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A. L. Burt

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A NEW APPROACH TO THE PROBLEM OF THE WESTERN POSTS

By A. L. BURT

The boundary which cut off the Western Posts has long since come to be regarded as natural, but it was not natural in the beginning. Several important considerations suggest that it should have followed another course which would have greatly enlarged the scope of Canada's development and restricted that of the United States. Of all the country lying north of the Ohio, the Americans had seized only the southwest corner, and this they had not been able to hold. Instead of advancing to capture Detroit, George Rogers Clark had been obliged in 1780 and 1781 to withdraw the little garrisons on the Wabash and in the Illinois country. Though the British had not reoccupied this quarter, their position on the Great Lakes had remained unassailable and at the end of the Revolutionary War they were in virtual possession of the whole of the "Old North-West" of the United States. Here was a good reason for keeping what had been part of Canada. Moreover this territory was then valuable only for the furs which it produced, and of these the Americans were getting practically none. Except for a trickle of peltries down the Mississippi, the trade was focused at Montreal. It is only fair to observe, however, that Montreal's natural advantage had been converted into a monopoly by the outbreak of the Revolution. Furthermore this part of the continent was then and for years to come much more accessible from Canada than from thirteen colonies which had established their independence. Why did Britain agree to surrender this great land which she still held, and which belonged historically, economically and geographically to Canada? And having done it, why did she refuse to surrender the keys of this territory for another thirteen years? Persecuted loyalists and repudiated debts can no longer be pleaded, though British persistence may still lead an odd individual to repeat these old excuses. Did the British government suddenly realize that it had committed a great blunder, and, having realized this, determine to put forth every effort to undo it?

One explanation of the boundary of 1783 that leaps to the eye is the American determination to reach out after the valuable fur trade. But there were deeper causes than this. The royal proclamation of 1763 and the Quebec Act of eleven years later constituted a strong predetermining influence. Had not the former instrument cut off the whole of Canada's natural hinterland, she might have got more of it now. The restoration effected by the second instrument was too recent and too intimately associated with the beginning of the American quarrel to pass unchallenged in the day of reckoning. The proclamation gave the Americans a solid ground for the claim which their intense hatred of the Quebec Act drove them to make. A passage in a letter from Lord North to George III on March 25, 1778¹ suggests that Franklin was then demanding the repeal of the Quebec Act as an essential condition for peace. Three weeks later, a great friend of the colonial cause, Sir George Savile, rose in the House

¹ Fortescue, *Correspondence of George III*, IV, 76.

of Commons and moved for the repeal of the Act "upon the ground of its being odious and inimical to the Americans, and consequently an obstacle to our attempts to make an accommodation with them." This motion was supported by fifty-four members against ninety-six.² In the summer of 1779, when defining the boundaries claimed by the confederated states, the Continental Congress simply took the line drawn in 1763 and continued it westward from lake Nipissing to the Mississippi. In the spring of 1782, when negotiations were opened with Benjamin Franklin in Paris, this astute bargainer went further. He demanded the cession of the whole of Canada as a pledge of peace. Then, on learning that the British Government would not listen to such a proposal, he took his stand on the line laid down by Congress three years before, demanding the restriction of Canada to the limits existing prior to the Quebec Act. On August 29, the British cabinet decided to accept the terms which Franklin had offered.³ This meant severing from Canada all of what is now the older part of Ontario except a narrow strip along the Ottawa river. In the middle of October, however, the cabinet grew a little bolder. Britain's right to the "back country" was to be asserted as a means of indemnifying the loyalists. But the Americans were to be told that this claim would not be pressed if these sufferers were otherwise justly provided for in any part of the peace settlement—with the United States or France or Spain.⁴ Thereupon the American commissioners offered the British a little more, presenting an option between the continuation of the line along the 45° of latitude from the St. Lawrence to the Mississippi, which would have given southern Ontario to the United States and the northern tip of Michigan and most of Minnesota to Canada, or the present boundary to the Lake of the Woods and thence straight west to the Mississippi. The second alternative was accepted and inserted in the preliminary articles of peace signed in Paris on November 30, 1782. Every post on the Great Lakes was thus promised to the Americans,—the fortified and garrisoned centres of Carleton Island, Oswego, Niagara, Detroit and Michilimackinac, and the rendezvous of the trade to the far North-West, Grand Portage. That Carleton Island lay south of the line was probably unknown, and there may have been some uncertainty about the location of Grand Portage, but there could have been no doubt that the other four places would be on American territory which Britain agreed to evacuate "with all convenient speed." One factor in this settlement, the American demand, is quite intelligible, but the other, the British surrender, is not so easy to understand.

At first glance, it looks as if Britain were carelessly presenting the Americans with the keys of the fur trade. The merchants who were interested were not consulted at all, and when they learned what had happened they raised a loud cry. At the close of January, 1783, they memorialized Lord Shelburne, the head of the ministry, and a week later they interviewed Richard Oswald who had been entrusted by that statesman with the management of the negotiation. Then the merchants learned that they were too late with their remonstrances and, according to the story told years afterwards, the negotiator of the treaty, on hearing what he had done, burst into tears and confessed his complete ignorance of the value of the country yielded and even of the existence of the posts which he had

² Parliamentary Register, VIII, 248.

