesty's "entering into engagements with the Indians, for fixing a more precise and determinate boundary line," than was settled by the royal proclamation of Oct. 1763, we shall take the liberty of stating the following facts:—In the year 1764, the King's ministers had it *then* in contemplation, to obtain an act of parliament for the proper regulation of the Indian commerce; and providing a fund, (by laying a duty on the trade) for the support of superintendants, commissaries, interpreters, &c. at particular forts in the Indian country, *where* the trade was to be carried on:—And as a part of this system, it was thought proper, in order to avoid future complaints from the Indians, on account of encroachments on their hunting grounds, to purchase a large tract of territory from them, and establish, with their consent, a respectable *boundary line*, beyond which his Majesty's subjects should *not* be permitted to settle.

In consequence of this system, orders were transmitted to Sir William Johnson, in the year 1764, to call together the Six Nations,—lay this proposition of the *boundary* before them, and take their opinion upon it.—This, we apprehend, will appear evident from the following speech, made by Sir William to the Six Nations, at a conference which he held with them, at Johnson Hall, May the 2d, 1765.

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"The last but the most important affair I have at this time to mention, is with regard to the *settling a boundary between you and the English*. I sent a message to some of your nations some time ago, to acquaint you, that I should confer with you at this meeting upon it. The King, whose generosity and forgiveness you have already experienced, *being very desirous to put a final end to disputes between his people and YOU CONCERNING LANDS*, and to do you strict justice, has fallen upon the plan of a boundary between our provinces and the Indians (which no white man shall dare to invade) as the best and surest method of ending such like disputes, and *securing your property* to you, beyond a possibility of disturbance. This will, I hope, appear to you so reasonable, so just on the part of the King, and so advantageous to you and your posterity, that I can have no doubt of your cheerfully joining with me in settling such a division-line, as will be best for the advantage of both white men and Indians, *and as shall best agree with the extent and increase of each province*, and the governors, whom I shall consult upon that occasion, so soon as I am fully empowered; but in the mean time I am desirous to know in what manner you would choose to extend it, and what you will heartily agree to, and abide by, in general terms. At the same time I am to acquaint you, that whenever the whole is settled, and that it shall appear you have *so far consulted the increasing state of our people, as to make any convenient cessions of ground* where it is most wanted, that then you will receive a considerable present in return for your friendship."

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To this speech the Sachems and Warriors of the Six Nations, after conferring some time among themselves, gave an answer to Sir William Johnson, and agreed to the proposition of the boundary line;—which answer, and the other transactions of this conference, Sir William transmitted to the office of the Lords Commissioners for Trade and Plantations.—

From a change of the administration, which formed the above system of obtaining an act of parliament for regulating the Indian trade, and establishing the *boundary line*, or from some other public cause, unknown to us,—no measures were adopted, until the latter end of the year 1767, for *completing* the negotiation about this boundary line.—But in the mean time, viz. between the years 1765 and 1768,—the King's subjects removed in *great numbers* from Virginia, Maryland, and Pennsylvania, and settled *over* the mountains,—upon which account, the Six Nations became so irritated, that in the year 1766 they killed several persons, and denounced a general war against the middle colonies; and to appease them, and to avoid such a public calamity, a detachment of the 42d regiment of foot was *that year* sent from the garrison of Fort Pitt, to remove such settlers as were seated at *Red Stone Creek, &c.*—but the endeavours and threats of that detachment proved ineffectual, and they returned to the garrison, without being able to execute their orders.—The complaints of the Six Nations however continuing and *increasing*, on account of the settling of their lands *over* the mountains, General Gage wrote to the Governor of Pennsylvania on the 7th of December 1767, and after mentioning these complaints, he observed, "*You are a witness how little attention has been paid to the several proclamations that have been published; and that even the removing those people from the lands in question, which was attempted this summer by the garrison at Fort Pitt, has been only a temporary expedient. We learn they are returned again to the same encroachments on Red Stone Creek and Cheat River in greater numbers than ever.*"²

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On the 5th of January 1768, the governor of Pennsylvania sent a message to the general assembly of the province with the foregoing letter from General Gage,—and on the 13th the assembly in the conclusion of a message to the governor on the subject of Indian complaints, observed, "To obviate which cause of their discontent, and effectually to establish between them and his Majesty's subjects a durable peace, we are of opinion, that a speedy *confirmation* of the *boundary*, and a just satisfaction made to them for their lands on this side of it, are absolutely necessary. By this means all their present complaints of encroachments will be removed, and the people on our frontiers will have a sufficient country *to settle or hunt in, without interfering with them.*"

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On the 19th of January 1768, Mr. Galloway, the speaker of the assembly in Pennsylvania, and the committee of correspondence, wrote on the subject of the Indians disquietude, by order of the house, to their agents Richard Jackson and Benjamin Franklin, Esquires, in London, and therein they said, "That the delay of the confirmation of the *boundary*, the natives have warmly complained of, *and that although they have received no consideration for the lands agreed to be ceded to the crown on our side of the boundary, yet that its subjects are daily settling and occupying those very lands.*"

In April 1768, the legislature of Pennsylvania finding that the expectations of an Indian war were hourly increasing, *occasioned by the settlement of the lands over the mountains*, not sold by the natives; and flattering themselves, that orders would soon arrive from England for the perfection of the boundary line, they voted the sum of one

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thousand pounds, to be given as a present, in blankets, strouds, &c. to the Indians upon the Ohio, with a view of moderating their resentment, until these orders should arrive:— and the governor of Pennsylvania being informed, that a treaty was soon to be held at Fort Pitt by George Croghan, Esq; deputy agent of Indian affairs, by order of General Gage and Sir William Johnson, he sent his secretary and another gentleman, as commissioners from the Province, to deliver the above present to the Indians at Fort Pitt.

On the 2d of May 1768, the Six Nations made the following speech at that conference:

"BROTHER,

"It is not without grief that we see our country *settled by you*, without our knowledge or consent; and it is a long time since we complained to you of this grievance, which we find has not yet been redressed; but *settlements* are still *extending further into our country*: some of them are made directly on our war-path, leading to our enemies' country, and we do not like it. Brother, you have *laws among you* to govern your people by; and it will be the strongest proof of the sincerity of your friendship, to let us see that you remove the people from our lands; as we look upon it, *they will have time enough to settle them, when you have purchased them, and the country becomes yours.*"

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The Pennsylvania commissioners, in answer to this speech, informed the Six Nations, that the governor of that province had sent four gentlemen with his proclamation and the act of assembly (making it *felony of death* without benefit of clergy, to continue on Indian lands) to such settlers *over* the mountains as were seated, within the limits of Pennsylvania, requiring them to vacate their settlements, but all to no avail:—That the governor of Virginia had likewise, to as little purpose, issued his proclamations and orders, and that General Gage had twice *ineffectually* sent parties of soldiers to remove the settlers from Red Stone Creek and Monongehela.

As soon as Mr. Jackson and Dr. Franklin received the foregoing instructions from the general assembly of Pennsylvania, they waited upon the American minister, and urged the expediency and necessity of the boundary line being speedily concluded; and in consequence thereof, additional orders were immediately transmitted to Sir William Johnson for that purpose.

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It is plain therefore, that the proclamation of October 1763 was *not* designed, as the Lords Commissioners for Trade and Plantations have suggested, to signify the policy of this kingdom, *against* settlements *over* the Allegany mountains, *after* the King had actually purchased the territory; and that the *true* reasons for purchasing the lands comprized within that boundary, were to avoid an Indian rupture, and give an opportunity to the King's subjects, quietly and lawfully to settle thereon.

