

The Declaration of Independence: “Merciless Indian Savages” . . . and More

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The Declaration of Independence lists twenty-seven grievances that the American colonies and colonists had against King George III and England, and that they argued justified independence from England.¹ Almost everyone is familiar with the allegation in grievance twenty-seven that the King “has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages . . . [and the] destruction of all ages, sexes, and conditions.”² This Essay barely addresses that grievance.

In contrast to that well-known and express reference to Indian Peoples, only a few scholars have noted and very few people understand that grievances seven, twenty, and twenty-one in the Declaration also involve Indian Nations and Peoples and their lands and assets.³ These three grievances involved England and the American colonies contesting sovereign, property, economic, and territorial rights over the Indian Nations and their lands under the international

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¹ Declaration of Independence, July 4, 1776, at <https://www.archives.gov/founding-docs/declaration-transcript> (last visited September 12, 2026).

² *Id.* at Grievance 27.

³ *Id.* at Grievances 7, 20, and 21. Accord John Hayden Dossett, *Indian Country and the Territory Clause: Washington’s Promise at the Framing*, 68 AM. U. L. REV. 205 (2018); Thomas D. Curtis, *Land Policy: Pre-Condition for the Success of the American Revolution*, 31 AM. J. OF ECON. & SOCIO. 209, 217-21 (Apr. 1972); George O. Virtue, *British Land Policy and The American Revolution: A Belated Lecture in Economic History*, 11 UNIV. NEB. STUDIES 1, 42-43 (Sept. 1953).

law of colonization, better known as the Doctrine of Discovery.⁴ This Essay focuses on these little-known aspects of the Declaration.

I. “Merciless Indian Savages”

Grievance twenty-seven alleges that George III “has endeavoured [sic] to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.”⁵

I will say very little about this grievance other than it might be surprising coming from Thomas Jefferson. He was a student and a professed admirer of Indian Nations, cultures, and governance systems.⁶ In addition, after he retired as U.S. President, Jefferson was going to devote himself to a study of tribal languages.⁷

The Declaration’s claim that King George encouraged Indians to ally with England and fight the Americans, at least in the Revolutionary War that followed, was true. The King and English government had tried to protect tribal rights and retain their friendship via the Royal Proclamation of 1763⁸ we discuss below.⁹ During the American Revolution itself, for example, some tribal nations fought for England while some tribes actively supported and fought for the

⁴ *E.g.*, ROBERT J. MILLER, JACINTA RURU, LARISSA BEHRENDT & TRACEY LINDBERG, DISCOVERING INDIGENOUS LANDS: THE DOCTRINE OF DISCOVERY IN THE ENGLISH COLONIES (2010).

⁵ Declaration, *supra* note 1, at Grievance 27.

⁶ *See, e.g.*, ROBERT J. MILLER, NATIVE AMERICA, DISCOVERED AND CONQUERED: THOMAS JEFFERSON, LEWIS & CLARK, AND MANIFEST DESTINY 59-97 (2006) (citing numerous authorities).

⁷ *Id.* at 84-85 (citing numerous authorities).

⁸ The Royal Proclamation, October 7, 1763, https://avalon.law.yale.edu/18th_century/proc1763.asp (last visited Sept. 29, 2026).

⁹ *See, e.g.*, PATRICK SPERO, FRONTIER COUNTRY: THE POLITICS OF WAR IN EARLY PENNSYLVANIA 174 (2016) (British policymakers and the King wanted a flourishing trade with native peoples, and to protect Indians to maintain peace, stability, and the King’s rights).

United States in the war that followed the Declaration.¹⁰ It should be no surprise, though, why many Indian Nations and individual Indians opposed the American frontiersmen and colonists and might have wanted to support England. England had become a major trading partner of Native peoples by the mid-1770s and a supporter in the struggle against the American colonial frontiersmen, trespassers, and settlers who invaded Indian country, stole the lands and resources of Native nations, and often killed Indians on sight.¹¹ For example, many of the American colonies and later some states offered cash bounties for Indian scalps and created volunteer regiments to attack Indians, and George Washington earned the Indian name “Town Destroyer” because he waged war on civilians by burning Indian villages and crops.¹² Consequently, it was ironic that Jefferson and the Declaration called Indians “merciless savages,” when they were just defending their homelands, families, and lives, while he ignored the genocidal practices enforced

¹⁰ Museum of the American Revolution, *Native American Soldiers and Scouts*, <https://share.google/nOdctX6ne0WvewZd4> (last visited Oct. 7, 2026).

¹¹ See, e.g., *id.*; WILLIAM S. KISER, *THE BUSINESS OF KILLING INDIANS: SCALP WARFARE AND THE VIOLENT CONQUEST OF NORTH AMERICA* (2025) (conquest was driven by state sponsored, profit-driven campaigns).