³ Fortescue, *op. cit.* VI, 118.

⁴ *Ibid.* 144.

signed away. The story is undoubtedly apocryphal, but the truth of what he had agreed to is startling enough. In the previous August, Franklin had actually persuaded him to advise the British Government to cede the whole of Canada. This was only one example of a conciliatory disposition which led the Duke of Richmond to tell the King early in December that he could not understand why Oswald had not been replaced, since every member of the cabinet except Shelburne "had long seen he pled the cause of America, not of Britain."⁵ Modern writers also have condemned the imbecility of the British agent and asserted that he was the dupe of the wily old American. But Oswald was no fool. He was a Scottish merchant resident in London; he had acquired a large fortune partly through army contracts; and, through his wife, he had become possessed of great estates in the American colonies and the West Indies. He was an old personal friend of Shelburne, to whom he had been introduced by Adam Smith, and on more than one occasion he had been consulted by the ministry on the subject of American affairs. A cynic might say that he was looking after his American interests by currying favour with Franklin and his associates, but no one then or since has really suspected him of such turpitude. Moreover he did not have a free hand in Paris. He was closely bound by instructions, and he signed only what the cabinet in London had already accepted. Parliament itself was responsible for the bargain arranged in the French capital. On March 4, 1782, General Conway had moved in the House of Commons that all who should advise or attempt the further prosecution of the war in America would be enemies of their country, and the resolution had been carried without a division. This decision, leading to the fall of the North administration, tied the hands of the new government. When one country publicly announces that it will fight no longer, the other may get almost any terms that it desires. Nearly a year afterwards, when the document signed on 30th November was submitted to Parliament, there was much talk of a ruinous war being concluded by an equally ruinous peace; and of the various articles which came in for bitter criticism that defining the boundary was one. Though Shelburne declared that the preliminary terms need not be regarded as final, the opposition formally accepted them as such and then carried a resolution condemning the government for having made unnecessary concessions. The last vote was obviously intended, as Pitt said, to turn out Shelburne rather than to bring in a better peace.

Britain was sick of the war. This is one great reason for the Americans getting what they demanded, but it is not the whole explanation. From the beginning of the negotiation Franklin urged, and Shelburne believed, that the defeated mother country should grant really generous terms to the victorious colonies as a means of permanently severing them from their European allies and of binding America to Britain in a lasting friendship.

Still other and more particular calculations lay behind the absence of any haggling over the boundary. The profits of the fur trade had been as dust in the balance compared with the cost of preserving that trade in the late war, and Shelburne knew it. He realized that a line on the map would make no difference to the natives. They would carry their peltries to the traders who attracted them most. He also saw that the mere restoration of peace was bound to break Montreal's monopoly

⁵ *Ibid.* 172.

by opening other channels into the interior from the new republic, and he regarded the prospect with complacency. Through whatever paths the furs came out, they would still be brought to London, and English manufactures would still find their Indian market, for America had no industries to compete with those of the old country in the trade of the interior. Like his agent Oswald, he was a disciple of Adam Smith and thoroughly disbelieved in commercial restrictions. Indeed the idea of free trade presided over the whole of the negotiations, and it was agreed that Britishers and Americans should have equally free access to the interior irrespective of any boundary line. This was to have been stipulated in the treaty along with the provision for the free navigation of the Mississippi by citizens of both countries. Incidentally, the American commissioners proposed to extend this provision to the St. Lawrence⁶ but, as it then meant little to them, they refrained from pressing the point. They openly said that the inhabitants north and west of the Alleghanies could be more easily supplied with foreign commodities through the two great waterways of the continent than overland from the ports on the Atlantic seaboard, and therefore Britain might enjoy a sort of commercial empire over the vast interior. There is every reason for believing that they meant what they said, else they would have pressed their point about the St. Lawrence, and that the treaty would have been drawn as intended had not difficulties appeared on Britain's side which prevented her seizing the prize within her grasp. The commercial arrangements were to be general, and this meant overhauling British legislation bearing on the subject. Therefore, at Britain's request, everything pertaining to commerce, except the provision for the free navigation of the Mississippi, which became the eighth article of the peace, was deleted in order to be settled by a separate treaty, and then the shipping interests raised such a clamour against tampering with the sacred navigation laws in the interests of a late enemy that the commercial negotiation was stillborn. Thus, like a passage whose meaning is changed by being taken out of its context, was the border between Canada and the United States fixed.⁷

Though the boundary was thus defined on paper, years passed before Britain would recognize it in practice. She refused to hand over the posts on what was now the American side of the line, and for eleven years would not even agree to any specific time when she would deliver these keys to the west. Until 1794, for all the Americans knew, she was determined to retain them indefinitely. To use plain English, Britain violated the treaty. Why did she do it? Many American writers have insisted that she was simply trying to keep the fur trade in her own hands, and one has recently advanced the plausible suggestion that the violation grew out of the incomplete nature of the treaty. British writers, on the other hand, have defended the retention of the posts as a justifiable reprisal for two American violations of the treaty—obstacles placed in the way of the recovery of British debts, and the treatment meted out to loyalists. A close examination of the documents shows that none of these explanations accounts for the beginning of the British violation of the treaty.