V. Whether the Lords Commissioners for Trade and Plantations are well founded in their declarations, That the lands under consideration "*are out of all advantageous intercourse with this kingdom,*" shall be fully considered in our observations on the sixth paragraph;— and as to "the various propositions for erecting new colonies in the *interior parts*, which their Lordships say, have been, in consequence of the extension of the boundary line, submitted to the consideration of government, particularly in *that part of the country*, wherein are situated the lands now prayed for, and the danger of complying with such proposals have been so obvious, as to *defeat* every attempt for carrying them into execution,"—we shall only observe on this paragraph, that as we do not know what these propositions were, or upon what principle the proposers have been *defeated*, it is impossible for us to judge, whether they are any ways applicable to our case.—Consistent however with our knowledge, no more than one proposition, for the settlement of a *part* of the lands in question, has been presented to government, and that was from Dr. Lee, 32 other Americans, and two Londoners, in the year 1768, praying that his Majesty would *grant* to them, without *any purchase-money*, 2,500,000 acres of land *in one or more surveys*, to be located between the 38th and 42d degrees of latitude, *over the Allegany mountains*, and on condition of their possessing these lands 12 *years* WITHOUT *the payment of any quit-rent*, (the same *not* to begin until the whole 2,500,000 acres were surveyed) and that they should be obliged to settle only 200 *families in 12 years*.—Surely, the Lords Commissioners did not mean this proposition as one that was similar, and would *apply* to the case now *reported* upon;—and especially as Dr. Lee and his associates did not propose, as we do, either to purchase the lands, or pay the quit-rents to his Majesty, *neat and clear of all deductions*, or be at the *whole* expence of establishing and maintaining the civil government of the country.

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VI. In the sixth paragraph the Lords Commissioners observe, That "*every argument on the subject*, respecting the settlement of the lands in that part of the country now prayed for, *is collected together with great force and precision in a representation made to his Majesty* by the Lords Commissioners for Trade and Plantations, in March 1768."

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That it may be clearly understood, what was the occasion of this *representation*, we shall take the liberty of mentioning, that on the first of October 1767, and during the time that the Earl of Shelburne was Secretary of State for the southern department, an idea was entertained of forming, "*at the expence of the crown*," three *new governments* in North America, *viz.* one at *Detroit* [on the waters between Lake Huron and Lake Erie]; one in the *Illinois Country*, and one on the *lower* part of the River Ohio; and in consequence such idea, a *reference* was made by his lordship to the Lords Commissioners for Trade and Plantations, for their opinion upon these proposed *new governments*.

Having plainly explained the cause of the *representation*, which is so very strongly and earnestly insisted upon by the Lords Commissioners for Trade and Plantations, as containing "*every argument on the subject* of the lands which is at present before your lordships;" we shall now give our reasons for apprehending, *that it* is so far from applying against our case, that it actually declares a permission would be given to settle the very lands in question.

Three principal reasons are assigned in the *representation*, "as conducive to the great object of colonizing upon the continent of North America, *viz.*"

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1st. "Promoting the advantageous fishery carried on upon the *northern coast*."

2dly. "Encouraging the growth and culture of naval stores, and of *raw materials*, to be transported hither, in exchange for perfect manufactures and other merchandize."

3dly. "Securing a supply of lumber, provisions, and other necessaries, for the support of our establishments in the American islands."

On the first of these reasons, we apprehend, it is not necessary for us to make many observations; as the provinces of New Jersey, Pennsylvania, Maryland, and Virginia, and the colonies *southward* of them, have *not*, and from the nature of their situation and commerce will *not*, promote the *fishery*, more, it is conceived, than the proposed Ohio colony.—These provinces are, however, beneficial to this kingdom, in the culture and exportation of different articles;—as it is humbly presumed the Ohio colony *will* likewise be, if the production of *staple commodities* is allowed to be within that description.

On the 2d and 3d general reasons of the *Representation* we shall observe, that no part of his Majesty's dominions in North America, will require less *encouragement* "for the growth and culture of naval stores and raw materials; and for the supplying the islands with lumber, provisions," &c. than the solicited colony on the Ohio;—and for the following reasons:

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First, The lands in question are excellent, the climate temperate, the native grapes, silkworms, and mulberry trees, are every where; hemp grows spontaneously in the valleys and low lands; iron-ore is plenty in the hills; and no soil is better adapted for the culture of tobacco, flax, and cotton, than that of the Ohio.

Second, The country is well watered by several navigable rivers, communicating with each other; and by which, and a short land-carriage of *only 40 miles*, the produce of the lands of the Ohio can, even *now*, be sent *cheaper* to the sea-port town of Alexandria, on the river Potomack (where General Braddoc's transports landed his troops) than any kind of merchandise is at this time sent *from Northampton to London*.

Third, The river Ohio is, at *all* seasons of the year, navigable for large boats, like the West Country barges, rowed only by four or five men; and from the month of January to the month of April, large ships may be built on the Ohio, and sent laden with *hemp, iron, flax, silk*, &c. to this kingdom.

Fourth, Flour, corn, beef, ship-plank, and other necessaries, can be sent down the stream of Ohio to West Florida, and from thence to the islands, much cheaper, and in better order, than from New York or Philadelphia. Fifth, Hemp, tobacco, iron, and such bulky articles, can also be sent *down* the *stream* of the Ohio to the sea, at least 50 per centum cheaper than these articles were ever carried by a land carriage, of only 60 miles, in Pennsylvania;—where *waggonage* is cheaper than in any other part of North America.

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Sixth, The expence of transporting British manufactories from the sea to the Ohio colony, will *not* be so much, as is now paid and must ever be paid, to a great part of the counties of *Pennsylvania, Virginia, and Maryland*.

From this state of facts, we apprehend, it is clear, that the lands in question are altogether capable, and will advantageously admit, from their fertility, situation, and the small expence attending the exporting the produce of them to this kingdom,—"*of conducting* to the great object of colonizing upon the continent of North America:"—But that we may more particularly elucidate this important point, we shall take the freedom of observing,—That it is *not* disputed, but even acknowledged, by the very *Report* now under consideration,—that the climate and soil of the Ohio are as favourable, as we have

described them;—and as to the native silk worms,—it is a truth, that *above* 10,000 weight of cocoons was, in August 1771, sold at the public filature in Philadelphia;—and that the silk produced from the *native* worm is of a good quality, and has been much approved of in this city.—As to *hemp*, we are ready to make it appear, that it grows, as we have represented, spontaneously, and of a good texture on the Ohio,—When, therefore, the *increasing* dependance of this kingdom upon *Russia*, for this very article, is considered, and that none has been exported from the *sea coast American colonies*, as their soil will not easily produce it,—this dependance must surely be admitted as a subject of great national consequence, and worthy of the serious attention of government. Nature has pointed out to us, *where* any quantity of hemp can be soon and easily raised, and by that means, not only a large amount of specie may be retained *yearly* in this kingdom, but our own subjects can be employed most advantageously, and paid in the *manufactures* of this kingdom. The state of the Russian trade is briefly thus:

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From the year 1722 to 1731,—250 ships were, on a medium, sent each year to St. Petersburg, Narva, Riga, and Archangel, for <i>hemp</i> ,	250 Ships.
And from the year 1762 to 1771,—500 ships were also sent for that purpose,	500
<i>Increase</i> in ten years,	250 Ships.