¹² KISER, *supra* note 11; NED BLACKHAWK, *THE REDISCOVERY OF AMERICA: NATIVE PEOPLES AND THE UNMAKING OF U.S. HISTORY* 163 & 200 (2023) (Washington was named “town destroyer” by the Iroquois; Governor Penn paid scalp bounties); FINTAN O’TOOLE, *WHITE SAVAGE: WILLIAM JOHNSON AND THE INVENTION OF AMERICA* (2005) (New York enacted an Indian scalp bounty in 1747); JOHN GRENIER, *FIRST WAY OF WAR* 39 (2005) (frontier American warfare targeted extreme violence against Indian noncombatants; Massachusetts paid Indian scalp bounties in 1689 and 1703); SAMUEL GARDNER DRAKE, *A PARTICULAR HISTORY OF THE FIVE YEARS FRENCH AND INDIAN WAR IN NEW ENGLAND* 134 (1870) (in 1746 Massachusetts governor issued a bounty to pay British allied Indians for the scalps of French allied Indian men, women, and children); 2 WILLIAM WILLIAMSON, *THE HISTORY OF THE STATE OF MAINE* 117-18 (1832) (in 1722 Massachusetts paid high bounties for male, female, and child scalps).

against Indian Nations and Peoples and the land theft practiced by many American frontiersmen, settlers, and colonies.¹³

We will say no more about this grievance other than to repeat that it expressly argued for colonial independence from England due to issues regarding Indian Nations and Indian affairs.

II. Other Grievances Regarding Indian Nations and their Lands

In contrast to the well-known grievance twenty-seven, and its express reference to Indians, grievances seven, twenty, and twenty-one raise political, economic, and legal issues involving Indian Nations, their lands, and resources only by implication. In fact, one must be knowledgeable about both colonial history and the international law of colonialism to understand what these grievances were actually complaining about. Thus, we will first briefly examine the international law, the Doctrine of Discovery, that England used against the American colonies and colonists, and then examine the three grievances in the Declaration that object to George III using that law to ostensibly protect Indian Nations and Peoples to the economic detriment of the colonists, colonial elites, and the colonies. We will peel this issue back piece by piece.

A. The International Law of Colonialism

Many books and scholarly articles have been written about the international law of colonization which is better known as the Doctrine of Discovery.¹⁴ In this Essay, we will not

¹³ See, e.g., *supra* notes 11 and 12; PATRICK SPERO, *FRONTIER REBELS: THE FIGHT FOR INDEPENDENCE IN THE AMERICAN WEST, 1775-1776* xxvi & 155 (2018).

The prevailing colonial attitude towards Indians was well exemplified by an infamous letter of advice General George Washington wrote Congress dated September 7, 1783 calling Indians “Savage” and analogizing them to wolves, “both being beasts of prey tho’ they differ in shape,” and that Americans had to hunt and drive them away. National Archives, Founders Online, *Letter George Washington to James Duane, 7 September 1783*, at <https://share.google/IVeBxwKT06Cwo7eGx> (last visited October 7, 2026).

¹⁴ Robert J. Miller, *Destroying the Doctrine of Discovery*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=7444598 (last visited September 12, 2026); BLAKE A. WATSON, *BUYING AMERICA FROM THE INDIANS: JOHNSON V. MCINTOSH AND THE*

address this legal principle in much depth other than to note that it was developed in the early 1400s to govern European colonization of the non-European world and was applied in the New World by many European nations. Instead, we will just emphasize the distinct aspects and elements of this law that help us understand that grievances seven, twenty, and twenty-one in the Declaration were specifically objecting to George III using the law of colonialism for his own benefit to limit the economic interests, profits, and territorial expansion of the American colonists, colonial elites, and the colonies.

The most influential judicial case around the world about the Doctrine is *Johnson v. M'Intosh*¹⁵ decided by the U.S. Supreme Court in 1823. Over twenty years ago, I noted that in *Johnson* the Supreme Court identified from historical practices and then applied ten specific elements or factors that comprise this international law.¹⁶ The Court identified these important elements of the Doctrine by reviewing the application of 400 years of law and history of European countries colonizing Indigenous Nations and Peoples around the world. The ten elements of the Doctrine that I believe the U.S. Supreme Court adopted and analyzed in *Johnson* to decide that case are:

1. First discovery. The European country that first discovered lands unknown to other Europeans allegedly acquired property and sovereignty rights over the lands and Indigenous Peoples.¹⁷ England claimed first discovery rights over the eastern seaboard of North America for nearly three centuries based upon its first discovery claim, and then via the Treaty of Paris in 1763 it

HISTORY OF NATIVE LAND RIGHTS (2012); MILLER & RURU, *supra* note 4; MILLER, NATIVE AMERICA, *supra* note 6; LINDSAY G. ROBERTSON, CONQUEST BY LAW: HOW THE DISCOVERY OF AMERICA DISPOSSESSED INDIGENOUS PEOPLES OF THEIR LANDS (2005); ROBERT A. WILLIAMS, JR., THE AMERICAN INDIAN IN WESTERN LEGAL THOUGHT: THE DISCOURSE OF CONQUEST (1990).

¹⁵ 21 U.S. (Wheat. 8) 543 (1823).