⁶ Wharton, *The revolutionary diplomatic correspondence of the United States*, VI, 603.

⁷ See Stevens, W. E., *The Northwest Fur Trade 1763-1800*, chap. III; and Brown, G. W., *Canadian Historical Review*, IX, 223ff. *The St. Lawrence in the Boundary Settlement of 1783*.

Governor Haldimand initiated it on his own authority without any instructions from London. On April 26, 1783, he received from New York a printed copy of the peace preliminaries. This was his first intimation of what the new boundary was to be and it came as a great shock. Immediately he saw the commercial loss foreshadowed by the surrender of the Western Posts, but this was not his chief concern, as he said himself. What most alarmed him was the possible reaction of the Indians. What would they do when they discovered that Britain had betrayed them by agreeing to deliver their lands to their "implacable" foes?⁸ By the letter of the bond, this was exactly what she had done. By formal treaty with the red men she had established the boundary between possible white settlement and the great native reserve contemplated in the proclamation of 1763, and now she had washed her hands of this old obligation. Not many days after the governor had received this disturbing news, he was embarrassed by a visit from Joseph Brant and another chief named John. They came as delegates of the Six Nations, who had heard evil rumours, to demand an explanation of the terms of the treaty. He put his visitors off with soft words and he dispatched Sir John Johnson to Niagara to allay the forebodings of the savages; but his own mind was deeply troubled.⁹ Not twenty years had elapsed since the suppression of Pontiac's Revolt, whose horrors still caused many to shudder. But the memory of that nightmare might, by comparison, appear as a sweet dream if the doom now hanging over the whole of the west were not averted. He knew not how the awful blunder came to be committed, but he saw the demons which it was conjuring up and he realized that the urgent task of exorcising them rested upon the shoulders of one man—himself. Two objects he at once set before his eyes. One was to reconcile the Indians with the Americans, and from this time forth, through the troubled years that followed, there was a fairly consistent effort, directed from Quebec, to restrain the red men and to persuade them that their real interest lay in coming to terms with the victors in the late war. Haldimand's other object was to restore the Indian's confidence in the British. Whether it would be possible to repair the damage, he was not quite sure. "It will be a difficult task," he wrote Lord North, "after what has happened to convince them of our good faith."¹⁰ But he was determined to do all in his power to prove to Britain's red allies that she had not forsaken them. To this end, he undertook immediately to provide lands under the British flag for all natives driven from their old homes by American forces. A second method which he adopted was to persuade the suspicious savages that Britain had not really done what they thought she had done. From now on through many years the tortuous argument was pressed by different agents in various councils with the Indians, but it is doubtful if the latter were much impressed by the marshalling of words in syllogisms. To their untutored minds, words had little power compared with actions, and Haldimand saw to it that these were not omitted. Presents were distributed as liberally as possible, and, the crowning point of the practical argument, the Western Posts were not delivered.

⁸ Can. Arch. Q, XXI, 220ff.

⁹ *Ibid.* 229ff.

¹⁰ *Ibid.* 230.

In the beginning of August, 1783, Major General Baron von Steuben appeared in Chambly. Congress had instructed Washington to make proper arrangements for securing possession of the places on American soil still occupied by the British, and he had dispatched the baron. Von Steuben did not come to demand the surrender of the posts. That would have been premature, for the definitive treaty of peace was not signed for another month. His mission, which was quite natural and proper, was to negotiate with Haldimand an agreement on how the posts should be delivered when the time came, and to visit them that he might report to Washington how they should be garrisoned and supported when they were taken over."¹¹ On learning of the arrival of this rather distinguished professional soldier who had been imported from Prussia to put much needed stiffening into the Revolutionary army, the governor appointed Sorel their place of meeting. He said that he was just going up on other business,¹² but one suspects that his real reason was the fear of prying eyes in Quebec, for the visitor was accompanied by "three aides-de-camp and a French engineer, all of whom had French domestics in their suite."¹³

In a few days Haldimand bowed von Steuben and his company out of the province. He did it so graciously that the disappointed emissary wrote back from Crown Point thanking the governor in the warmest terms and expressing his lively appreciation of all the officers with whom he had come in contact.¹⁴ All that the baron had to show for his mission were two letters from his late host. One was addressed to Washington. In this the head of the Canadian government professed his anxiety to do all in his power to meet the wishes of the American commander-in-chief, but professed his utter inability to do anything just yet because the only instructions which had reached him were for a cessation of hostilities. He greatly regretted having to disappoint von Steuben but was delighted to have made his acquaintance.¹⁵ Von Steuben's other letter was addressed to himself and conveyed the same information in the same polite terms.¹⁶