Here then, it is obvious that in the last *ten* years there was, on a medium, an increase of 250 ships in the Russian trade. Can it be consistent with the wisdom and policy of the greatest naval and commercial nation in the world, to depend wholly on *foreigners* for the supply of an article, in which is included the very existence of her navy and commerce? Surely not; and especially when God has blessed us with a country yielding *naturally* the very commodity, which draws our money from us, and renders us *dependent* on Russia for it³.—

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As we have only hitherto *generally* stated the *small* expence of carriage between the waters of Potomack and those of the Ohio, we shall now endeavour to shew how very ill founded the Lords for Trade and Plantations are, in the fifth paragraph of their *report*, viz. That the lands in question "*are out of all advantageous intercourse with this kingdom.*" In order however, that a proper opinion may be formed on this important article, we shall take the liberty of stating the particular expence of carriage, *even during* the last *French war* (when there was no *back* carriage from the Ohio to Alexandria) as it will be found, it was even *then* only about a *halfpenny per pound*, as will appear from the following account, the truth of which we shall fully ascertain, viz.

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	<i>l.</i>	<i>s.</i>	<i>d.</i>
From Alexandria to Fort Cumberland, by water.	0	1	7 <i>per cwt.</i>
From Fort Cumberland to Redstone Creek, at 14 dollars <i>per</i> waggon load; each waggon carrying 15 cwt.	0	4	2
	0	5	9

Note, The distance was *then* 70 miles, but by a *new* waggon road, *lately* made, it is *now* but forty miles—a saving of course, of above one half the 5*s.* 9*d.* is *at present* experienced.

If it is considered that this rate of carriage was *in time of war*, and *when* there were no inhabitants on the Ohio, we cannot doubt but every intelligent mind will be satisfied, that it is now much *less* than is daily paid in London for the carriage of *coarse woollens, cutlery, iron ware, &c.* from several counties in England.

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The following is the cost of carriage from Birmingham, &c. viz.

From Birmingham to London, is	4 <i>s.</i> <i>per cwt.</i>
From Walsall in Staffordshire	5 <i>s.</i>
From Sheffield	8 <i>s.</i>
From Warrington	7 <i>s.</i>

If the lands which are at present under consideration are, as the Lords Commissioners for Trade and Plantations *say*, "*out of all advantageous intercourse with this kingdom,*" we are at a loss to conceive by what standard that Board calculates the rate of "*advantageous intercourse.*"—If the King's subjects, settled over the Allegany mountains, and on the Ohio, within the *new*-erected county of Bedford, in the province of Pennsylvania, are altogether clothed with British manufacture, as is the case, is that country "*out of all advantageous intercourse with this kingdom?*"—If merchants in London are *now* actually shipping British manufactures for the use of *the very settlers* on the lands in question, does that exportation come within the Lords Commissioners description of what is "*out of all advantageous intercourse with this kingdom?*" In short, the Lords Commissioners

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admit, upon their own principles, that it is a political and advantageous intercourse with this kingdom, *when* the settlements and settlers are confined to the *Eastern* side of the Allegany mountains. Shall then the expence of carriage, even of the very coarsest and heaviest cloths, or other articles, from the *mountains* to the Ohio, only about 70 miles, and which will not, at most, *encrease* the price of carriage *above a halfpenny a yard*, convert the trade and connexion with the settlers on the Ohio, into a predicament "that shall be, as the Lords Commissioners have said, *out* of all advantageous intercourse with this kingdom?"—On the whole, "if the poor Indians in the remote parts of North America are *now* able to pay for the linens, woollens, and iron ware, they are furnished with by English traders, though Indians have nothing but what they get by hunting, and the goods are loaded with all the impositions fraud and knavery can contrive, to *inhance* their value; will not industrious English farmers," employed in the culture of hemp, flax, silk, &c. "be able to pay for what shall be brought to them in the fair way of commerce;" and especially when it is remembered, that there is *no* other *allowable* market for the sale of these articles than in this kingdom?—And if "the growths of *the* country find their way out of it, will not the manufactures of this kingdom, *where* the hemp, &c. must be sent to, find their way into it?"

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Whether Nova Scotia, and East and West Florida have yielded advantages and returns equal to the enormous sums expended in founding and supporting them, or even advantages, such as the Lords Commissioners for Trade and Plantations, in their *representation* of 1768, seemed to expect, it is not our business to investigate:—it is, we presume, sufficient for us to mention, that those "many principal persons in Pennsylvania," as is observed in the *representation*, "whose names and association lie before your Majesty in Council, for the purpose of making settlements in Nova Scotia," have, several years since, been convinced of the impracticability of exciting settlers to move from the *middle colonies*, and settle in that province; and even of those who were prevailed on to go to Nova Scotia, the greater part of them returned with great complaints against the severity and length of the Winters.

As to East and West Florida, it is, we are persuaded, morally impossible to *force* the people of the *middle* provinces, between 37 and 40 degrees North latitude (where there is plenty of vacant land in their own temperate climate) to remove to the scorching, unwholesome heats of these provinces⁴. The inhabitants of Montpelier might as soon and as easily be persuaded to remove to the Northern parts of Russia, or to Senegal.—In short, it is contending with Nature, and the experience of all ages, to attempt to compel a people, *born* and *living in a temperate climate*, and in the neighbourhood of a rich, healthful, and uncultivated country, to travel several hundred miles to a *sea port* in order to make a *voyage to sea*; and settle either in extreme hot or cold latitudes. If the county of York was vacant and uncultivated, and the more *Southern* inhabitants of this island were in want of land, would they suffer themselves to be driven to the *North of Scotland*?—Would they not, in spite of all opposition, *first* possess themselves of that fertile country?—Thus much we have thought necessary to remark, in respect to the general principles laid down in the *representation* of 1768; and we hope we have shewn, that the arguments *therein* made use of, do *not* in any degree militate against the subject in question; but that they were intended, and do solely apply to "new colonies proposed to be established," as the *representation* says, "*at an expence to this kingdom*," at the distance of "above 1500 miles from the sea, which from their inability to find returns, *wherewith* to pay for the manufactures of Great Britain, will be probably led to manufacture for themselves, *as they would*," continues the *representation*, "be separated from the *old* colonies by immense tracts of unpeopled desert."—

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It now only remains for us to enquire, whether it was the intention of the Lords Commissioners for Trade and Plantations in 1768, that the territory, which would be included within the *boundary line*, then negotiating with the Indians (and which was the *one* that was *that year* perfected) should continue a useless wilderness, or be settled and occupied by his Majesty's subjects.—The very *representation* itself, which the present Lords Commissioners for Trade and Plantations say, contains "*every argument on the subject*," furnishes us an ample and satisfactory solution to this important question.—The Lord Commissioners in 1768, after pronouncing their opinion *against* the *proposed three new governments*, as above stated, declare, "They ought to be carefully guarded against, by encouraging the settlement of that extensive tract of sea coast hitherto unoccupied; which, say their Lordships, *together with the liberty, that the inhabitants* OF THE *middle colonies* WILL HAVE (in consequence of the proposed *boundary line* with the Indians) of *gradually extending themselves backwards*, will *more effectually* and *beneficially answer* the object of *encouraging population* and *consumption*, than the erection of new governments; such gradual extension might, through the medium of a continual population, upon even the same extent of territory, *preserve* a communication of mutual commercial benefits between its extremest parts and Great Britain, *impossible to exist in colonies separated by immense tracts of unpeopled desert*."—Can any opinion be more clear and conclusive, in *favour* of the proposition which we have humbly submitted to his Majesty?—for their Lordships positively say, that the inhabitants of the middle colonies

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will have liberty of gradually extending themselves backwards;—but is it not very extraordinary, that after near *two years* deliberation, the present Lords Commissioners for Trade and Plantations should make a *report* to the Lords of the Committee of the Privy Council, and therein expressly refer to that opinion of 1768, in which, they say, "*every argument on the subject is collected together with great force and precision,*" and yet that, almost in the same breath, their Lordships "should contravene that very opinion, and advise his Majesty *to check the progress of their settlements?*"—And that "*settlements in that distant part of the country ought to be discouraged as much as possible, and another proclamation should be issued declaratory of his Majesty's resolution, not to allow, for the present, any new settlement beyond the line;*"—to wit, beyond the Allegany mountains?—How strange and contradictory is this conduct?—But we forbear any strictures upon it;—and shall conclude our remarks on this head, by stating the opinion, at different times, of the Lords Commissioners for Trade and Plantations, on this subject.