¹⁶ MILLER, *supra* note 6, at 3-5.

¹⁷ *Johnson*, 21 U.S. at 572-77, 582-85, 587, 591-92, 595.

acquired France's first discovery claims over lands in modern-day Canada and the interior of the modern-day United States.¹⁸

2. Actual occupancy and possession. For a European country to fully establish an internationally recognized title in newly discovered lands, it was required to physically occupy and possess the lands by building forts or settlements, for example.¹⁹

3. Preemption. The European country that first discovered Indigenous lands automatically acquired property and sovereign rights over the lands and Indigenous Nations merely by arriving and planting their flags. European countries then claimed the power of preemption, that is, the exclusive and sole right to buy the discovered lands from Indigenous Nations.²⁰ George III expressly claimed the power of preemption over his American colonists and colonies, as discussed below in his Royal Proclamation of 1763, because he prevented his "Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands [] reserved" to the "Several Nations or Tribes of Indians with whom We are connected, and who live under our Protection"²¹

¹⁸ MILLER, *supra* note 6, at 17 (discussing England's first discovery claims in North America due to John Cabot's 1496-98 voyages) (citing numerous authorities).

¹⁹ *Johnson*, at 573, 577, 591.

²⁰ *Id.* at 573-74, 577, 581-82, 585-88, 603.

²¹ Proclamation, *supra* note 8, at 1-2.

Benjamin Franklin and other colonists, for example the plaintiffs in *Johnson v. M'Intosh*, argued that Indians owned the full title to their lands and could sell them to whomever they wished. Franklin specifically argued in 1773 that Britain had no right to forbid colonists from making private purchases of Indian lands. MICHAEL A. BLAAKMAN, SPECULATION NATION: LAND MANIA IN THE REVOLUTIONARY AMERICAN REPUBLIC 54 (2023) (citing Franklin's letter to his son in July 1773).

4. Indian title. Upon first discovery, Indigenous Nations were considered by European legal systems to have immediately lost the full ownership of their lands and resources and now only possessed the legal property right to occupy and use the lands.²² They could not sell these lands to anyone other than the discovering European monarch who held the preemption power. George III expressly demonstrated this element of a diminished Indigenous title and expressly exercised his preemption property rights when he prevented his American colonists and colonies from buying land from tribal nations.

5. Indian limited sovereign and commercial rights. Indigenous Nations were also deemed to have lost some aspects of their sovereignty and political rights to engage in international trade, treaties, and diplomacy after discovery.²³ After being “discovered,” Indigenous Nations were only supposed to deal diplomatically and to engage in trade with the European government that had discovered them.²⁴ George III expressly claimed these powers over the Indian Nations and his American colonists and colonies by attempting to take control of all trade and diplomatic interactions with Indian Nations.²⁵

6. Contiguity. This element helped identify the boundaries of the lands Europeans claimed after a first discovery. Not surprisingly, they claimed enormous areas of land contiguous to their actual discoveries and settlements.²⁶ In fact, some of the Royal charters England granted its colonies in North America claimed to grant all the land from “sea-to-sea” across the continent, from the

²² *Johnson*, at 574, 579-81, 584-89, 591-92, 598, 600, 602-03.

²³ *Id.* at 587-88.

²⁴ *Cherokee Nation v. Georgia*, 30 U.S. 1, 17 (1831).

²⁵ Proclamation, *supra* note 8, at 1-2.

²⁶ *Johnson*, 21 U.S. at 575, 577-79, 582-83.

Atlantic to the Pacific!²⁷ Another example of contiguity under international law, is that when a European country discovered the mouth of a river, it acquired a discovery claim to the entire drainage system. This principle is exemplified by the areas called the “Louisiana Territory” and the “Oregon Country” in the history of the United States.

7. Terra nullius. This Latin phrase defines empty or vacant lands that were not occupied by any human or government, and thus were available for European Discovery claims.²⁸ The U.S. Supreme Court case in *Johnson v. M’Intosh* in 1823 expressly stated that in the Royal Proclamation of 1763 the Crown made “no distinction . . . between vacant lands and lands occupied by the Indians.”²⁹ Consequently, George III and his Proclamation of 1763 applied this element of Discovery to Indian owned lands.

8. Christianity. Euro-Americans have always used religion to justify their claims to superiority over Indigenous Peoples and cultures.³⁰

9. Civilization. Euro-American ideals of “civilization” and their presumed superior cultures were also crucial aspects of their claims over Indigenous Peoples and used to justify Discovery.³¹

²⁷ E.g., *The Second Charter of Virginia*, May 23, 1609, at http://avalon.law.yale.edu/17th_century/va02.asp#1 (last visited Oct. 5, 2026); SAMUEL ELIOT MORISON, BUILDERS OF THE BAY COLONY 32 (1981) (Massachusetts Bay Colony granted lands from the east coast to the “South Sea” or Pacific); WILLIAM MACDONALD, DOCUMENTARY SOURCE BOOK OF AMERICAN HISTORY: 1606-1898 22 (1908) (same regarding Massachusetts); *Charter of Connecticut, 1662*, at CT Digital Archive <https://share.google/J56ULE7d8ARozC2Z0> (last visited Oct. 5, 2026).

