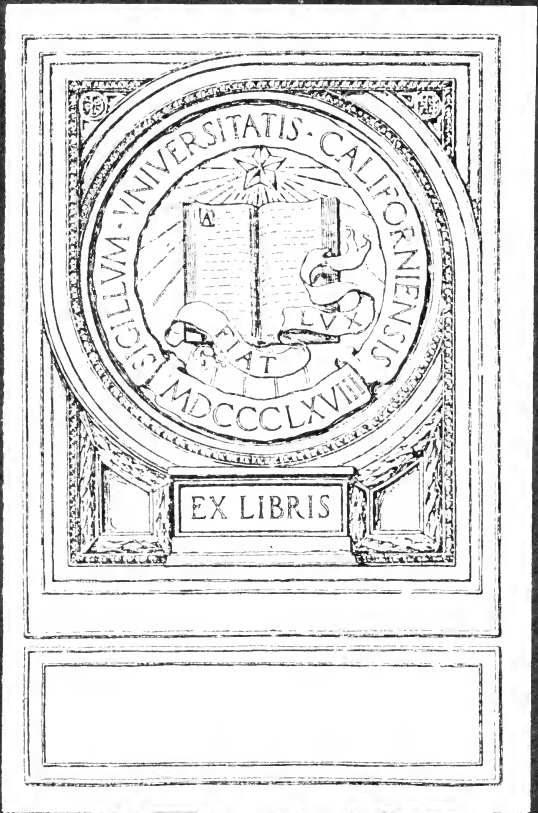


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THE INDIAN AS A DIPLOMATIC FACTOR
IN THE HISTORY OF THE OLD
NORTHWEST

A PAPER READ BEFORE

THE CHICAGO HISTORICAL SOCIETY

MARCH 28, 1907

BY

ISAAC JOSLIN COX

ASSISTANT PROFESSOR OF HISTORY, UNIVERSITY OF CINCINNATI



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THE INDIAN AS A DIPLOMATIC FACTOR IN THE HISTORY OF THE OLD NORTHWEST.

One merely asserts a truism when he states that the North American Indian is the predominant factor in the early history of the Northwest; and that in no other field is this more apparent than in its diplomacy. It is true that one may well hesitate to apply such a dignified title to a policy often characterized by senseless deceit, audacious theft, and other accompaniments of mere low intrigue; or to a policy which if free from these blemishes was still powerless to assure essential justice to the contracting parties; yet the fact remains that in formal ceremony, in the extent of territory involved, and in subsequent results many of the treaties with the aborigines of this section rank in importance with the significant results of European diplomacy.

In this Northwestern diplomacy we may readily group the important events into three distinctive periods. The first is distinguished as the period of international complications between England and France, with Spain as a minor and largely negligible factor. The second period may be described as a domestic interlude between two international movements, during which the interests of the British Imperial Government and its red wards are involved with those of its colonies, of private traders and of would-be colonizing companies. Later in this same period these latter interests play an important part in the domestic affairs of the newly liberated states and of their embryo national government. The creation by the latter of a well defined area—the "Territory Northwest of the Ohio River"—closes the second period and ushers in the third, which is characterized by the struggle be-

tween the United States and Great Britain for the possession of the above territory. It is this period that constitutes the important era of Northwestern diplomacy and comprises the major portion of this paper.

The above division is adopted for the sake of convenience in grouping facts and in no sense implies that the tendencies or movements of one period do not reappear in a later one, but that their presence and influence give greater emphasis to a certain epoch. For instance, the first period may be said to end with 1763, but French diplomacy and intrigue continue as important secondary factors in the history of the Northwest as well as of the whole Mississippi valley, for the following half century.¹ On the other hand domestic questions ever play an important part, even when international complications seem to control the situation, as is shown by the effect in 1814 of Harrison's Indian treaties upon the negotiations about to commence at Ghent.² Yet while no one set of influences is in absolute control at any one stage of our discussion, convenience will lead to the adoption of the above mentioned divisions.

Let us proceed to a brief consideration of the first of these periods, the struggle between France and England for the mastery of the American continent. For the present other European nations may be disregarded. Spain, long since content with Florida and her Mexican vice-royalty, is too remote from the future Northwest Territory to be vitally interested in its disposal. The English have absorbed the claims of the Dutch along the Atlantic coast and are beginning to turn their attention to the immediate interior, where French influences

¹For the best survey of the attitude of France towards the United States in general and the Mississippi valley in particular, see the articles by Prof. F. J. Turner in the *American Historical Review*, Vols. III. and X., and the collections of documents in *Ibid.* II. and III., and in the *Reports of the American Historical Association* for 1897 and 1903.

² Cf. John Quincy Adams, *Memoirs*, Vol. III., p. 43.

are already present. Between their outposts on the Hudson and those of the French in the valley of the St. Lawrence lay the ever-present Indian factor—this time personified in the various Iroquois tribes. This powerful confederacy not only occupied the territory between the two European rivals, but themselves exercised a sort of indefinite suzerainty over other Indians as far west as the Mississippi. This rendered the aid of these confederated tribes doubly important to the nation that desired to control the interior. How to secure this aid was the problem that for nearly a century occupied the attention of the more intelligent and far-seeing of the British officials upon this continent, and how to neutralize their efforts the perennial task of their French rivals.