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In 1748, their Lordships expressed the strongest desire to promote settlements *over* the mountains and on the Ohio.—

In 1768—The then Lords Commissioners for Trade and Plantations declared, (in consequence of the boundary line at that time negotiating)—That the inhabitants of the *middle colonies* would have liberty of gradually extending themselves backwards.

In 1770—The Earl of Hillsborough actually *recommended* the purchase of a tract of land *over* the mountains, sufficient for a new colony, and then went down to the Lords Commissioners of the Treasury, to know, whether their Lordships would treat with Mr. Walpole and his associates, for such purchase.

In 1772—The Earl of Hillsborough, and the other Lords Commissioners for Trade and Plantations, made a *report* on the petition of Mr. Walpole and his associates, and referred to the *representation* of the Board of Trade in 1768, "as containing *every argument* on the subject, *collected together with force and precision;*"—which *representation* declared, as we have shewn, "*That the inhabitants of the middle colonies WILL have liberty to extend backwards,*" on the identical lands in question; and yet, notwithstanding such *reference*, so strongly made from the present Board of Trade to the opinion of that Board,—the Earl of Hillsborough, and the other Lords Commissioners for Trade and Plantations, have *now*, in direct terms, *reported against* the absolute engagement and opinion of the Board in 1768.

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It may be asked, What was intended by the expressions in the *representation* of 1768, of *gradually extending themselves backwards?* It is answered, They were only in contradistinction to the proposal of erecting at that time *three new governments at Detroit, &c.* and thereby exciting, as the *representation* says, the stream of population to *various* distant places.—In short, it was, we think, beyond all doubt, the "*precise*" opinion of the Lords Commissioners in 1768, That the territory, within the boundary line, then negotiating, and since completed, would be sufficient at that time—to answer the object of population and consumption; and that, until that territory was fully occupied,—it was not necessary to erect the proposed *three new governments "at an expence to this kingdom,"* in places, as their Lordships observed, "separated by immense tracts of unpeopled desert."—

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To conclude our observations on the 6th paragraph, we would just remark,—That we presume we have demonstrated, that the inhabitants of the Middle Colonies *cannot* be compelled to *exchange* the soil and climate of these colonies, either for the severe colds of Nova Scotia and Canada, or the unwholesome heats of East and West Florida. Let us next enquire, what would be the effect of *confining* these inhabitants (if it was practicable) within narrow bounds, and thereby preventing them from exercising their natural inclination of cultivating lands?—and whether such restriction would not force them into *manufactures*, to rival the Mother Country?—To these questions, the Lords Commissioners have, with much candour, replied in their *representation* of 1768,—We "admit," said their Lordships, "as an undeniable principle of *true policy*, that, with a view to *prevent manufactures*, it is necessary and proper *to open* an extent of territory for colonization, *proportioned* to an *increase* of people, as a large number of inhabitants cooped up in narrow limits, without a sufficiency of land *for produce*, would be compelled to *convert* their attention and industry to *manufactures.*"—But their Lordships at the same time observed,—"*That the encouragement given to the settlement of the Colonies upon the sea coast, and the effect which such encouragement has had, has already effectually provided for this object.*"—In what parts of North America this *encouragement* has thus *provided for population*, their Lordships have not mentioned. If the establishment of the governments of Quebeck, Nova Scotia, and the Island of St. John's, or East and West Florida, was intended by their Lordships as that effectual provision,—we shall presume to deny the proposition, by asserting, as an undoubted truth,—that although there is at least a *million* of subjects in the Middle Colonies, none have emigrated from thence, and settled in these *new* provinces;—and for that reason, and from the very nature of colonization itself, we affirm that none *will ever* be induced to *exchange* the healthy, temperate

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climate of Virginia, Maryland, and Pennsylvania, for the extreme colds or heats of Canada and Nova Scotia, or East and West Florida:—In short, it is not in the power of Government to give any encouragement, that can compensate for a desertion of friends and neighbours,—dissolution of family connexions, and abandoning a soil and climate infinitely superior to those of Canada, Nova Scotia, or the Floridas.—Will not therefore the inhabitants of the middle provinces, whose population is great beyond example⁵, and who have already made some advances in manufactures, "by confining them to their present narrow limits," be necessarily compelled to convert their whole attention to that object? How then shall this, in the nature of things, be prevented, except, as the Lords Commissioners have justly remarked, "by opening an extent of territory proportioned *to their increase*?"—But *where* shall a territory be found proper for "the *colonization* of the inhabitants of the Middle Colonies?" We answer,—in the very country, which the Lords Commissioners have said that the inhabitants of these colonies would have liberty to settle in;—a country which his Majesty has purchased from the Six Nations;—one, *where* several thousands of his subjects are already settled;—and one, *where* the Lords Commissioners have acknowledged, "a gradual extension might through the medium of a continued population, upon even the same extent of territory, *preserve a communication* of mutual commercial benefits *between* its *extremest parts* and Great Britain."⁶

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VII. This paragraph is introduced, by referring to the extract of a letter from the Commander in chief of his Majesty's forces in North America, laid by the Earl of Hillsborough before the Lords Commissioners for Trade and Plantations;—but as their Lordships have *not* mentioned either the general's name, or the time *when* the letter was written, or what occasioned his delivering his opinion upon the subject of *colonization in general*, in the "*remote countries*"—we can only conjecture, that General Gage was the writer of the letter, and that it was wrote about the year 1768,—*when*, the plan of the *three new governments* was under the consideration of the then Lords Commissioners for Trade and Plantations, and *before* the lands on the Ohio were bought from, and the boundary line established with the Six Nations.—Indeed, we think it clear, That the General had *no* other lands, at that time, under his consideration, than what he calls "*remote countries*," such as the *Detroit, Illinois*, and the *lower parts* of the Ohio;—for he speaks of "*foreign countries*," from which it "would be *too far* to transport some kind of naval stores," and for the same reason could *not*, he says, supply the sugar islands "*with* lumber and provisions." He mentions also, planting colonies at *so vast a distance*, that the *very long transportation* [of silk, wine, &c.] must probably make them too dear for any market," and *where* "the inhabitants could *not* have *any commodities* to barter for manufactures, except *skins and furs*." And what, in our opinion, fully evinces that the general was giving his sentiments upon settlements at *Detroit, &c.* and *not* on the territory in question, is, that he says "it will be a question likewise, whether colonization of this kind, *could be effected without an Indian war, and fighting for every inch of the ground*." Why the Lords Commissioners for Trade and Plantations should encumber their *report* with the opinion of General Gage, on what he calls the settlement of a "*foreign country*" that could not be effected without "*fighting for every inch of ground*," and how their Lordships could apply that case, to the settlement of a territory, purchased by his Majesty near four years ago, and *now* inhabited by several thousand British subjects, whom the Indians themselves, living on the Northern side of the Ohio [as shall be fully shewn in the course of these observations] have earnestly requested may be immediately governed, we confess we are wholly at a loss to comprehend.