Haldimand's polished manners and captivating hospitality were on this occasion something more than the expression of his own fine nature. They were inspired by duty, for he had been instructed "to do all in his power to conciliate the affections and confidence of the United States of America."¹⁷ Why, then, did he not accommodate himself to the wishes of the American government in a matter which was purely preliminary and provisional? The excuse which he gave in the two letters just mentioned was a good one, but it was only an excuse, as he implied in his subsequent dispatch to Lord North on August 20.¹⁸ In reporting the incident, he frankly admitted that he was playing for time. "Many bad and no good consequences might have arisen from such premature discussion. The longer the evacuation is delayed, the more time is given to our traders to remove their merchandise, or to convert it into furs, and the greater opportunity is given to the officers under my command to reconcile the Indians to a measure for which they entertain the greatest abhorrence." Still contemplating the fulfillment of the treaty by the abandonment of the posts, he advised Lord North on how it should be done. Through von Steuben,

¹¹ *Ibid.* 402.

¹² *Ibid.* 370.

¹³ *Ibid.* 388.

¹⁴ Can. Arch B, CLV, 227.

¹⁵ Q, XXI, 405.

¹⁶ *Ibid.* 399.

¹⁷ *Ibid.* 388.

¹⁸ *Ibid.* 388ff.

Congress had offered to purchase the military stores and provisions in the different forts. "I hope no such idea is entertained in England," said Haldimand, "for such a measure would be considered by the Indians as selling them to their enemies and will, in all probability, be the signal for an attack against our garrisons and people. I wish that the orders in consequence of the definitive treaty may be to withdraw the stores and troops from the forts, leaving it to the Indians to make their own conditions with the Americans. This appears to me the measure the best calculated for the safety of His Majesty's troops and subjects who are too much dispersed to be able to resist an attack from the Indians, who are forming a general confederacy for their own security and which may be directed equally against us as the Americans."

Not until November, 1783, did the governor reach the conclusion that Britain should hold on to the posts, and then he was brought to it by the consideration of something much more precious than furs. It was blood. Notwithstanding all the striving of the officers under his command to cultivate peace between the Indians and the Americans, ominous reports were coming in from the west. On October 14, he wrote to Lord North:¹⁹ "The Indians are still impatient for the communication of the conditions of the definitive treaty and of His Majesty's gracious intentions for their future welfare, which I promised them as soon as my dispatches should arrive. They have completed the general confederation from one extremity of North America to the other. They keep a watchful eye over the conduct of the Americans settled on the frontiers of this country. I hope the American States will exert themselves to prevent their subjects from making encroachments upon the Indian lands, to which some of them have had the imprudence to assert a claim in consequence of the provisional treaty. In case things are carried to extremities, the Indians seem determined to defend themselves and to make the Americans feel the difference of a war carried on in their own manner from the late one, which was subject to the restraints imposed upon it by His Majesty's officers." Six weeks later, some days after the last ship of the season had sailed from Quebec for London, the governor sent a messenger down to Halifax with a more important letter to Lord North.²⁰ It bears the date of November 27, 1783, and it contains the final reasoned judgment of the shrewd watcher in the Castle of St. Louis. The Indians, he said, "entertain no idea (though the Americans have not been wanting to insinuate it) that the King either has ceded or had a right to cede their territories or hunting grounds to the United States of America. These people, my Lord, have as enlightened ideas of the nature and obligations of treaties as the most civilized nations have, and know that no infringement of the treaty in 1768²¹ which fixed the limits between their country and that of the different provinces in North America can be binding upon them without their express concurrence and consent. Your Lordship will observe that the object of their general confederacy is to defend their country against all invaders. In case things should proceed to extremities, the event no doubt will be the destruction of the Indians, but during the contest not only the Americans but perhaps many of His Majesty's subjects will be exposed to great distresses. To prevent such a disastrous event as an Indian war, is a consideration worthy the attention of both nations, and cannot be pre-

¹⁹ *Ibid.* XXII, 5.

²⁰ *Ibid.* XXIII, 46ff.

²¹ Treaty off Fort Stanwix.

vented so effectually as by allowing the posts in the upper country to remain as they are for some time." In advancing this proposal, Haldimand did not even mention the fur trade as a supporting argument. Indeed, he was so far from hoping for a retention of the British monopoly that he proposed an equal sharing of what was then the great bulk of the trade. In this crucial dispatch, this is his only reference to the trade of the interior, and it occurs as part of a further suggestion which anticipated what was to become a prominent feature of Britain's American policy before the signature of Jay's Treaty in 1794. The whole passage runs as follows: "It would certainly be better for both nations and the most likely means to prevent jealousies and quarrels that the intermediate country between the limits assigned to Canada by the provisional treaty and those established as formerly mentioned by that in the year 1768 should be considered entirely as belonging to the Indians, and that the subjects neither of Great Britain nor of the American states should be allowed to settle within them, but that the subjects of each should have liberty to trade where they please."