The hostile course of Champlain had aroused among the Iroquois an antipathy to the French which his successors vainly sought to remove. This antipathy was reinforced by the greater material resources of the English colonists for carrying on the fur trade, and this in turn early gave a mercenary bias to the struggle for the control of the Northwest—a characteristic that it retained to the end. By the close of the seventeenth century, however, the Iroquois began to profess a desire to remain neutral in the conflict. If this was their sincere wish, they were destined to be disappointed. From the days of Governor Dongan, who by his attractive manner secured tokens of fealty to his master, James, Duke of York, to the treaty of Lancaster, in 1744, we have a series of documents showing the increasing influence of the English over the Iroquois. It is true that many of the documents are of doubtful origin or of hypothetical value, but whatever their character, they show that England was slowly gaining over France, in her race for territory in the Northwest.

The rival claims of the two nations were first given a definite diplomatic standing in the Treaty of Utrecht

in 1713. This treaty provided for a delimitation of the claims of the Hudson's Bay Company and the French Colony of Canada, and thus indirectly had some bearing upon the extreme northwestern limit of this territory. Of more immediate importance, however, was the acknowledgment that the Iroquois were subject to English rather than French control. The Indians were not consulted in the treaty, and the French later refused to acknowledge the full pretensions which the English claimed by virtue of it, but, nevertheless, it constitutes a land mark in American diplomacy and especially in that of the Northwest.

In keeping with the above treaty, the English authorities later produced a series of documents, purporting to be deeds to territory lying on the northern and southern shores of Lake Erie and Lake Ontario. These deeds are of more than doubtful validity—at least they may be attacked by documents of similar character, expressing Iroquois allegiance to the French King.¹ There is, however, no question regarding the *fact* of the most important of the cessions of this character—that of the Treaty of Lancaster.² In 1744, under the influence of English, the Iroquois chiefs acknowledged the validity of the western claims of Virginia, based on her colonial charters, and thus gave substance, if not form, to the English claim to the Ohio valley. Virginia must still make good her claim against her sister colonies, and Great Britain must assert their united claim against encroaching French pretensions. The latter phase of the question was decided by the Seven Years' War; the former remained a disturbing domestic factor, until it was settled by a definite renunciation of state claims and the creation of the Northwest Territory.

¹They are given for the most part in *Documents Relating to the Colonial History of New York*, Vols. V. and IX., *passim*.

²*Cf. Pennsylvania Colonial Records*, IV., 693-937.

The struggle between England and France for the control of this territory became critical when each reached out to possess the key to the Ohio valley—the junction of the Allegheny and Monongahela rivers. For a period of eight decades, from Marquette and Joliet to Céleron de Bienville, French occupation had advanced by a series of slow strides from the West until all the available portages but one, between the Great Lakes and the Mississippi, were in their possession. During the same time the tide of English settlement was approaching the crest of the Alleghenies and threatening to advance beyond. Already English traders had attempted to penetrate to the far Northwest and had been checked by the French establishments on the Wabash and at Detroit. Now a new movement begins in which fur trader and surveyor push forward to extend the interests respectively of Pennsylvania and of Virginia among the Ohio Indians, and to inaugurate an Anglo-American policy in the Northwest. Once in contact with the English pioneer, the days of the Canadian voyageur are numbered and his uncertain hold upon the great interior valley quickly loosened. Even the sturdy resistance of his Indian ally was unavailing to prolong his dominion.

The Treaty of Paris, of February 10th, 1763, closed the first period of Northwestern diplomacy and ushered in the second—a quarter century primarily of domestic policy, yet profoundly influenced by international complications which involved the shifting of continental control and the birth of a new nation on this side of the Atlantic. The treaty itself first brought into being what was destined to be the future western limit of the Northwest Territory, for it made the Mississippi a boundary between the possessions of Spain and of Great Britain upon the American continent.

The colonial policy of the British Government during the years following the Treaty of Paris tended to

emphasize other limits of the future Northwest Territory. As a first step in this policy we may mention the Royal Proclamation of October 7th, 1763. Although the line limiting the original colonies as established by this proclamation, lay some distance to the eastward of any part of its future area, yet the emphasis placed by it upon Indian relations is thoroughly characteristic of later British policy in this same Northwest. This proclamation paved the way for the subsequent Indian treaties at Ft. Stanwix (1768) and Lochabor (1770), by which the northern and southern Indians agreed to a fairly definite line of demarcation between the white settlements and the lands reserved for their own use. A portion of this line from above Ft. Pitt to the mouth of the Kanawha river was recognized by both treaties, while that of Ft. Stanwix prolonged it to the mouth of the Tennessee. Thus, what was afterward to be the south-eastern limit of the Northwest Territory, received its first definition. The policy both of the proclamation and of the treaties was one designed to protect the rapidly advancing frontier by winning the confidence of the Indians and assuring the latter of the essential justice of the British government.¹

That this policy did not involve a repression of white settlement is shown by the fact that the British authorities almost immediately began to entertain proposals looking to an occupation of their western territory, and particularly of that portion between the mountains and the Ohio recently ceded by the Indians. The most noteworthy of these proposed new colonies was that of Vandalia, in which Benjamin Franklin was interested. The northern boundary of this embryo government was to be the Ohio from the western boundary of Pennsylvania to a point opposite the mouth of the Scioto. Thus