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VIII. The eighth paragraph highly extols, not only the *accuracy and precision* of the foregoing representation of the Lords of Trade in 1768, [which, as has been before observed, expressed, that the inhabitants of the middle colonies *would have liberty to settle over* the mountains, and on the Ohio], but also the above mentioned letter from the commander in chief in America; and at the same time introduces the sentiments of Mr. Wright, Governor of Georgia, "on the subject of large grants in the interior parts of America."

When this letter was written, what was the occasion of the Governor's writing it,—whether he was *then*, from his own knowledge, acquainted with the situation of the country *over* the mountains,—with the disposition of the inhabitants of the middle colonies,—with the capability of the Ohio country, from its soil, climate, or communication with the river Powtomack, &c. to supply this kingdom with *silk, flax, hemp, &c.*—and whether the principal part of Mr. Wright's estate is on the *sea-coast in Georgia*,—are facts which we wish had been stated, that it might be known whether Governor Wright's "knowledge and experience in the affairs of colonies ought, as the Lords of Trade mention, to give great weight to his opinion" on the present occasion.

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The doctrine insisted on by Governor Wright appears to us reducible to the following propositions:

1st, That if a *vast* territory be granted to any set of Gentlemen, who really mean to people it,—and actually do so, *it must* draw and carry out a great number of people from *Great*

Britain.

2d. That they will soon become a kind of separate and independant people; who will set up for themselves,—will *soon* have manufactures of their own,—will *neither* take supplies from the mother country, nor the provinces at *the back* of which they are settled:—That being at such a distance from the seat of *government*, from *courts*, *magistrates*, &c. and *out* of the control of law and government, they will become a receptacle for offenders, &c.

3d. That the sea-coast should be *thick* settled with inhabitants, and be well cultivated and improved, &c.

4th. That his ideas are *not* chimerical; that he knows *something* of the situation and state of things in America; and, from some *little* occurrences that have happened, he can very easily *figure* to himself *what may*, and, in short, *what will* certainly happen, if not prevented in time.

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On these propositions we shall take the liberty of making a few observations.

To the *first* we answer,—We shall, we are persuaded, satisfactorily prove, that in the middle colonies, *viz.* New Jersey, Pennsylvania, Maryland, and Virginia, there is hardly any *vacant land*, except such as is monopolized by great landholders, for the purpose of selling *at high prices*;—that the poor people of these colonies, with large families of children, *cannot* pay these prices;—and that several thousand families, for that reason, have *already* settled upon the Ohio;—that we do not wish for, and shall not encourage one single family of his Majesty's *European subjects* to *settle* there [and this we have no objection to be prevented from doing], but shall *wholly* rely on the voluntary super-flux of the inhabitants of the middle provinces for settling and cultivating the lands in question.

On the *second*,—It is not, we presume, necessary for us to say more, than that all the conjectures and suppositions "of being a kind of separate and independant people," &c. entirely lose their force, on the proposition of a government being established on the grant applied for, as the Lords of Trade have themselves acknowledged.

On the *third*,—We would only briefly remark, that we have fully answered this objection in the latter part of our answer to the sixth paragraph.

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And as the *fourth* proposition is merely the Governor's declaration of his *knowledge* of *something* of the situation and state of things in America, and what, from some *little* occurrences, that have already really happened, he can very easily *figure* to himself what may and *will* certainly happen, if not prevented in time:—We say, that as the Governor has not mentioned what these *little* occurrences are,—we cannot pretend to judge, whether what he *figures* to himself, is any ways relative to the object under consideration, or, indeed, what else it is relative to.

But as the Lords Commissioners for Trade and Plantations have thought proper to insert in their *Report* the above-mentioned letters from General Gage and Governor Wright, it may not be improper for us to give the opinion of his Majesty's house of burgesses of the dominion of Virginia, on the *very point* in question, as conveyed to his Majesty in their address of the 4th of August 1767, and delivered the latter end of that year, to the Lords Commissioners for Trade and Plantations, by Mr. Montague, agent for the colony.—The house of burgesses say,—“We humbly hope, that we shall obtain your royal indulgence, *when we give it as our opinions*, that it will be *for your Majesty's service, and the interest of your American dominions in general, to continue the encouragements*" (which were a *total exemption from any consideration-money whatsoever, and a remission of quit-rent for ten years, and of all kinds of taxes for fifteen years*) "for *settling those frontier lands.*" By this means the house observed, "*New settlements will be made by people of property, obedient subjects to government*; but if the present restriction should continue, we have the strongest reason to believe, *that country will become the resort of fugitives and vagabonds, defiers of law and order, and who in time may form a body dangerous to the peace and civil government of this colony.*"

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We come now to the consideration of the 9th, 10th, and 11th paragraphs.

In the 9th, the Lords Commissioners for Trade and Plantations observe, "That admitting the settlers over the mountains, and on the Ohio, to be as numerous as *report* states them to be," [and which we shall from undoubted testimony, prove to be not less than five thousand families, of at least six persons to a family, independent of some thousand families, which are also settled *over* the mountains, within the limits of the province of Pennsylvania] yet their Lordships say, "It operates strongly in point of argument *against* what is proposed." And their Lordships add, "if the foregoing reasoning has any weight, it ought certainly to induce the Lords of the Committee of the Privy Council, to *advise* his Majesty to take every method *to CHECK* the progress of these settlements; and *not* to make such grants of the land, as will have an immediate tendency to encourage them."

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Having, we presume, clearly shewn, that the country *southward* of the Great Kenhawa,

quite to the Cherokee river, belonged to the Six Nations, and *not* to the Cherokees;—that *now* it belongs to the king, in virtue of his Majesty's purchase from the Six Nations;—that neither these tribes, *nor* the Cherokees, do hunt between the Great Kenhawa and the land opposite the Sioto River;—that, by the present boundary line, the Lords Commissioners for Trade and Plantations would sacrifice to the *Cherokees* an extent of Country of at least 800 miles in length—which his Majesty has bought and paid for; that the real limits of Virginia do *not* extend westward, beyond the Allegany mountains;—that since the purchase of the country from the Six Nations, his Majesty has not annexed it, or any part of it, to the colony of Virginia;—that there are no settlements made under *legal titles*, on any part of the lands we have agreed for, with the Lords Commissioners of the Treasury;—that in the year 1748, the strongest marks of royal encouragement were given to settle the country *over* the mountains; that the *suspension* of this encouragement, by the proclamation of October 1763, was merely *temporary*, untill the lands were purchased from the natives;—that the avidity to settle these lands was so great, that large settlements were made thereon, *before they were purchased*;—that although the settlers were daily exposed to the cruelties of the savages, neither a military force, nor repeated proclamations could induce them to vacate these lands;—that the soil of the country *over* the mountains is excellent, and capable of easily producing *hemp, flax, silk, tobacco, iron, wine, &c.*;—that these articles can be cheaply conveyed to a seaport for exportation;—that the charge of carriage is so very small, it cannot possibly operate to the prevention of the use of British manufactures; that the king's purchasing the lands from the Indians, and fixing a *boundary line* with them, was for the very purpose of his subjects settling them; and that the Commissioners for Trade and Plantations in 1768,—declared, That the *inhabitants of the middle colonies* would have liberty for that purpose.—