Haldimand's words struck a responsive chord in London. The British government had been worried by the latent danger in the interior of America. Early in June, David Hartley, Oswald's successor and the negotiator of the definitive treaty, had proposed that the British garrisons should remain in the Western Posts for three years to secure the lives and the property that were at the mercy of the natives. The American commissioners had immediately replied that the occupation should continue only until Congress had ordered the evacuation of these places and American garrisons had arrived to hold them. Here the matter stood until August, when the American commissioners were presented with the draft of a definitive treaty which Hartley was ordered to sign forthwith if they accepted it. The phrase "with all convenient speed" which had been used in the provisional articles of peace was here repeated. What did it mean? Already a wide divergence of interpretation had developed. Nevertheless the Americans accepted the treaty with these ambiguous words, and what they then apprehended came to pass. Though Carleton observed the strict letter of the treaty by withdrawing from New York in a few weeks, there was no suggestion of any British move from the Western Posts. Some line of policy for these places may have been settled by the coalition of Fox and North, but they fell in December 1783 without giving any such indication, and the first evidence that the new ministry headed by Pitt had as much as considered the problem is found in a letter of April 8, 1784.²² It was written by Lord Sydney, the secretary of state responsible for colonial affairs, and was a reply to Haldimand's letters of the preceding summer and autumn. Sydney commended the governor for his handling of von Steuben and assured him that His Majesty's ministers would never sanction the sale of military provisions and stores in the Western Posts. He fell in with the suggestion that these places should not be delivered and he advanced two reasons in support of this policy. One was an echo of an argument used more than once by Haldimand that it would benefit rather than injure the real interest of the Americans. The other, which was not inspired by the governor, was as follows: "The seventh article stipulates that they shall be evacuated with all convenient speed, but no certain time is fixed, and as America has not on her part complied with even one article of the treaty I

²² Q, XXIII, 55ff.

think we may reconcile it in the present instance to delay the evacuation of those posts, at least until we are enabled to secure the traders in the interior country and withdraw their property."

Before this letter reached Quebec, the governor had again to face the awkward question of evacuation. On May 7, 1784, a certain Lieutenant-Colonel Fish arrived with a letter from Governor Clinton of New York State requesting Haldimand's assurance that as soon as he had received orders for the surrender of the posts, if such had not already arrived, he would notify the state authorities of the time when the transfer could take place. But the only assurance which Haldimand would give was that he would scrupulously obey his orders—when they came. Meanwhile, he pled, he could do nothing. Of course he was full of regrets. In his reply to Clinton, he wrote: "Some accident which has befallen the packet or messenger has hitherto prevented me from receiving from England any notification of the definitive treaty."²³ He ventured further in verbal replies to Fish to whom he confessed, as his own private opinion, that the evacuation should be delayed until the Americans had executed the treaty articles in favour of the loyalists. He had allowed many, he said, to return to recover their property and all they got was abuse. Fish replied that the persecution of loyalists was condemned by the leading men in the various states and he cited the example of Governor Clinton rescuing a British captain from the insolence of the New York mob. Like von Steuben, Fish retired with a pleasant personal impression. At the time of the above visit, Haldimand also received a letter from Governor Chittenden wishing to be informed when a small Lake Champlain fort known as the Loyal Block House would be surrendered to Vermont. How this missive came, the governor could not discover, and apparently he did not reply to it. His silence was probably due to the fact that the existence of this state had not yet been recognized in the new republic. He immediately reported to London what had transpired, and he added two suggestions. One was that, as Britain had contracted the definitive treaty with the United States and not with any one of them, he was bound to treat only with accredited representatives of Congress. The other was "that the evacuation of the posts might be delayed as the means of obliging the Congress to prolong the term of one year granted by the treaty for the loyalists to solicit the recovery of their estates, for from the want of government and good order in the different states it has not hitherto been safe for the loyalists to go amongst them for that purpose."²⁴ This passage accords with the traditional British position, but it must be remembered that the man who wrote it had already urged the retention of the posts to avoid an Indian war and, though he had not yet received it, the government's reply was on the way informing him that the evacuation might be indefinitely postponed.

The last of the American efforts to secure the posts by applying in Quebec was made in July, 1784, when Lieutenant Colonel Hull arrived armed with a letter from Major General Knox, the republican secretary of war. Haldimand now had Sydney's letter, but it did not help him very much. Though fortified by the intimation that he should evade the issue again, he was provided with no new weapons to do it, for the secretary of state had advanced not a single specific charge to support his general

²³ He received copies of the peace treaties on 10 August, 1784. (*Ibid.* 355).

²⁴ *Ibid.* 161ff.

assertion that the Americans had not observed a single article of the treaty. The governor wanted to give the Americans a good home thrust by inserting the argument of the loyalists in his formal reply, but this would have been committing his government beyond what was authorized by the vague words of the dispatch from London. Therefore he had to content himself with talking to Hull in much the same way as he had spoken to Fish.²⁵ After this rebuff, it was quite apparent to the government of the republic that the real obstacle was in London, and thenceforth the pressure to secure the withdrawal of the British garrisons was applied through diplomatic channels.