¹Farrand, *The Indian Boundary Line*, in *American Historical Review*, Vol. X., p. 782 ff.

the proposed cession emphasized the former river as the line of separation between the white man and the red. A later land scheme, the Transylvania Company, likewise proposed the Ohio river, from the Kentucky to the Cumberland, as its northern limit. The outbreak of the Revolution alone prevented the realization of these schemes and an early delimitation of the territory south of the Ohio.¹

Another movement on the part of the British government shows an approach to the same territory from the opposite direction, and apparently from a different motive. In reality, however, the purpose of the Quebec Act of 1774 does not differ from that of the Proclamation of 1763, and the ensuing Indian treaties, although the strife of the Revolutionary period gave it another interpretation. An examination of the subject shows that the British government was simply continuing the policy of protecting its native wards and of regulating trade with them. For this and other administrative purposes it was more convenient to attach the territory east of the Mississippi and north of the Ohio to Quebec than to any other settled government, and it was so done in the above act.²

By these various proclamations, treaties, and enactments, the British government emphasized the Ohio as the line of separation between civilization and savagery, although we must not define our terms too closely on either side of the line. To the possible objection that these transactions do not constitute diplomacy in its truest sense, we may confidently affirm that the various methods by which rival land companies played their parts against each other and the Indian, both in England and America, certainly come under the definition of in-

¹Alden, *New Governments West of the Alleghanies*, pp. 20-28, 57.

²Coffin, *The Province of Quebec and the Early American Revolution*, p. 39. ff.

trigue, if not that of the more honorable term, and conform to the statement of our opening paragraph.

With the outbreak of the Revolution the scene of interest for the above plans is shifted to the Thirteen colonies that have now become independent states. With the revival of their claims to the western lands, the operations of intriguing land companies are transferred to the state legislatures or to the Continental Congress, where they play a minor part in the discussions between the States' Rights and National parties. The interests of the various states are, however, so conflicting as to lead to a mutual renunciation of claims, beginning with New York in 1780 and closing with Virginia in 1784, by which the territory northwest of the Ohio is finally organized under the famous ordinance of 1787. Upon this new national basis there is the opportunity for questions relating to the Northwest again to assume international importance, and we enter upon the third and most important period into which our subject is divided.

Before proceeding to the details of this third period, it may be well to consider what the first two periods have definitely contributed to our subject. International treaty and Indian negotiation, aided by a colonial land policy, have definitely marked out two boundaries of the future Northwest Territory—the Mississippi on the west and the Ohio on the southeast. In addition British procedure has emphasized the fact that this region is to remain an Indian territory, and British officials are unable to appreciate a different policy even thirty years after it has nominally passed out of their control. This is the significant fact in the history of the Northwest from this time until after the the war of 1812.

The first important contribution to the third period of Indian diplomacy in the Northwest is a memoir connected with the name of Vergennes, the Minister of

State of Louis XVI. of France. This memoir was undoubtedly composed before the American alliance in 1778 and considered the probable action of France in case the United States should win its independence. He favored the restriction of the new states to the territory west of the Alleghanies; France should enter into the contest and force from Great Britain the cession of the western part of Canada, which united to Louisiana was to form a new colonial empire for the French monarchy. It is interesting to add that he proposes to make of the greater part of the region between the Ohio, the Mississippi and the Lakes an Indian reserve and thus to continue the policy of Great Britain as well as revert to the original French system.¹

The danger from this proposal, whether rightly attributed to Vergennes or not, is shown by the fact that since 1763 England had feared the presence of French and Spanish emissaries in this region, and that this fear became pronounced during the early years of the Revolution.² Not only the Northwest, but Canada, was threatened by these rovers among the discontented Indians; while to add to this fear, after the outbreak of hostilities with Spain in 1779, came the capture of the lower Mississippi by Galvez and the Spanish expedition from St Louis to Ft. St Josephs on Lake Michigan in the winter of 1780-81, Spain was becoming more than interested spectator of the disposal of the territory between the Mississippi and the Great Lakes, and France more than a willing ally to serve her purpose.

Whether Vergennes was or was not the author of the above memoir it certainly is completely in accord with the purpose later revealed by his secretary, Rayneval,

¹ Cf. Turner, in the *Am. Hist. Rev.* X., 250-252. A copy of this memoir is in the King Collection of the Historical and Philosophical Society of Ohio.

² Brymner, *Report of the Canadian Archives for 1890*, p. 91 ff; *Ibid.* for 1887, p. 205 ff.

to restrict the western pretensions of the Americans, in order to favor Spain. While in Paris in 1782, during the preliminary negotiations with Great Britain, John Jay held some interviews with d'Aranda, the Spanish minister at the French court, in the course of which the latter had told him that the Spanish government expected the United States to be satisfied with a boundary line running from western Georgia to the Ohio at the mouth of the Kanawha, thence around the western shores of Lake Erie and Lake Huron, enclosing Michigan, to the end of Lake Superior. The Spanish minister seemed surprised that Jay insisted upon the Mississippi as the boundary, and dwelt upon the fact that the western country belonged to the Indians. In furtherance of the Spaniard's policy Rayneval, Vergennes' secretary, later addressed to Jay a memoir in which he tried to show that it was the policy of the British government from 1755 to 1763 not to consider the territory beyond the mountains as belonging to the original colonies. Accordingly he proposed that the territory south of the Ohio should remain an Indian reservation under the joint protection of Spain and the United States; that the latter should give up its demand for the navigation of the Mississippi, and that the status of the territory north of the Ohio should be determined by negotiations with the court of London. According to his proposal the powers of Europe were to share the feast and America to have the leavings.