²⁸ *Johnson*, at 595-97.

²⁹ *Id.* at 596.

³⁰ *Id.* at 573.

³¹ *Id.* at 572-73, 589-91, 596-97, 599; Antony Anghie, *Europe and International Law: Colonial Legacies*, in THE OXFORD HANDBOOK OF INTERNATIONAL LAW IN EUROPE 45, 48, 53, 55 (Anne Van Aaken, ed. et al., 2023) (Indians were perceived as savages, uncivilized, and barbaric).

10. Conquest. By the 1400s, international law already included principles on the law of war and stated that a conquering Christian country acquired the public lands, wealth, and rights of a defeated Christian monarch. European countries applied this same principle to victories over Indigenous Nations.³²

We will observe that King George III expressly and impliedly used at least six of these ten elements in his Royal Proclamation of 1763 and the Quebec Act of 1774 that we will discuss. The King claimed first discovery, based on both England's first discoveries and on first discovery claims made by France and transferred to England; the power of preemption; sovereignty over the allegedly limited Indian title; sovereignty over the allegedly limited Indian trade rights; contiguity claims over lands England and France had never even visited, and *terra nullius* claims by treating Indian owned lands as being vacant. These royal claims led directly to grievances seven, twenty, and twenty-one in the Declaration of Independence.

B. The Royal Proclamation of 1763

The Seven Years War, better known in the United States as the French and Indian War, started in 1754 in western Pennsylvania.³³ It became a world war between England and France, involved other countries, and left the English government nearly bankrupt.³⁴ Three important events in American history occurred right after this war. First, in February of 1763, France and England signed the Treaty of Paris and ended the War. Second, Pontiac's War, an Ottawa Indian

³² *Johnson*, 21 U.S. at 576, 587-90.

³³ FRED ANDERSON, CRUCIBLE OF WAR: THE SEVEN YEARS' WAR AND THE FATE OF EMPIRE IN BRITISH NORTH AMERICA, 1754-1766 xv & xix, 85, 221, 565-57 (2000); BLACKHAWK, *supra* note 12, at 127.

³⁴ DOROTHY V. JONES, LICENSE FOR EMPIRE: COLONIALISM BY TREATY IN EARLY AMERICA 36 (1982); JACK M SOSIN, WHITEHALL AND WILDERNESS: THE MIDDLE WEST IN BRITISH COLONIAL POLICY, 1760-1775 79-83 (1961).

leader, began in May 1763 as tribal nations fought against English colonial expansion. Third, the Royal Proclamation was issued in October 1763.³⁵ One historian lists the Proclamation as one of the major irritants in the colonies that led to the Revolution.³⁶ Many other historians and scholars agree.

In the Treaty of Paris, England acquired all of France's sovereign and Discovery claims in much of modern-day Canada and in the lands west of the Appalachian and Allegheny Mountains to the Mississippi River.³⁷ But England was immediately faced in the spring of 1763 with Pontiac's War in which a confederacy of tribal nations in the Ohio Valley and Great Lakes regions expressed their dissatisfaction with British administration and colonial actions by going to war.³⁸ Indian forces captured all the English forts west of the Appalachian Mountains except for Fort Pitt and Fort Detroit.³⁹ The conflict only ended in 1766 with the signing of treaties between the Crown and the tribes.⁴⁰ Without question, this war forced the Crown to reconsider its Indian policies, to attempt to limit its colonies and colonists, enact regulations to protect Indian Nations in ways that must have seemed incomprehensible to colonists, and led directly to the enactment of the Royal Proclamation in October of 1763.⁴¹ Pontiac's War and the

³⁵ BLACKHAWK, *supra* note 12, at 161 (Treaty of Paris signed February 10, 1763, Pontiac's War started in May 1763, and the Proclamation was promulgated on October 7th, 1763).

³⁶ BERNHARD KNOLLENBERG, *ORIGIN OF THE AMERICAN REVOLUTION: 1759-1766* 198 (1960).

³⁷ In February 1763, France transferred many of its claims to sovereignty and lands in North America to England. Treaty of Paris, Feb. 10, 1763, https://avalon.law.yale.edu/18th_century/paris763.asp (last visited Sept. 29, 2026).

³⁸ ANDERSON, *supra* note 33, at 565 & 637.

³⁹ BLACKHAWK, *supra* note 12, at 141; U.S. Department of State, Office of the Historian, *Proclamation Line of 1763, Quebec Act of 1774 and Westward Expansion*, <https://history.state.gov/milestones/1750-1775/proclamation-line-1763>, at 2 (last visited Oct. 2, 2026).

⁴⁰ U.S. Department of State, *supra* note 39, at 2.