Though the British violation of the treaty was thus initiated out of fear of a great Indian war, this motive was soon tangled up with others. During the next ten years, to repeated demands which the Americans made for the return of the posts, the reply ever came pat—loyalists and debts. Now there can be no question that the treatment meted out to loyalists and the difficulties placed in the way of recovering British debts in America constituted two real grievances. Nor, in the game of diplomacy, can Britain be very much blamed playing the western posts to force a redress of these grievances. But her excuses lacked the full flavour of honesty. Her position might have appeared faultless if she had made a move to deliver the posts and then held back when these grievances developed, but she had not made the slightest gesture to observe this part of the treaty.

From that day to this, it has been contended that the fur trade supplied Britain's real motive. This contention might be dismissed if it rested only on the American clamour, loud as it was, to break into the monopoly that had been concentrated at Montreal. But it cannot be treated so cavalierly because the British archives contain reams of documents which provide fine ammunition for the American charge. From the moment the public discovered where the new boundary was to run, the mercantile interests of London bombarded the British government. If ever "big business" brought pressure to bear on public policy it was to make the British government unmake the treaty in so far as it affected the interior of America. The fur trade lived by the friendship of the natives, and the friendship of the natives would not be worth a day's purchase if the posts were surrendered. They must be held at least for two or three years to enable the withdrawal of the capital already ventured in the country beyond, and, if at all possible, they should be retained indefinitely. Such was the argument which was dinned into the ears and piled upon the desks of the King's ministers. Then came the reassuring intimation, quickly spread among the interested parties in England and in Canada, that the British garrisons would remain, and thenceforth in the official correspondence between London and Quebec there were constant references to the connexion between the retention of the posts and the protection of the trade. Meanwhile, confident that their powerful London correspondents would bring the government to see reason, the merchants and traders of Canada went ahead in search of more profits, and there ensued such a vigorous and wide-spread expansion of the trade that one might almost call it an explosion. During the phenomenal activity of these years three significant changes are observable in the fur trade. In the first place, the whole trade was shifting in a

²⁵ *Ibid.* 329ff.

northwesterly direction. It was moving from American to British territory. Secondly, it was developing a strong organization more and more capable of looking after its own interests. Thirdly, there was a growing feeling that the traffic of the country between the Great Lakes and the upper Mississippi would still be tributary to Montreal even if the British garrisons were all withdrawn from American soil, and this consciousness of superiority was so well grounded that the execution of Jay's Treaty in 1796 made practically no difference to the commerce of this region for many years. These changes undermined the economic importance of the Western Posts by the time they were evacuated. In other words, Britain clung to the posts until it became apparent that they were no longer essential to the British fur trade.

But those who have maintained that trade was the sole or even the prime purpose of the British government have overlooked a calculation that was made during the peace negotiations and can scarcely have been ignored afterwards,—the probable loss and the cost of avoiding it. The merchants engaged in the trade never claimed that anything more would be lost than the trade on the American side of the line and the capital already entrusted there. In 1784, they estimated that this trade brought to London furs worth £140,000 a year—two-thirds of the amount imported from Canada—and as they set the total debt owed by the interior to Montreal at £300,000 the capital in jeopardy was about £200,000. It was by no means certain that all of this capital would disappear, but even if it did this would be equivalent to no more than £12,000 a year, 6 per cent being then good interest. Of the trade, what was at stake was not £140,000 a year, the selling price of the furs, but only a fraction of it—the annual profit. Nor would all this be sacrificed. Some of the trade might have been destroyed, but in mercantile circles it was commonly asserted that the surrender of the posts would simply deliver the trade into the hands of the Americans because they would then have effective control of the country. But Shelburne and others associated with the government in London had already seen that Montreal, by reason of its natural advantages, would probably continue to draw a goodly portion of the furs gathered on the American side of the line; that almost all the furs, whether they passed through Canadian or American channels, would still find their way to the London market; and that British manufactures, in the absence of American competition, would still find their Indian market. The profit made in Britain would be little affected. The only British sufferers would be the merchants and traders of Canada who would no longer collect their share of the profit on the trade that would cease to pass through Montreal. To sum up, the total possible annual loss would be £12,000, representing the capital mentioned above, plus a part of the profit on a part of the trade—a very small fraction of £140,000. Perhaps £20,000 would more than cover both items. And what was the cost of avoiding this loss? To retain the posts, the government had not only to maintain garrisons far removed from this source of supplies, but also to send out shiploads of Indian presents to win and hold the support of a red population whose appetite was almost as large as the area over which it roamed. Though no one could predict in 1784 how long the garrisons were to be kept on American soil, it could not have been difficult to foresee that the public loss would soon outweigh the private gain. Thus, when pushed to its conclusion, the argument that Britain was actuated by an economic motive

becomes very weak. From a purely business standpoint, it was to her interest to turn the posts over to the Americans. There must have been other reasons for such a serious violation of the treaty.