The submission of this memoir and the later secret visits of Rayneval to London convinced Jay that he and his fellow commissioners had nothing to hope for from the Court of France. Recent discussion of the conditions surrounding the making of this treaty seem to show that Jay and likewise John Adams, were probably too suspicious of Vergennes and Rayneval, and that the French minister was probably acting for the best interests of his

own country in supporting the claims of Spain and in endeavoring to bring hostilities to a speedy close.¹

When the United States commissioners had once taken matters in their own hands the event presaged a treaty in which their interests were not to suffer, to say the least. The spirit of conciliation which dictated the policy of the British commissioners at Paris finally resulted in a northern and western limit which embraced all territory that the United States could naturally expect to acquire. By their instructions the American representatives had been directed to obtain a line running from the point where the 45th parallel crossed the St. Lawrence, directly west to Lake Nipissing and thence to the Mississippi.² Such a line disregarded natural features, and when the British commissioners proposed as an alternative the present line following the middle course of the Great Lakes and finally terminating in the Lake of the Woods, the American commissioners readily accepted the change.³ In all probability the former line would have been of more immediate advantage, had the Americans been prepared to assume military possession of the entire area, for it would have meant the absolute control of the two lower lakes, together with the greater part of Huron and of Michigan, and thus it would have insured the immediate enjoyment of the fur trade. In the long run, however, the resources of the upper portion of Michigan and of Wisconsin have established the wisdom of the Americans in accepting as they did the present northern boundary of our section.

Apparently the Northwest with its natural bound-

¹The best summary of the attitude of France toward America in 1782-83 is to be found in McLaughlin's *The Confederation and the Constitution (Am. Nation Series, X.)* where the authorities are mentioned with a critical estimate of their value.

²*Secret Journals of Congress, Foreign Affairs*, Aug. 14, 1779.

³Wharton, *Diplomatic Correspondence of the American Revolution*, V., 851-853.

aries—the Mississippi, the Ohio, and the Great Lakes, was finally delimited, and this area, destined to be one of the richest and most populous sections of our Union, awaited only the ordinance of four years later to begin its definite progress in civilization. In reality, however, the limited geographical knowledge of the time had led to a minor omission in the limits which was later to trouble both contracting parties out of all proportion to its importance. By the terms of the treaty the northern limit of the United States was to continue due west from the Lake of the Woods until it reached the Mississippi. As this river did not extend so far north as the lake, the boundary was an impossibility, so a gap was left in the extreme northwestern limit of the new nation and likewise of the section shortly to become the Northwest Territory. To remedy this mistake would have seemed a matter of little difficulty, but later negotiations complicated this minor omission with the far more important issues of the Indian trade, the right to navigate the Mississippi and subsequently the settlement of the northern boundary of the Louisiana purchase, and thus postponed for thirty-five years the moment for a final diplomatic settlement of the limits of the Northwest Territory.

In the years following 1783 the Northwest became not only internationally important, but Indian relations monopolized almost every point from which its affairs were viewed. It is true that other questions contributed to the diplomacy and intrigue of the period and a brief resumé of these will show the possible interest for our subject.

In the year 1788 occurred the celebrated Spanish conspiracy which embraced several of the prominent men of Kentucky. The controlling motive for this incident was the desire of the Spanish authorities in Louisiana to check the increasing tide of American migration over the mountains. The Canadian authorities

were also alive to the danger from this westward movement and embarked in a counter attempt to forestall their Spanish rivals by sending a half-pay officer to observe this migration. This officer, Conolly, reported that some of the new colonists settling at the mouth of the Muskingum were inclined to favor opening a clandestine trade with the British at Detroit, and even mentioned the name of General Parsons of the Marietta Company as one favoring such a connection.¹ Perhaps the British officer desired to show the importance of his work and magnified some of the expressions he heard on his tour; at any rate, we have no direct evidence that any such connection was actually established. It is possible that British goods intended primarily for the Indian trade may have ultimately reached these new settlements on the Ohio. We have evidence that Canadian traders wished this, but no indications that their wishes were largely realized. Of more immediate danger, however, was the complicated plan of Citizen Gent in 1793, for the invasion of Louisiana and the Floridas from the Ohio valley.² This danger was more immediate because of the fact that French emissaries were all through the region, while on the northern bank of the Ohio a colony of disgusted Frenchmen afforded a nucleus for such a movement. This same restive spirit of filibustering intrigue continued during the following decade. The Blount conspiracy awakened some echoes along the Ohio but attracted no tangible assistance. The various questions associated with the transfer of Louisiana aroused in turn the resentment or elation of the growing communities now springing up on its banks. The famous Burr conspiracy touched the borders of the same territory, stirred up some officials to unwonted activity, and

¹Brymner, *Report of the Canadian Archives for 1890*, p. 99 ff.

²The details of this are attractively sketched by Turner in the *Am. Hist. Review*, X. p. 249 ff.

involved others, especially Senator John Smith of Ohio, in political ruin.