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And to this train of facts,—let us add,—that the congress, held with the Six Nations at Fort Stanwix in 1768,—*when* his Majesty purchased the territory on the Ohio, Messrs. Penn also bought from these nations a very extensive tract of country *over* the Allegany mountains and on that river (*joining* the very lands in question).—That in the spring 1769, Messrs. Penn opened their *land-office* in Pennsylvania, for the *settling the country* which they had so bought at Fort Stanwix: and all such settlers as had seated themselves *over the mountains*, within the limits of Pennsylvania, *before* the lands were purchased from the natives, have *since* obtained titles for their plantations:—That in 1771, a petition was presented to the assembly of the province of Pennsylvania, praying that a *new* county may be made *over* these mountains:—That the legislature of that province, in consideration of the great number of families settled *there*, within the limits of that province, did that year enact a law, for the *erection* of the lands *over the mountains into* a new county, by the name of *Bedford County*: That in consequence of such law, William Thompson, Esq. was chosen to represent it in the General Assembly: That a sheriff, coroner, justices of the peace, constables, and other civil officers are appointed and do reside *over* the mountains: That all the king's subjects, who are not less than five thousand families, who have made locations and settlements on the lands, *southward* of, and adjoining to the *southern* line of Pennsylvania, live *there*, without any degree of order, law, or government: That being in this lawless situation, continual quarrels prevail among them: That they have already infringed the *boundary line*, killed several Indians, and encroached on the lands, on the opposite side of the Ohio; and that disorders of the most dangerous nature, with respect to the Indians, the *boundary-line* and the *old colonies*, will soon take place among these settlers, if law and subordination are not immediately established among them.—Can these facts be possibly perverted so as to operate, either in point of argument or policy, *against* the proposition of governing the king's subjects on the lands in question?

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It ought to be considered also, that we have agreed to pay as much for a small *part* of the cession made at Fort Stanwix, as the *whole* cession cost the crown, and at the same time be at the entire expence of establishing and supporting the proposed new colony⁷.

The truth is, the inhabitants settled on this tract of country are in so ungoverned and lawless a situation, that the very Indians themselves complain of it; so that, if they are *not* soon governed, an Indian war will be the inevitable consequence. This, we presume, is evident both from the correspondence of general Gage with the Earl of Hillsborough;—and a speech of the chiefs of the *Delawares, Munsies, and Mohickons*, living on the Ohio, to the governors of Pennsylvania, Maryland, and Virginia; lately transmitted by the general to his lordship.

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In this speech these nations observe, that since the sale of the lands to the king on the Ohio,—"*Great numbers more of your people* have come *over* the great mountains and settled throughout this country, and we are sorry to tell you, that several quarrels have happened between your people and ours, *in which people have been killed on both sides*, and that we now see the nations round us and your people *ready to embroil in a quarrel*, which gives our nations great concern, as we, on *our* parts, want to live in friendship with you. As you have always told us, *you have laws* to govern your people by,—but we do not see that you have; therefore, brethren, *unless you can fall upon some method of governing your people, who live between the great mountains and the Ohio river, and who are very*

numerous, it will be out of the Indians' power *to govern* their young men; for we assure you, the black clouds begin to gather fast in this country, and *if something is not soon done*, these clouds will deprive us of seeing the sun. We desire you to *give the greatest attention* to what we now tell you; *as it comes from our hearts*, and a desire we have to live in peace and friendship with our brethren the English, and therefore it grieves us to see some of the nations about us and your people *ready to strike each other*. We find your people are very fond of our rich land;—we see them quarrelling with each other every day about land, and burning one another's houses, so that we do not know how soon *they may come over the river Ohio*, and drive us from our villages; *nor do we see you, brothers, take any care to stop them*."

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This speech, from tribes of such great influence and weight upon the Ohio, conveys much useful information—It establishes the fact of the settlers *over* the mountains being *very numerous*—It shews the entire approbation of the Indians, in respect to a colony being established on the Ohio—It pathetically complains of the King's subjects *not* being governed, and it confirms the assertion mentioned by the Lords Commissioners for Trade and Plantations in the eighth paragraph of their report, "That if the settlers are suffered to continue in the lawless state of anarchy and confusion, they will commit such abuses as cannot fail of involving us in quarrels and disputes with the Indians, *and thereby endanger the security of his majesty's colonies*."

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The Lords Commissioners for Trade and Plantations however pay no regard to all these circumstances, but content themselves with observing, "We see nothing to hinder the government of Virginia from extending the laws and constitution of that colony to *such persons as may have already settled there under legal titles*." To this we *repeat*, that there are *no such* persons, as have settled *under legal titles*, and even admitting there were, as their Lordships say in the 10th paragraph, "it *appears to them*, there are *some possessions* derived from grants made by the Governor and Council of Virginia;" and allowing that the laws and constitution of Virginia *did*, as they unquestionably *do not*,—*extend* to this territory, have the Lords Commissioners proposed any expedient for governing those many thousand families, who have *not* settled *under legal titles*, but only agreeably to the ancient *usage of location*?—Certainly not.—But, on the contrary, their Lordships have recommended, that his Majesty should be advised to take every method *to check* the progress of their settlements;—and thereby leave them in their present lawless situation, at the risk of involving the Middle Colonies in a war with the natives, pregnant with a loss of commerce, and depopulation of their frontier counties.

Having made these observations, it may next be proper to consider *how* the laws and constitution of Virginia can possibly be *extended*, so as effectually to operate on the territory in question? Is not Williamsburgh, the capital of Virginia, at least 400 miles from the settlements on the Ohio?—Do *not* the laws of Virginia require, that all persons guilty of capital crimes *shall* be tried *only* in Williamsburgh?—Is not the General Assembly held there?—Is not the Court of King's-Bench, or the superior Court of the dominion, kept there?—Has Virginia provided any fund for the support of the officers of these *distant* settlements, or for the transporting offenders, and paying the expence of witnesses travelling 800 miles (*viz.* going and returning), and during their stay at Williamsburgh?—And will not these settlers be exactly (for the reasons assigned) in the situation, described by Governor Wright in the very letter which the Commissioners for Trade and Plantations have so warmly recommended, *viz.* "such persons as are settled at the *back* of the provinces, being at a *distance* from the *seat* of *Government*, Courts, Magistrates, &c. they will be *out* of the *reach* and controul of law and government, and their settlement will become a receptacle, and kind of asylum for offenders?"

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On the 11th paragraph we apprehend it is not necessary to say much.—The reservatory clause proposed in our Memorial is what is usual in royal grants; and in the present case, the Lords of the Committee of the Privy Council, we hope, will be of opinion, it is quite sufficient, more especially as we are able to prove to their Lordships, that there are no "possessions," within the boundaries of the lands under consideration, which are held "*under legal titles*."

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To conclude: As it has been demonstrated, that neither royal nor provincial proclamations, —nor the dread and horrors of a savage war,—were sufficient (even *before* the country was purchased from the Indians) to prevent the settlement of the lands *over* the mountains—can it be conceived, that, *now* the country is purchased, and the people have seen the proprietors of Pennsylvania, who are the hereditary supporters of *British policy* in their own province, give every degree of encouragement to *settle* the lands *Westward* of the mountains,—the legislature of the province, at the same time, effectually corroborate the measure, and several thousand families, in consequence thereof, settle in the *new county* of Bedford,—that the inhabitants of the Middle Colonies will *be restrained* from cultivating the luxuriant country of the Ohio, joining to the *Southern* line of Pennsylvania? But, even admitting that it might formerly have been a question of some propriety, whether the country should be permitted to be settled,—that cannot surely

become a subject of enquiry now, when it is an obvious and certain truth, that *at least thirty thousand British subjects are already settled there*.—Is it fit to leave such a body of people *lawless and ungoverned*?—will sound policy recommend this manner of colonizing and encreasing the wealth, strength, and commerce of the empire? or will it not point out, that it is the indispensable duty of government to render *bad* subjects *useful* subjects; and for that purpose *immediately* to establish law and subordination among them, and thereby *early* confirm *their* native attachment to the laws, traffic, and customs of this kingdom?