It is quite possible that the Imperial government's procrastinating policy was partly influenced by a vision of something of greater permanence and of wider scope than the fur trade. The vision was first conjured up during the peace negotiations—a British commercial empire over the heart of the continent. The vision was transformed and magnified by conditions prevailing during the following decade. This was the "critical period" of the young republic when its whole future was darkly clouded. The loose union born of war began to dissolve on the advent of peace. The thirteen colonies having thrown off the yoke of one superior power were reluctant to place their necks under another even though it was of their own making. When their independence was recognized, they had only the shadow of a government and the shadow faded out in the fall of 1788 when the Continental Congress expired of inanition. For nearly six months there was not even a shadow of a government, and when the Constitution, ratified by only nine of the thirteen states, gave birth to the government of the United States in 1789, there were grave doubts about the life of the new infant. During these years, also, the young republic, if such it can be called before it achieved any unity, was rapidly growing over the Alleghanies, and the mountain barrier threatened to break it in twain. The older communities looked out on the Atlantic and the newer ones, of which Kentucky was the chief, faced the Mississippi. They were back to back and they were pulling apart. The strain was felt in many ways but only the most serious need here be mentioned. This arose from the position of Spain. She sat astride the mouths of the Mississippi, the only route by which the people west of the Alleghanies could get rid of their rapidly increasing surplus produce. By closing this door, Spain could strangle them, and they had no wish to live by the grace of the Spanish government or the corruption of Spanish officials. Moreover Spain possessed all the continent west of the Mississippi, and covetous eyes were already being cast across the river. The feeling of Americans west of the Alleghany Mountains was rendered almost explosive by the not ungrounded fear that their brethren to the east would betray them. The people living on or near the seaboard, deprived of the valuable commercial advantages which they had enjoyed as part of the British Empire, were in such desperate need of finding substitutes that they were inclined to purchase admission to the ports of the Spanish Empire by surrendering to Spain the American claim to a free navigation of the Mississippi. It is not surprising, therefore, that leading Americans on "the western waters" contemplated secession from the "Atlantic States," and looked for some outside power to come to their rescue by pulling Spain out of New Orleans. The invitation was actually extended to France and repeated to Britain with the suggestion that whoever seized the gate would be richly repaid by securing a monopoly of the commerce of the whole Mississippi valley.²⁶ Nor did temptation cease here. From the commander of an American Revolutionary regiment who was now anxious to establish a colony by the Missouri, the government in London received a proposal that it should order the seizure of the territory west of the Mississippi, thereby greatly extending the British Empire.²⁷ There is no evidence that George III's

²⁶ Can. Arch. Report, 1890, 108ff.

²⁷ *Ibid.* 156f. The identification of the author of the proposal may be found on p. xlii.

ministers went so far as to consider any positive move on the confused American chessboard, but surely they were shrewd enough to see the advantage of playing a waiting game. A premature surrender of Britain's strategic position on the Great Lakes might throw away the opportunity of winning an enormous prize.

Finally, the motive which seems to have initiated the policy of procrastination has been unduly ignored by those who have insisted that furs were the real inspiration of the British government. The fear of a great Indian war engulfing the vast country between the Mississippi and the Ohio did not diminish. It increased. It fills masses of documents that passed between Quebec and London. Peace might have been preserved had the 1768 boundary treaty been observed, but the obligation imposed by that instrument had been incurred by Britain and not by the Americans. They neither would nor could abide by it. They would not because it would cramp their growth. They could not because the pressure of the sturdy race of frontiersmen would have defied any government, and they had no real government at all. The Continental Congress did issue orders against the illegal occupation of Indian lands, and officers at Pittsburg tried to enforce these orders. But it was all in vain. The pioneers pushed on, armed against all opposition, white or red. At Fort Stanwix in 1784, at Fort McIntosh in 1785, and at Fort Harmer in 1789, attempts were made to solve the ugly problem by negotiating new boundary treaties which would allow room for the expansion of white settlement beyond the old line, but the political organization of the Indians had much less solidity than the political organization of the Americans and the new treaties remained only scraps of paper. American agents were negotiating everywhere and all the time, but to no avail. The trickle of blood along the frontier grew into an angry stream. After the failure of the old Congress and the establishment of the new government under President Washington, it was decided to cut the Gordian knot by the dispatch of a military force into the heart of the native country. In the fall of 1790, with a composite force of regulars and militia, General Harmar set out for the Maumee villages to impress the might of the republic upon the minds of the savages. The impression which he left was the very opposite. He was not able to control his own men, much less the natives. They surprized him near the source of the Maumee and drove his whole force back in disorder. To wipe out the disgrace of this failure, General St. Clair, who had been appointed governor of the northwest territories of the United States, conducted a more carefully planned invasion in the following year. But the disgrace was only piled higher by the smashing defeat which the Indians now administered to him.

Meanwhile the rising tide of war was being closely watched by British eyes. Officials of Sir John Johnson's department were scurrying hither and thither from council fire to council fire. Their long reports were studied in Quebec and again in London. Except that it was ever more critical, the situation was exactly the same as when it had first aroused Haldimand's alarm, and the policy which was pursued, now under direction from England, was simply what Haldimand had struck out on the spur of the moment—to reconcile the Indians with the Americans and to recover the confidence of the natives. Both objects seemed necessary, but the relation between them made their attainment a task so delicate that it was almost, if not quite, impossible. Too great an effort to bring

about a native reconciliation with the Americans would defeat itself by destroying what little confidence the red men still had in the British; and too great an effort to recover the lost confidence would encourage the savages to fight rather than to make peace. The first eventuality would drive Britain from the interior of the continent; the second might drag her into war with the United States; and either would bathe the whole of the west in blood.