⁴¹ BLACKHAWK, *supra* note 12, at 141; BLAAKMAN, *supra* note 21, at 40 (the Proclamation made the colonists believe the Crown was siding with Indians, to British Americans the "Proclamation was anathema."); U.S. Department of State, *supra* note 39, at 2; ANDERSON, *supra* note 33, at

Proclamation are further proof of the important influence Indian Nations had on British colonial policies and led to actions that ultimately led to the Declaration of Independence.⁴²

Even before the French and Indian War, throughout the 1700s, English, Scottish and German immigration had increased dramatically into the English colonies. “Free land” was a strong incentive for poverty-stricken peasants in Europe to take the risks of emigrating.⁴³ A large number of recent immigrants and American land speculators, frontiersmen, and settlers began pushing west across the Appalachian and Allegheny Mountains in the mid-1700s. These speculators and settlers presented George III and his administration with serious questions on how to protect the King’s international law economic interests and future profits that he expected from the Indian Nations and lands west of those mountains. Thus, George III acted to protect his sovereignty, property, economic rights, and to exercise his Discovery powers, including that of preemption, to be the only government, entity, or person with the right to buy land from Indian Nations. That way he could earn enormous profits by then selling the same lands to colonists and settlers. He also acted to exercise the sovereignty he claimed under international law to control and profit from trade and diplomacy with Indian Nations and Peoples in the west. And, he wanted to exercise the sovereign powers Discovery had allegedly granted him over the Indian Nations. Consequently, the King undertook two dramatic steps that outraged most of the American colonists and colonies, the Royal Proclamation of 1763 and the Quebec Act in 1774. Without questions, these actions led directly to the Declaration and the Revolution.

637 (Pontiac’s War made it appear that the British Army could not control the west; the Proclamation was unenforceable against settlers who had no intention of honoring it, and it convinced backwoodsman that the best approach to Indian relations was with guns).

⁴² ANDERSON, *supra* note 33, at 565 (Pontiac’s rebellion was one of the big incentives for issuing the Proclamation of 1763); *see also* BLACKHAWK, *supra* note 12, at 141 & 161.

⁴³ ANDERSON, *supra* note 33, at 596 (depressed rural areas of England and Scotland created a flood of British immigration).

In addition, George III and the Parliament were outraged that the Seven Years War had been started, in essence, by the American colonies, nearly bankrupted the Crown, and even worse by the fact that the colonists paid little to no taxes that were needed to pay for the war.⁴⁴ Thus, the King and Parliament acted to protect its sovereign and economic interests and rights in the colonial west. The Crown wanted to prevent American colonists from moving west, seizing Indian lands and assets, and creating conflicts with Indian Nations that England would then have to fight. Parliament also began enacting taxes and other acts against the colonies that were very unpopular. The Crown and Parliament also enacted reforms to control Indian land purchases and trade with Indians in the west. These actions caused extreme dissatisfaction in the colonies and became major grievances that led to the Declaration and revolution.⁴⁵

The American frontiersmen and settlers and recent immigrants, however, wanted to live on and profit from those same lands and resources. The colonial elites and land speculators wanted to profit from selling those lands to settlers, and the colonial governments wanted to expand and also profit. These entities were major obstacles to the Crown serving its own interests in the lands west of the Allegheny and Appalachian Mountains. To address these problems, George III decided to protect his sovereign rights by issuing the Royal Proclamation in October 1763 to control his colonists.⁴⁶

⁴⁴ NIALL FERGUSON, *CIVILIZATION: THE SIX KILLER APPS OF WESTERN POWER* 115 (2012); JEREMY LAND, *THE PRICE OF EMPIRE: BRITAIN'S MILITARY COSTS DURING THE SEVEN YEARS' WAR* 17 (2010).

⁴⁵ WOODY HOLTON, *FORCED FOUNDERS: INDIANS, DEBTORS, SLAVES, AND THE MAKING OF THE AMERICAN REVOLUTION IN VIRGINIA* 5-40 (1999) (discontent with the Proclamation of 1763 and its restriction on land speculation contributed to the colonists' break with Britain); SOSIN, *supra* note 34, at 28-31, 45-46, 48-49, 51, 56, 80-98; ANDERSON, *supra* note 33, at 85, 221, 565-57.

⁴⁶ Proclamation, *supra* note 8, at 1-2; SPERO, *FRONTIER REBELS*, *supra* note 13, at 8; COLIN G. CALLOWAY, *THE INDIAN WORLD OF GEORGE WASHINGTON: THE FIRST PRESIDENT, THE FIRST AMERICANS, AND THE BIRTH OF THE NATION* 180 (2018) (Pontiac's War led to George III considering how to stop colonists from settling on lands Indians had not yet sold the King);

In the Proclamation, George III drew a line, mostly along the crest of the Appalachian and Allegheny Mountains, and ordered that no British citizens were to cross that boundary, and any who had already crossed that line were ordered to return to the east.⁴⁷ The King, in essence, defined the boundaries of the lands owned by Indian Nations. George III expressly enforced his Discovery powers over the native nations and the American colonists. He proclaimed that the Indian governments and tribal peoples within this territory “live under *our* protection” and that it was important for colonial security that the tribes not be “disturbed in the *possession* of such parts of *our* dominions and territories as, *not having been ceded to or purchased by us*, are reserved to them”⁴⁸ Note that the King was expressly asserting his Discovery title of preemption, to be the only purchaser of these tribal lands, even though he had not yet purchased them from the Indian Nations.⁴⁹

To further protect his power of preemption, the King ordered that his governors and commanders were not to allow surveys of land, nor grant land titles in this area, and that none of his subjects could purchase or settle on Indian lands.⁵⁰ The King further recognized the Discovery element of Indian title by ordering that the lands in the west were “reserve[d] under

ANDERSON, *supra* note 33, at 565 (the Crown’s first attempt to impose institutional form on the colonies).