This catalogue of events will show that the Northwest had its general share in the diplomatic intrigue which existed in the Mississippi valley till after 1815. The formal treaty of 1783 should have secured the peace and safety of the Northwest Territory; instead it merely reopened the old diplomatic controversy of the days of Louis XV., with the ever present Indian as its most important factor. It is true that the question now had a new setting. The mother nation, England, was now arrayed against her recently freed daughter. The former possessed a series of posts along the Great Lakes, most of them within limits that had been acknowledged to belong to the United States. The latter was represented by the flourishing colony of Kentucky, the western extension of Pennsylvania and Virginia proper, and within five years had begun to fringe with settlements the northern bank of the Ohio. Between these straggling outposts lay the Red Men, divided into two general groups—the Six Nations, largely beyond the limits of the Northwest Territory but extending into its northeastern portion, and the western Algonquin tribes. Both of these groups were largely under British influence, but while the Iroquois were inclined to neutrality the Western Indians were especially hostile to the Americans whose widening frontier threatened the early absorption of the greater part of their hunting grounds. Beyond the Mississippi, below the mouth of the Missouri were the weak outposts of impotent Spain, fearing for her great highway to the Mexican mines, and ready, as the history of the immediate past showed, to strike a covert blow at Great Britain or the United States, could she by so acting check the advance of these dreaded neighbors. In addition there existed the distinct menace that France might ally her robust force with Spain in another

attempt to dominate the Mississippi valley. These were the various elements in the situation during a decade and a half after 1783, yet the essential factors were the presence of the Indian and the consequent economic interest of Great Britain in the fur trade. These furnished the motives for retaining the posts thirteen years; for insisting upon commercial privileges with Indians within the limits of the United States, and for claiming the right to navigate the Mississippi long after her own explorers had shown that England was not entitled to that privilege. In a negative way the fear of the savages covertly supported by British policy, acted as a check upon American settlements beyond the immediate banks of the Ohio and gave currency to the natural resentment against Great Britain.

The three important diplomatic questions between the United States and Great Britain that involved the Northwest Territory are; first, the retention of the military posts along the southern border of the Great Lakes; second, the Indian trade within the limits of the United States; and third, the gap in the boundary line in the extreme northwest which involved the British right to navigate the Mississippi and the later northern boundary of the Louisiana purchase. We will trace each of these in turn until its final settlement.

The retention of the frontier posts along our northern border constituted one of the most weighty charges of the Americans against the British during this critical period. The motive alleged by the British government, some two years after the ratification of the treaty, for the failure to deliver these posts was the fact that most of the states of the American union had passed laws interfering with loyalists and with the collection of British debts. This has been very conclusively shown by Professor McLaughlin¹ to have been an afterthought. The

¹*Report of the Am. Hist. Ass'n for 1894*, p. 413 ff.

real motive was to secure the fur trade on the American side of the Great Lakes and for thirteen years Great Britain was successful, but at a fearful future cost of of future distrust and national aversion on the part of the United States.

But more immediate results followed the retention of these posts. British officials must exercise a civil jurisdiction over contiguous settlements; they must provision and arm the Indians in order to secure furs from them, and this regalement meant at least indirect encouragement of their hostilities against the Americans, if nothing worse. Before 1788 the Americans had made treaties with certain Indian tribes by which they obtained the grants of land occupied by the settlements at the mouth of the Muskingum and Scioto and in the Miami districts.¹ Other Indians claimed that these cessions were illegal because made by a minority of the contracting tribe or obtained through fraud; and the British agents openly or tacitly supported them in resisting the validity of these grants. During the conference between the representatives of the United States and these Indians, which resulted in these treaties, and in others held before 1795, British representatives assisted, sometimes through direct American invitation, and at other times because the Indians refused to attend unless they were also present. While it is probable that for the most part they exercised a restraining influence upon the savages, their very presence did much to neutralize their spoken counsel. Their course immediately before Wayne's campaign in 1794, however, seems to have been of a more hostile character. By the indiscreet words of Lord Dorchester and the froward course of Lieutenant Governor Simcoe in reoccupying a post on the Maumee, they did much to encourage the Indians in hostilities against the Americans, and led to later heated diplomatic correspondence

¹The treaties are given in *Am. State Papers, Indian Affairs*, I.

at Philadelphia and in London. Hammond, the British minister and Randolph the American Secretary of State were not in a position to obtain much satisfaction from their mutual charges for they depended upon biased reports from Dorchester or from Wayne. The general purport of this correspondence in 1794 was, as the Americans claimed, that England by taking a new position on the Maumee had violated the *status quo* which they wished to be observed during Jay's negotiation, while the English claimed that the advance from the Ohio of a hostile force under Wayne, was likewise a violation of the same status and their own movement was simply the reoccupation of a post which had formerly been under British control. Fortunately a more accommodating spirit ruled at London, by which Jay and Grenville were enabled to come to a conclusion which led to the abandonment of the forts by the British.¹ Thus a prolific cause of misunderstanding and confusion was removed from the Northwest. It was now possible for the American authorities to deal directly with the Indians, who, no longer aided by the moral (or perhaps immoral) support of the British, and disheartened by Wayne's victory at Fallen Timbers, finally signed in 1795, the Treaty of Greenville, which brought a lull in Indian hostilities in the Northwest.