On the whole, we presume that we have, both by facts and sound argument, shewn, that the opinion of the Lords Commissioners for Trade and Plantations on the object in question, is *not* well founded, and that, if their Lordships opinion should be adopted, it would be attended with the most mischievous and dangerous consequences to the commerce, peace, and safety of his Majesty's colonies in America:

We therefore hope, the expediency and utility of erecting the lands agreed for into a separate colony, without delay, will be considered as a measure of the soundest policy, highly conducive to the peace and security of the old colonies, to the preservation of the *boundary line*, and to the commercial interests of the Mother Country.

APPENDIX, N^o. I.

By the KING.

A PROCLAMATION.

GEORGE R.

WHEREAS we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace concluded at Paris the 10th day of February last; and being desirous that all our loving subjects, as well of our kingdoms as of our colonies in America, may avail themselves, with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures, and navigation; we have thought fit, with the advice of our privy council, to issue this our royal proclamation, hereby to publish and declare to all our loving subjects, that we have, with the advice of our said privy council, granted our letters patent under our great seal of Great Britain, to erect within the countries and islands, ceded and confirmed to us by the said treaty, four distinct and separate governments, stiled and called by the names of Quebec, East Florida, West Florida, and Grenada, and limited and bounded as follows, viz.

First, The government of Quebec, bounded on the Labrador coast by the river St. John, and from thence by a line drawn from the head of that river, through the lake St. John, to the South end of the lake Nipissim; from whence the said line, crossing the river St. Lawrence and the lake Champlain in 45 degrees of North latitude, passes along the High Lands, which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea; and also along the North coast of the Baye des Chaleurs, and the coast of the Gulph of St. Lawrence to Cape Rosieres, and from thence crossing the mouth of the river St. Lawrence by the West end of the island of Anticosti, terminates at the aforesaid river St. John.

Secondly, The government of East Florida, bounded to the Westward by the Gulph of Mexico and the Apalachicola river; to the Northward, by a line drawn from that part of the said river where the Catahouchee and Flint rivers meet, to the source of St. Mary's river, and by the course of the said river to the Atlantic Ocean; and to the East and South by the Atlantic Ocean and the Gulph of Florida, including all islands within six leagues of the sea coast.

Thirdly, The government of West Florida, bounded to the Southward by the Gulph of Mexico, including all islands within six leagues of the coast from the river Apalachicola to lake Pontchartrain; to the Westward by the said lake, the lake Maurepas, and the river Mississippi; to the Northward, by a line drawn due East from that part of the Mississippi which lies in thirty-one degrees North latitude, to the river Apalachicola, or Catahouchee; and to the Eastward by the said river.

Fourthly, The government of Grenada, comprehending the island of that name, together with the Grenadines, and the islands of Dominico, St. Vincent, and Tobago.

And to the end that the open and free fishery of our subjects may be extended to, and carried on upon the coast of Labrador and the adjacent islands, we have thought fit, with the advice of our said privy council, to put all that coast, from the river St. John's to Hudson's Streights, together with the islands of Anticosti and Madelaine, and all other smaller islands lying upon the said coast, under the care and inspection of our governor of Newfoundland.

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We have also, with the advice of our privy council, thought fit to annex the islands of St. John and Cape Breton, or Isle Royale, with the lesser islands adjacent thereto, to our government of Nova Scotia.

We have also, with the advice of our privy council aforesaid, annexed to our province of Georgia, all the lands lying between the rivers Attamaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling our said new governments, that our loving subjects should be informed of our paternal care for the security of the liberty and properties of those who are, and shall become inhabitants thereof; we have thought fit to publish and declare, by this our proclamation, that we have, in the letters patent under our great seal of Great Britain, by which the said governments are constituted, given express power and direction to our governors of our said colonies respectively, that so soon as the state and circumstances of the said colonies will admit thereof, they shall, with the advice and consent of the members of our council, summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America, which are under our immediate government; and we have also given power to the said governors, with the consent of our said councils, and the representatives of the people, so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes, and ordinances for the public peace, welfare, and good government of our said colonies, and of the people and inhabitants thereof, as near as may be, agreeable to the laws of England, and under such regulations and restrictions as are used in other colonies; and in the mean time, and until such assemblies can be called as aforesaid, all persons inhabiting in, or resorting to, our said colonies, may confide in our royal protection for the enjoyment of the benefit of the laws of our realm of England: for which purpose we have given power under our great seal to the governors of our said colonies respectively, to erect and constitute, with the advice of our said councils respectively, courts of judicature and public justice within our said colonies, for the hearing and determining all causes, as well criminal as civil, according to law and equity, and, as near as may be, agreeable to the laws of England, with liberty to all persons who may think themselves aggrieved by the sentence of such courts, in all civil cases, to appeal, under the usual limitations and restrictions, to us, in our privy council.

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We have also thought fit, with the advice of our privy council as aforesaid, to give unto the governors and councils of our said three new colonies upon the continent, full power and authority to settle and agree with the inhabitants of our said new colonies, or to any other person who shall resort thereto, for such lands, tenements, and hereditaments, as are now, or hereafter shall be, in our power to dispose of, and them to grant to any such person or persons, upon such terms, and under such moderate quit-rents, services, and acknowledgments, as have been appointed and settled in other colonies, and under such other conditions as shall appear to us to be necessary and expedient for the advantage of the grantees, and the improvement and settlement of our said colonies.

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And whereas we are desirous, upon all occasions, to testify our royal sense and approbation of the conduct and bravery of the officers and soldiers of our armies, and to reward the same, we do hereby command and empower our governors of our said three new colonies, and other our governors of our several provinces on the continent of North America, to grant, without fee or reward, to such reduced officers as have served in North America during the late war, and are actually residing there, and shall personally apply for the same, the following quantities of land, subject, at the expiration of ten years, to the same quit-rents as other lands are subject to in the province within which they are granted, as also subject to the same conditions of cultivation and improvement, viz.

To every person having the rank of a field officer, 5000 acres.

To every captain, 3000 acres.

To every subaltern or staff officer, 2000 acres.

To every non-commission officer, 200 acres.

To every private man, 50 acres.

We do likewise authorise and require the governors and commanders in chief of all our said colonies upon the continent of North America to grant the like quantities of land, and upon the same conditions, to such reduced officers of our navy of like rank, as served on

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board our ships of war in North America at the times of the reduction of Louisbourg and Quebec in the late war, and who shall personally apply to our respective governors for such grants.

And whereas it is *just and reasonable*, and *essential to our interest*, and the security of our colonies, that the several nations or tribes of Indians, with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions *as, not having been ceded to, or purchased by us, are reserved to them, or any of them, as their hunting grounds*; we do therefore, with the advice of our privy council, declare it to be our royal will and pleasure, that no governor, or commander in chief, in any of our colonies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective governments, as described in their commissions; *as also* that no governor or commander in chief of our other colonies or plantations in America, do presume for the present, and until our further pleasure be known, to grant warrant of survey, or pass patents for any lands *beyond the heads or sources of any of the rivers which fall into the Atlantic ocean from the west or north-west*; or upon any lands whatever, *which not having been ceded to, or purchased by us, as aforesaid, are reserved to the said Indians, or any of them*.