⁴⁷ Proclamation, *supra* note 8, at 1-2; COLIN G. CALLOWAY, THE SCRATCH OF A PEN: 1763 AND THE TRANSFORMATION OF NORTH AMERICA 92 (2006) (in October 1763 King George’s proclamation established the Appalachian Mountains as the boundary between British settlement and Indian lands).

⁴⁸ Proclamation, *supra* note 8, at 1-2 (emphasis added).

⁴⁹ Proclamation, *supra* note 8, at 1-2. The Proclamation expressly supported the U.S. Supreme Court’s ruling in *Johnson*, 21 U.S. at 579-84, 596, that Discovery granted a discovering country a preemption title in tribal lands subject to a later purchase by that government of the tribal right of occupancy). *Accord* SOSIN, *supra* note 34, at 21-22, 73.

⁵⁰ Proclamation, *supra* note 8, at 1-2.

our sovereignty, protection, and dominion, for the *use of the said Indians . . .*”⁵¹ Consequently, the King was exercising his Discovery powers over tribal lands and he also limited the commercial and trade rights of Indian Nations and his colonists by requiring all traders to be licensed by his governors.⁵² Much of this trade was now to take place near English forts so that Royal troops could monitor and control it.⁵³

This Proclamation and the tax acts and the Intolerable Acts enacted by Parliament created intense anger and resentment among the colonists, undermined colonial attachment to the Crown, and contributed to the coming of the American Revolution.⁵⁴ The King and his administration had long recognized that settler and colonial expansion “was a most dangerous tendency” that had to be stopped by the drawing of a western boundary and prohibiting settlement.⁵⁵ British officials in London had long been studying proposals to impose a boundary line when Pontiac’s War in May 1763 forced them to act.⁵⁶

⁵¹ *Id.* (British subjects already settled west of the Proclamation line had to withdraw); ANDERSON, *supra* note 33, at 566 (the Proclamation covered everything from the Great Lakes to Florida, and the Mississippi to the Appalachians, and reserved it for the Indian Nations; colonial governments were not to grant lands, or allow surveyors to operate there; any colonists already there were “forthwith to remove themselves”; traders could operate only under royal licenses); SPERO, FRONTIER COUNTRY, *supra* note 9, at 174 (British policymakers wanted a clear line of separation, to control trade with native peoples, and to restrain westward expansion to maintain peace and stability; traders to be licensed and restricted); Virtue, *supra* note 3, at 2.

⁵² Proclamation, *supra* note 8, at 1-2; ANDERSON, *supra* note 33, at xv & xix, 85, 221, 565-57; JONES, *supra* note 34, at 36, 98, 115 & n.44; SOSIN, *supra* note 34, at 28-31, 39-49, 51, 56, 74-76, 79-83; Virtue, *supra* note 3, at 2.

⁵³ SPERO, FRONTIER COUNTRY, *supra* note 9, at 174.

⁵⁴ DAVID DIXON, NEVER COME TO PEACE AGAIN: PONTIAC’S UPRISING AND THE FATE OF THE BRITISH EMPIRE IN NORTH AMERICA 246 (2005); SOSIN, *supra* note 34, at 80-98.

⁵⁵ CALLOWAY, THE INDIAN WORLD, *supra* note 46, at 180.

⁵⁶ *Id.* at 181; CALLOWAY, SCRATCH OF A PEN, *supra* note 47, at 92 (Proclamation “reflected the notion that segregations not interactions should characterize Indian-white relations.”).

George Washington is a good example of how the colonial elites resented the Proclamation. He had been a very active land speculator in the west even before he reached twenty years of age and continued through his time as president.⁵⁷ Other colonial elites were also heavily involved in speculation in the west for many decades including Benjamin Franklin, Thomas Jefferson, Arthur Lee, James Madison, James Monroe, Patrick Henry, and other Founding Fathers.⁵⁸

In a private letter in 1767 to his land agent in the west, George Washington wrote that the Proclamation of 1763 was just “a temporary expedient to quiet the Minds of the Indians,” and he directed his agent to continue secretly claiming and buying Indian lands.⁵⁹ In that letter he also stated that “anyone who neglects the present opportunity of obtaining good lands will never regain that opportunity.”⁶⁰

The Crown also federalized and centralized the control of Indian affairs in itself by establishing two superintendencies in America to govern the northern and southern Indian

⁵⁷ See, e.g., George Washington, *George Washington to Charles Morgan* (Jan. 17, 1795), Nat'l Archives, <https://founders.archives.gov/documents/Washington/05-17-02-0269> (letter directing his rent collector in the west how to deal with his lands).