Every treaty must in a measure be the result of compromise and this is illustrated in the case of Jay's celebrated convention by the clause regulating Indian Trade. In withdrawing her garrisons from our territory Great Britain did indeed render partial justice, but the concession was only obtained by our representative's yielding something of national dignity on this other important question. Lord Grenville at first suggested that British traders should have free access to our Indians, and that

¹For the diplomatic correspondence dealing with this subject consult *Am. State Papers, Foreign Relations*, I.

the latter should communicate freely with the British posts in Canada, without even the payment of a transit duty. This derogation of sovereign rights and waiving of revenue was too great a concession and the conferees finally agreed that such Indian trade should be open to the subjects of both countries upon the payment at designated ports of entry of duties upon such articles as remained permanently within the foreign territory; but goods in transit were not to pay even this nominal charge. In fact, a decade later, Lieutenant Pike found that the greater part of the goods introduced into the Lake Superior region were paying no duties whatever.¹

It is obvious that all the advantages of this arrangement rested with the British traders. For thirteen years Great Britain had controlled the available channels of this trade, by retaining the posts on the Lakes, and now the influence of her merchants was practically supreme in the greater part of the Northwest, and this was equally true of the region above the Missouri, which was soon to pass into our hands. One result of this condition of affairs was the ease with which Great Britain attracted Indian support during the War of 1812, and gained control of the greater part of the present states of Michigan and Wisconsin. It was not till 1816 that British fur traders, except when serving as subordinates in American companies, were excluded from this commerce. Two years later in the Convention of London, Mr. Rush and Mr. Gallatin succeeded in avoiding a renewal of the privilege of 1794.² Thus legal enactment and formal treaty finally came to the support of American sovereignty in this respect, but the annals of Governor Cass's administration of Michigan territory show that the British fur trade was still a thorn in the flesh of the American offi-

¹ Cf. Coues, *The Journals of Zebulon Montgomery Pike*, I., p. 265 ff.

² *Am. State Papers, For. Rel.* IV., p. 376 ff.

cials as late as the fourth decade of the nineteenth century.¹

A third phase of the Northwestern diplomacy during this period is concerned with the gap in the boundary between the Lake of the Woods and the Mississippi. At first view it would seem that this question is less connected with the ever-present Indian problem than the others already considered, but this is more apparent than real. In the ensuing discussions upon this omission in the boundary, the British representatives, contrary to American claim and the obvious intention of the second and eighth articles of the Treaty of 1783, claimed that the subject was closely interwoven with that of the navigation of the Mississippi.² This latter privilege they (the British) valued chiefly because of the facility it afforded for carrying on their fur trade, so this subject, as the others, is one connected with the ever recurrent Indian problem.

Hardly was the purport of the Preliminary Treaty of November 1782 known in Canada before members of the recently formed Northwest Fur Company were petitioning the Canadian officials to assist them in shutting out possible American rivals from the Superior region and beyond. They hoped that the line of the Lake of the Woods would not be run as planned, for they feared that this would close their route to the posts beyond Lake Superior. They spoke of a plan to explore another water route wholly within the British lines and asked for a monopoly of such line, if found, for a period of seven years.³ Although Governor Haldimand could not give them the monopoly they asked for, he was able to assure them that the forts on the lakes would not be delivered to the Americans at present and that American commis-

¹McLaughlin, *Lewis Cass*, p. 112 ff.

²*Am. State Papers, For. Rel.*, I., p. 491 ff.

³Brymner, *Report of the Canadian Archives for 1890*, p. 48 ff.

sioners would not soon be given an opportunity to examine British fur preserves, under pretext of determining the course of an uncertain boundary. The further development of this phase of the question has already been discussed in considering the questions of the posts and of Indian trade.

Scarcely was the ink dry upon the copy of Mitchell's map where the British and American commissioners had traced with heavy line the proposed boundary before the explorations of Mackenzie and the observations of Thompson showed that it was an impossible limit.¹ The Mississippi did not extend northward to the latitude of the Lake of the Woods, so a due west line from the latter would not strike it. Accordingly, it formed one part of Jay's mission to settle the matter of the extreme north-western boundary.

Early in his correspondence with Lord Grenville, the Englishman proposed to rectify the mistake by drawing a line from the western end of Lake Superior to the eastern branch of the Mississippi, or else one due north from the mouth of the St. Croix till it should strike a line running from Lake Superior to the Lake of the Woods. Jay objected to these propositions because they required a cession of territory by the United States, and also implied that the British right to navigate the river rested upon the fact that the boundary extended to the Mississippi when his understanding of the negotiations in 1782—and he was one of the commissioners—was that the navigation was an after-thought inserted because of the British right by virtue of the treaty of 1763. Grenville believed that Great Britain could insist upon a direct line to the Mississippi with as much justice as the Americans upon one due west from the Lake of the Woods; nevertheless he agreed to Jay's proposition for a joint survey of the Mississippi river from a point a degree be-

¹*Am. State Papers, For. Aff.*, I., p. 473 ff.

low the Falls of St. Anthony to its source. This joint survey was never made.¹

The subject of this limit became important again in 1802, when Madison forwarded to Rufus King, our minister at St. James, instructions relating to the ratification of this as well as of other points in our northern boundary. Mr. King was authorized to accept a line running from the source of the Mississippi nearest the Lake of the Woods, thence following the shore of the latter till it met the line of 1783. Madison thoroughly distrusted Great Britain and believed that that power wished to extend her pretensions to include the territory between the Mississippi and Missouri.² It was then supposed that Spain had transferred this region to France, so about the same time Livingston at Paris also advised King to agitate the subject of the gap in our boundaries, but to come to no agreement in the matter. Meanwhile, he, Livingston, would use the fact that King was negotiating with England as a sort of club to force France to cede to the United States the Louisiana territory above the Arkansas.³ Thus the minor omission of the Treaty of 1783 had expanded in Livingston's mind till it included a large share of the Mississippi valley; but his fanciful suggestion had no direct bearing upon the solution of the question.