And we do further declare it to be our royal will and pleasure, *for the present*, as aforesaid, to reserve under our sovereignty, protection, and dominion, *for the use of the said Indians, all the land and territories not included within the limits of our said three new governments, or within the limits of the territory granted to the Hudson's Bay company; as also, all the land and territories lying to the westward of the sources of the rivers which fall into the sea from the west and north-west as aforesaid*; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our especial leave and licence for that purpose first obtained.

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And we do further strictly enjoin and require all persons whatever, who have either wilfully or inadvertently seated themselves upon any lands within the countries above described, or upon any other lands, *which not having being ceded to, or purchased by us*, are still reserved to the Indians as aforesaid, forthwith to remove themselves from such settlements.

And whereas great frauds and abuses have been committed in the purchasing land of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order therefore to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our privy council, strictly enjoin and require, that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians within those parts of our colonies where we have thought proper to allow settlement; but that if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the governor or commander in chief of our colony respectively within which they shall lie: and in case they shall lie within the limits of any proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose: and we do, by the advice of our privy council, declare and enjoin, that the trade with the said Indians shall be free and open to all our subjects whatever, provided that every person who may incline to trade with the said Indians, do take out a licence for carrying on such trade, from the governor or commander in chief of any of our colonies respectively, where such person shall reside, and also the security to observe such regulations as we shall at any time think fit, by ourselves or commissaries, to be appointed for this purpose, to direct and appoint for the benefit of the said trade: and we do hereby authorise, enjoin, and require the governors and commanders in chief of all our colonies respectively, as well those under our immediate government, as those under the government and direction of proprietaries, to grant such licences without fee or reward, taking especial care to insert therein a condition that such licence shall be void, and the security forfeited, in case the person to whom the same is granted, shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

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And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of Indian affairs within the territories reserved, as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever, who standing charged with treasons, misprisions of treasons, murders, or other felonies or misdemeanours, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the colony where the crime was committed of which they shall stand accused, in order to take their trial for the same.

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Given at our court at St. James's, the 7th of October 1763, in the third year of our reign.

APPENDIX, N^o. II.

STATE of the KING's QUIT-RENTS in NORTH AMERICA.

	Consideration money paid to King for the lands.	The time the lands are exempted from quit-rent.	Quit-rents received.	Expence to the country for the support of the civil government of the colonies.
Isl. of St. John	None	20 years.	None	—
Nova Scotia	None	10 years.	And yet no quit-rents have been received, tho' the colony was established 22 years ago.	707,320 [£] 19 ^{s.} 7¼ ^{d.}
Canada	None	—	—	—
Massachussets Connecticut Rhode Island	None	Wholly exempt from quit-rents and all payments to the crown.	None	None
N. Hampshire	None	—	None	None
New York	None	This colony was restored to the crown in the year 1693-4, and yet from that time very little quit-rents have been received.	—	None
New Jersey Pennsylvania Maryland	None	Wholly exemp from quit-rents and all payments to the crown.	None	None
Virginia	None	This colony was re-assumed by the crown in the year 1626; and yet for a great number of years, the quit-rents were not paid at all;—never with any regularity till within a very few years; and now from what is paid there is a deduction of at least 20 per cent.	—	—
N. & S. Carolina.	None	—	—	—
Georgia	None	This colony was settled in the year 1735, and yet no quit-rents have been received.	None	214,610 3 1½
E. & W. Florida	None	10 years.	None	90,900 0 0
☞ But it is proposed to pay	£10,460 7s. 3d. which is <i>all</i> the	The quit-rents to commence in		All the expenses of the civil

for the colony on the Ohio.	money the <i>whole</i> country (of which this is only a small part) cost government for the cession from the Six Nations.	twenty years from the time of the survey of each lot or plantation, and to be paid into the hands of such person as his Majesty shall appoint to receive the same, <i>net and clear</i> of all deductions whatsoever, for collections or otherwise.	government of the colony, to be borne and paid by the proprietors.
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Footnotes

¹ Vide the Proclamation in the Appendix, N^o. 1.

² Vide p. 47.

³ "It is in settlements on the Mississippi and Ohio that we must look for *hemp* and *flax*, which may in those fertile tracts be cultivated in such abundance, as to enable us to *undersell* all the world, as well as supply our own consumption. It is on those *high, dry, and healthy* lands, that vineyards would be cultivated to the best advantage, as many of those hills contain quarries of stone, and not in the *low, unhealthy sea coasts* of our present colonies. Of such infinite consequence to Britain is the *production of staples* in her colonies, that were all the people of the *Northern* settlements, and all of the *tobacco* ones (except those actually employed in raising tobacco) now spread over those parts of our territories to the Southward and *Westward*, and consequently employed in the same manner as the few are who do reside therein, Britain, in such a case, would *export* to the amount of above *nine millions more* in manufactures, &c. than she does at present, without reckoning the infinite *increase in public revenue, freight, and seamen*, which would accrue. To enlarge upon all the advantages of such a change, would be *impertinence* itself."

Political Essays concerning the British Empire.

⁴ "We think of nothing but extending our settlements still further on these *pestiferous sea coasts*, even to the sunken lagunes of *East Florida*, and the barren sands of *Mobile* and *Pensacola*. The only use of *new settlements in North America*, is for the people in the *Northern* and other colonies, who want lands *to make staple commodities for Britain, to remove to them: but none will ever go to Florida, or thrive in it, more than they have done in Carolina and Georgia*. The climate of *Florida* is *more* intemperate, the lands *more* barren, and the situation *much worse* in every respect."

State of Great Britain and America, by Dr. Mitchel.

⁵ "Besides *staple* commodities, there is another more material point to be considered in the colonies, which is their great and daily *increase*; and for which, unless we make provision in time, they can never subsist by a *dependance on Britain*. There are at present (in the year 1770) nigh *three* millions of people in them, who may, in twenty or thirty years, *increase* to *six* millions, as many as there are in England."

Wynne's History of the British Empire in America, vol. ii. page 398.

⁶ Thus the use the nation has for new settlements and acquisitions in North America is for the great increase of the people who are already there, and to enable them to subsist *by a dependance upon her*; which they can never do, *unless they extend their settlements*.

Wynne's History, vol. ii. p. 399.

"Unprejudiced men well know, that all the penal and prohibitory laws that ever were thought of, will not be sufficient to *prevent manufactures* in a country whose inhabitants surpass the number that can subsist by the by the husbandry of it; and this will be the case *soon*, if our people remain confined within the mountains," &c.

The Interest of Great Britain considered with regard to the Colonies, page 17. Published in 1767.

⁷ The parliamentary grants for the civil establishment of the provinces of Nova Scotia, Georgia, and East and West Florida, amount to *one million twelve thousand eight hundred and thirty-one pounds two shillings and eight-pence half-penny*, as the following account shews;—and notwithstanding this vast expence, the king has *not* received any quit-rents from these provinces. How different is the present proposition, for the establishment of the Ohio colony?—In this case, the crown is to be paid for the lands, (and which is the first instance of *any* being sold in North America). Government is to be *exempted* from the *expence* of supporting the colony, and the king will receive his quit-rents, *neat and clear* of all deductions, (which deductions in the *old* colonies are at least 20 per centum) as will more particularly appear by a *state* of the king's quit-rents annexed hereto.

The parliamentary grants above-mentioned are as follow:

To Nova Scotia	£. 707,320	19	7¼
To Georgia	214,610	3	1¼
To East Florida	45,400	0	0
To West Florida	45,400	0	0

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