⁵⁸ See, e.g., BLACKHAWK, *supra* note 12, at 195-96, 484 (Patrick Henry and Washington were among the most active speculators in Indian lands); CALLOWAY, *THE INDIAN WORLD*, *supra* note 46, at 98 & 172; Dossett, *supra* note 3, at 222-23 (Washington was a surveyor of unsettled Indian lands at a young age and by the age of twenty had laid out many land claims: “speculation in Indian land . . . defined the remainder of Washington’s life”); ANDERSON, *supra* note 33, at 594-95 (Washington was an unusually active land speculator).

⁵⁹ CALLOWAY, *THE INDIAN WORLD*, *supra* note 46, at 188 & 740; SOSIN, *supra* note 34, at 107.

⁶⁰ CALLOWAY, *THE SCRATCH OF A PEN*, *supra* note 47, at 99; SOSIN, *supra* note 34, at 107; GEORGE WASHINGTON’S WRITINGS 123-26 (1997).

districts that were created by the Proclamation. George III was excluding the colonial governments and colonists from Indian affairs.⁶¹

The Proclamation, however, failed to stop American colonists from invading the King's territory and rights west of the mountain ranges.⁶² Greed and ambition drove the colonies, colonial elites, and colonists to ignore the Royal Proclamation. As we will discuss below, two grievances in the Declaration of Independence specifically objected to the Proclamation.⁶³

What else could George III and England do to protect their rights and interests?

C. The Quebec Act of 1774

The violations of the Proclamation, and the increase of protests, disobedience of law, non-payment of taxes, and violence in the colonies forced the King and Parliament to consider more drastic steps to protect England's profits and sovereign rights. The Crown was forced to withdraw troops from the western forts to resist the protests and violence in the east.⁶⁴

Consequently, there were not enough English troops or officials to enforce the Proclamation and stem the tide of frontiersmen and settlers invading the west and Indian Country.⁶⁵

⁶¹ Royal Proclamation, *supra* note 8, at 1-2; MILLER, *supra* note 6, at 30-33 (citing numerous authorities); ANDERSON, *supra* note 33, at xv & xix, 85, 221, 565-57; SOSIN, *supra* note 34, at 21-22, 73, 28-31, 45-46, 48-49, 51, 56, 79-98.

⁶² *E.g.*, ANDERSON, *supra* note 33, at 731-32 (backwoodsmen were still encroaching on Indian lands, poaching game, and killing Indians in appalling numbers).

⁶³ Declaration, *supra* note 1, at Grievances 7 and 21; SOSIN, *supra* note 34, at 80-98; ANDERSON, *supra* note 33, at 85, 221, 565-57.

⁶⁴ CALLOWAY, THE INDIAN WORLD, *supra* note 46, at 182 & 202; SOSIN, *supra* note 34, at 240-44.

⁶⁵ CALLOWAY, THE INDIAN WORLD, *supra* note 46, at 182 & 202; ANDERSON, *supra* note 33, at 696; SOSIN, *supra* note 34, at 241.

In this same time period, England enacted the Intolerable Acts.⁶⁶ But one of the most dramatic steps that outraged the majority of colonies and colonists, and led to the Declaration of Independence and the Revolutionary War, was the Quebec Act of 1774.⁶⁷ This Act was both a stronger and more radical step than the King and Parliament had undertaken to protect its sovereign and economic rights in the west.⁶⁸ Several historians cite the reaction of the frontiersmen, settlers, and western parts of the colonies to the Proclamation and the Quebec Act as proving that the American Revolution arose just as much from the western regions of the colonies as from the more famous events that occurred in the towns and cities in the east.⁶⁹

The Parliament enacted the Quebec Act with the King's consent on October 7, 1774. The Crown and Parliament thereby demonstrated that they understood that the Proclamation of 1763 had not worked to stymie the colonists and colonies. Under the Act, Parliament and the King literally transferred 175 million acres of land, north and west of the Ohio River to the Mississippi River, out of the territory of the thirteen English colonies.⁷⁰ This enormous area of very valuable land and resources were placed into the Province of Quebec in modern-day Canada. Not surprisingly, this Act outraged the colonies, colonists, frontiersmen, and colonial elites who were

⁶⁶ George Washington Presidential Library at Mt. Vernon, <https://www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/the-coercive-intolerable-acts-of-1774> (last visited Oct. 14, 2026).

⁶⁷ Great Britain: Parliament, *The Quebec Act: October 7, 1774*, https://avalon.law.yale.edu/18th_century/quebec_act_1774.asp (last visited Sept. 29, 2006).

⁶⁸ CALLOWAY, *THE INDIAN WORLD*, *supra* note 46, at 211 (the Quebec Act killed all prospects for the colonies on the Ohio River).