In the instructions and correspondence of this year the American representatives seem to abandon Jay's position regarding the navigation of the Mississippi. Mr. King's convention finally adopted the liberal suggestion of Madison, though in reverse order, and began the line at the northwest corner of the Lake of the Woods, thence drawing it in the most direct way to the Mississippi.

¹*Ibid.*, p. 497.

²*Ibid.*, p. 585.

³*State Papers and Correspondence Bearing upon the Purchase of the Territory of Louisiana*, pp. 20-50.

Within three days after signing this convention, King had to report to Lord Hawkesbury an event that had an important bearing upon it. This was the news of the cession of Louisiana by France to the United States. The Louisiana convention bore a date twelve days previous to that negotiated by King, and when the two papers arrived on the western shore of the Atlantic it was questionable whether the former did not nullify the part of the latter relating to the northern boundary. The committee of the Senate to whom this matter was referred took this view and reported in favor of ratifying Mr King's convention with the exception of the Fifth Article relating to that limit.¹ Senator Pickering of Massachusetts naturally sided with his friend, King, and opposed the report of the Committee, rendered by its Chairman, the son of his enemy, John Adams. Moreover his zeal led him into a controversy with Jefferson over the northern boundary of Louisiana and he charged the President with a policy of duplicity in claiming more territory in the north than France had previously done.² The wishes of the President prevailed over his lukewarm secretary, and the policy of Adams appealed to the Senate. Thus the doubtful article failed of ratification and in view of the danger of a possible curtailment of the Louisiana Purchase in this region, it was well that it did.

In the spring of 1805, at Madrid, Monroe and Charles Pinckney stated that the United States claimed the 49th parallel as the northern boundary of Louisiana. In the course of the same year General Wilkinson sent Lieutenant Z. M. Pike to explore the sources of the Mississippi and to assert American sovereignty in the vicinity against the encroachments of British fur traders. Pike discovered that the latter were working on the as-

¹*Am. State Papers, For. Rel.*, II.; J. Q. Adams, *Memoirs*, I., 267 ff.

²See *Jefferson Papers (Mss.)*, 2nd Series, Vol. 66, No. 36.

sumption that the northwestern gap was to be closed by a line from the Lake of the Woods to the source of the Mississippi, at which point the Louisiana boundary was to begin. Had Mr. King's convention been ratified this assumption on their part might have been maintained with the consequent loss by the United States of the upper part of the Red River Valley and a considerable fraction of Louisiana.¹

In 1806 Monroe and William Pinckney again took up the subject, with a view of continuing the line to the Rocky Mountains and in their convention were successful in establishing the American contention to the line of the 49th parallel west of the Lake of the Woods. The other features of the convention were, however, so unsatisfactory that Jefferson did not even submit their work to the Senate for its ratification. Thus the gap in the boundaries, with the accompanying question of Mississippi navigation and Louisiana boundary, remained unsettled when the War of 1812 broke out.

The city of Ghent in the latter part of 1814 became the next scene for discussing these important points—the Northwestern boundary and the navigation of the Mississippi. At first the British commissioners not only re-assumed the position of their government before 1807, but even proposed that this line should be drawn from Lake Superior directly to the source of the Mississippi. Their subjects were also to have free access to that river, together with the right of free navigation to its mouth. This proposition especially aroused the ire of Henry Clay, who, as the representative of the West was particularly impressed with the growing importance of that river in its development. Unfortunately, he found his chief opponent not on the opposing commission but among his own colleagues in the person of John Quincy Adams. The father of the latter had secured in 1783,

¹Coues, *Journals of J. M. Pike*, I., 265.

the right to engage in the fisheries of the Newfoundland coast, and now the son was unwilling to abandon his filial obligation to preserve what his father had won, or to fail in the support of such a typical New England industry as the cod fishery. For a time the question of separating these two questions—of the navigation and the fisheries—threatened to disrupt the American contingent and it needed all the tact of Gallatin to avoid such a result. Finally the British commissioners proposed to defer both questions for future negotiation, and although Clay stated openly that it meant a —— bad treaty, while Adams recorded his impressions in his diary, they both signed the convention.¹ Three years later Adams, as Secretary of State, sent to Albert Gallatin and Richard Rush the instructions to guide them in the negotiation which finally settled the question. By the terms of the Convention of London, October 20th, 1818, the northern boundary of the United States from the Lake of the Woods to the Rocky Mountains was to be the 49th parallel, while the rights to navigate the Mississippi and to engage in Indian trade within the limits of the United States was yielded by Great Britain.² In view of the future peace of mind of the then Secretary of State, one is pleased to observe that the fisheries also were not neglected in this same convention. Thus a minor error in limits which had expanded into a boundary and commercial question of continental magnitude was happily corrected to the manifest advantage of both nations.