The surrender of the posts seemed more than ever out of the question. Indeed the government in London was contemplating something more than the mere retention of the garrisons. To make them secure, Britain must hold the friendship of the natives. But how far should she go? Here was the practical question. Joseph Brant spent the winter of 1785-1786 in England seeking compensation for his losses and striving to commit the government to support his people should the worst come to the worst. But it was only too obvious to the Imperial authorities that a promise of military aid would make the worst come to the worst and therefore, though he achieved his first purpose, he failed to accomplish his second. The secretary of state assured him that the king would never forget his Indian allies and would always be anxious to further their interests and happiness. To this was added the advice that they remain united and seek peace.²⁸ Equally vague were the instructions issued at the same time to the administrator of the colony, Lieutenant Governor Hope.²⁹ "Open and avowed assistance, should hostilities commence, must at all events in the present state of this country be avoided; but His Majesty's ministers at the same time do not think it either consistent with justice or good policy entirely to abandon them, and leave them to the mercy of the Americans, as from motives of resentment it is not unlikely that they might hereafter be led to interrupt the peace and prosperity of the Province of Quebec. It is utterly impracticable for His Majesty's ministers to prescribe any direct line for your conduct should matters be driven to the extremity, and much will depend upon your judgment and discretion in the management of a business so delicate and interesting." In other words, if the Indians were hard pressed, Quebec was to lend secret aid which could be repudiated in London. The hesitating tone of the above dispatch was the natural expression of a government that was groping in the dark.

If the administration had formulated any clear-cut idea of what was to be done with the posts, surely it would have been imparted to Lord Dorchester when he sailed for Quebec in 1786. Yet the government sent him out with scarcely any clearer notion of its purpose than his predecessors had gathered through correspondence. There is a note of certainty suggested by two letters³⁰ which he wrote to Sir John Johnson within a few weeks of his arrival in Canada. In one, he insisted that the natives should know that he had no power to commence a war "which might involve half the Globe with all the seas in blood and destruction" and that every effort should be put forth to persuade them to make peace with the Americans. In the other, he directed the head of the Indian department to sound out the Six Nations upon the retention of the posts, especially Oswego and Niagara, because if they were indifferent there would be no reason for anxiety to keep these places. At the same time,

²⁸ Shortt and Doughty, 809.

²⁹ *Ibid.* 807.

³⁰ Q. XXVII, 82, 87.

he declared that any American attempt to seize them would be the opening of hostilities and "war must be repelled by war." A month later, however, his mind was full of doubts and his spirit was consumed with impatience. Writing to the secretary of state he roundly condemned the government's policy of "no resolution," and urged some definite decision. Were the posts to be retained? If so, their garrisons would have to be increased and much money would have to be spent in putting them in a proper state of defence. Or were they to be surrendered? This would help the Americans to conquer the Indians, would "draw on us many reproaches," would entail the loss of much of the fur trade, and would open the door for smuggling. Or were the posts to be abandoned and destroyed? Then the evil consequences would be greatly retarded. He concluded with a prayer for advice on what to do should the Americans attack and capture the posts.³¹

London could throw little light upon the dark path which Dorchester had explored after his arrival. He was told that he could spend money to put the forts into "a temporary state of defence," and if they were seized and he thought himself strong enough to recover them it would be his duty to use every endeavour to accomplish this end. As for the Indians, all their reasonable wants were to be satisfied. To afford them active assistance, said the secretary of state, would be extremely imprudent, and yet "it would not become us to refuse them such supplies of ammunition as might enable them to defend themselves." This, however, was "to be done in a way the least likely to alarm the Americans" or to incite the Indians "to any hostile proceedings."³² Exactly how this ammunition was to be reserved for purely defensive purposes was not mentioned. One trembles to think what might have happened had the Americans tried to seize by force what was theirs by right. Though some were itching to try the desperate game, wiser councils prevailed among the leaders of the new republic and Britain has to thank them for saving her from another war at this time.

The last phase of British policy regarding the Western Posts came as a result of the Indian victories over the Americans. Though now deprived of the excuse of debts, since the United States Supreme Court had decided that the treaty was part of the law of the land, the government in London was even less inclined to abandon the posts and it lost some of its cautious uncertainty. Now it entertained the hope that Dorchester might mediate between the Indians and the Americans to establish a peace which would protect the red men in such hunting grounds as they needed, and the idea enunciated by Haldimand of a new boundary treaty which would establish a neutral Indian reserve between the back parts of Canada and those of the United States began to float within the bounds of seeming possibility. Thus might Britain at last tie up the loose ends of the treaty which had compromised her with the children of the forest and, as a consequence, with her own independent sons. This was the mirage which British eyes saw in the heart of the American continent until complications arising out of the French Revolutionary War, coming on top of those bequeathed by the American Revolutionary War, persuaded her to sign Jay's Treaty.

³¹ *Ibid.* 34-36.

³² *Ibid.* 47; *Ibid.* XXVIII, 28f.