It remains to mention briefly, as the final word in the Indian diplomacy of the Old Northwest, certain features connected with the War of 1812. The broadside

¹The public correspondence is given in *Am. State Papers, For. Rel.*, III; for details relating to the American negotiators see H. Adams, *Life and Writings of Albert Gallatin*; and J. Q. Adams, *Memoirs*, III.

²*Am. State Papers, For. Rel.*, IV., 395 ff.

fired into the "Chesapeake" by the "Leopard" off the capes of Virginia, had aroused to unwelcome activity the Canadian officials and they began to prepare for expected hostilities from the American side. This preparation included invoking the customary Indian assistance and among the possible Indian allies we find the significant names of Tecumseh and "The Prophet." Meanwhile, in Michigan Governor Hull, and in Indiana Governor Harrison, were attempting to quiet the minds of the Indians and to render them neutral in the expected crisis. Harrison had succeeded, in spite of the repeated opposition of the British traders, and even government officials, in obtaining several valuable Indian cessions in what is now Indiana and Illinois.¹ On the other side the British authorities were claiming that they had used every effort to restrain the Indians and had even withheld from them means of carrying on hostilities. We find some American support of this claim in the statement of Rufus Putnam to Timothy Pickering that Harrison purposely started the difficulty with the Indians to lend color to the charge of the American government that they were stirred up by the British.² This statement cannot be accepted, however, till we know more of the personal motive that dictated this letter. In spite of charges and countercharges, or possibly as a direct result of them, the month of November 1811 beheld on the banks of the Tippecanoe the opening event of the War of 1812, in the Northwest and as usual the Indian was the most important factor.

During the first few months of open hostilities the advantages of the Indian alliance rested wholly with

¹For a convenient summary of Harrison's Indian Treaties see the monograph by Webster and *Harrison's Career as Governor of Indiana Territory*, in *Indiana Historical Society Publications*, Vol. IV., No. 3.

²*Calendar of Pickering Papers*, (*Publications of the Mass. Hist. Society*, Series III).

Great Britain. The presence of the savages materially hastened the surrender of Detroit, the abandonment of Fort Dearborn and its attendant massacre, the capture of Fort McKay, within the present state of Wisconsin, the Raisin River Massacre, and the extension of hostilities towards the Ohio. With Perry's victory on Lake Erie and Harrison's success on the Thames, there came a turn, however, and on July 16th, 1814, there occurred the signing of a second Treaty of Greenville by which the majority of the Indians within the Northwest accepted an American alliance and agreed to take up the hatchet against their former companions in arms.¹ While this fact is not greatly to the credit of the American government, it is in keeping with the policy of Jefferson as outlined in the instructions of the War Department to the Governors and Indian agents of Louisiana, and of Jackson in New Orleans, who was enlisting the same sort of support among the savages along the Red River.² Moreover the unofficial report of Harrison's action influenced materially the discussion at Ghent concerning Indian relations.

It is at Ghent that we meet with the last diplomatic attempt to make of the Old Northwest an Indian reservation. At the first meeting of the commissioners on August 8th, 1814, Mr. Ghoulbourn in behalf of his British colleagues stated that a *sine qua non* of the negotiations would be the inclusion of the Indians in the proposed treaty. A little later he and his commissioners showed what this proposed inclusion meant. A certain part of the territory between the Lakes and the Ohio was to be made into an Indian buffet state, with definite bounds, under the joint guarantee of the United States and Great Britain. The more radical London papers had

¹ *Am. State Papers, Ind. Affairs*, Vol. II., p. 826 ff.

² *Jefferson Papers*, Series I., Vol. 10; also *Indian Office, Letter Book B.* (Mss. Bureau of Indian Affairs.)

demanded that the Ohio should form this line and that Great Britain should resume sovereignty over both sides of the Lakes. The commissioners stated, however, that they would accept the line of the Treaty of Greenville, or even some modification of it. The hundred thousand or more white inhabitants beyond this line would, in the language of the British commissioners, have to shift for themselves. It did not take the American commissioners long to reject the proposition, to keep this territory an Indian desert, or the accompanying proposal that the Americans must forbear to arm vessels on the Lakes or erect fortifications on its shores, and the British commissioners speedily received instructions to abandon them after Harrison's Treaty at Greenville.¹ The proposal that each side should retain its conquests was equally rejected and in this the Americans had the support of no less a character than the great Wellington himself. Other proposals regarding Indian trade, navigation of the Mississippi, and the unadjusted boundary were equally unacceptable to both groups of commissioners, so the treaty finally provided for a mere suspension of hostilities. In the near future, as we have already seen, these questions were settled in keeping with the best interests of the Northwest.

In this summary of certain diplomatic questions affecting the Northwest, two general tendencies are apparent. The one is a desire on the part of certain governing factors to keep the region a wilderness for the purpose of ease in control and for the development of the Indian fur trade,—the other to open the country to civilization as rapidly as circumstances and pioneer energy should warrant. It is with sincere pride that one records the fact that despite a few bungling attempts the efforts of the American government from the first were in keeping with the second of these tendencies, and that in the end their efforts prevailed.

¹Adams, *Memoirs*, III., p. 43.

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