⁶⁹ BLACKHAWK, *supra* note 12, at 144; SPERO, *FRONTIER COUNTRY*, *supra* note 9, at 3; SPERO, *FRONTIER REBELS*, *supra* note 13, at xxiii.

⁷⁰ Peter A. Appel, *The Power of Congress "Without Limitation": The Property Clause and Federal Regulation of Private Property*, 86 MINN. L. REV. 1, 16 (2001) (destroying the claims of Massachusetts, Connecticut, New York, and Virginia, for example, by transferring the lands to Quebec).

all looking to appropriate those lands to enrich themselves, increase their colonies and wealth, and to settle.⁷¹ The Act also outraged American colonists because it blunted westward expansion and attempted to appease French Canadian Catholics by altering English jury trial rights, apparently restoring French civil law, allowing Catholics to hold office and to practice their religion.⁷² These aspects of the Act caused great resentment across the American colonies and helped to unite such diverse groups as Calvinist New Englanders, frontiersmen, land speculators, colonies, and colonists against the British government.

We address this Act further when we examine how it became a specific grievance in the Declaration of Independence.⁷³

D. Grievances Seven, Twenty, and Twenty-one

The King's exercise of his Doctrine of Discovery powers in the Royal Proclamation and the Quebec Act severely threatened the trade, profits, and lands the American colonists, colonial elites, and colonial governments had banked on for their future prosperity and expansion. Not surprisingly, these dramatic and crucial actions of the Crown to protect its economic and sovereign interests in the western trade and lands provoked the American colonists. Consequently, it is not an accident that grievances seven, twenty, and twenty-one in the Declaration directly address the Proclamation and the Quebec Act.

⁷¹ Virtue, *supra* note 3, at 42-43 (British land policies were put forward as grievances in the Declaration).

⁷² U.S. Department of State, *supra* note 39, at 2; Curtis, *supra* note 3, at 218-21.

⁷³ Declaration, *supra* note 1 Grievance 20. *See also* Appel, *supra* note 70, at 16 ("Declaration of Independence cited this transfer of land . . . among its justifications for severing ties with Britain.").

1. Grievance 7

Grievance seven stated that George III “has endeavoured [sic] to prevent the population of these States; for that purpose, obstructing the laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and *raising the conditions of new appropriations of lands.*”⁷⁴

Arguably, few people today know that the italicized language involved colonial ambitions to acquire Indian lands and property rights in contradiction to the King’s preemption claim to the lands west of the Appalachian and Allegheny Mountains. But in light of the impacts of the Royal Proclamation and the Quebec Act is there any question that this grievance was complaining directly about those actions and the King exercising his preemptive and sovereign rights to prevent the American colonists from appropriating, settling on, and profiting from the western lands?⁷⁵

This grievance was directed expressly at the King’s attempts to slow immigration and to stop the expansion of the American colonies westward, to prevent the ruling colonial elites and the colonial governments from acquiring profits and property rights west of the Mountains, and to stop American frontiersmen and settlers from trespassing on and claiming lands in the west.

⁷⁴ Declaration, *supra* note 1 Grievance 7 (emphasis added).

⁷⁵ Juan F. Perea, *Denying the Violence: The Missing Constitutional Law of Conquest*, 24 U. PA. J. CONST. L. 1205, 1228 (2022) (land speculation motivated provisions in the Declaration of Independence, citing the Proclamation of 1763 and the Quebec Act of 1774); THOMAS ABERNETHY, *WESTERN LANDS AND THE AMERICAN REVOLUTION* 21 (1959).

And it seems equally clear that this grievance addressed the King’s exercise of his Discovery rights under first discovery, preemption, sovereignty over the native nations and trade with Indian Peoples, contiguity, and *terra nullius* over the western lands. Thus, this grievance, which most Americans today would not perceive its full meaning and application, was about Indian Nations and Indian Peoples and their lands west of the Allegheny and Appalachian Mountains, and the King’s powers under the international law of colonization.

Under international law, the King claimed a preexisting preemption property right and the sovereign power to set the land acquisition rules and English settlement in those areas by first discovery, and his claim to already own the land under preemption: that is, the sole right to be the first buyer of the lands from the Indian Nations. The King plainly wanted to exercise his sovereign powers under the Doctrine of Discovery and retain the profits to be made from selling, settling, and conducting trade within these lands.⁷⁶

2. *Grievance 20*

Grievance 20 in the Declaration specifically addressed the Quebec Act and criticized the King “[f]or abolishing the free System of English Laws in *a neighboring Province*, establishing *therein* an *Arbitrary government*, and *enlarging its Boundaries* so as to render it at once an example and fit instrument *for introducing the same absolute rule into these Colonies: . . .*”⁷⁷

The Quebec Act did far more than just transfer the American colonial lands in the west to the province in what is now Canada. It also limited English law in Quebec and restored to a great extent the French civil law system to appease French Canadians. The Declaration alleged that the Act was the creation of an arbitrary government and was perhaps preparation for something similar in the thirteen colonies. The grievance also expressly argued against enlarging the boundary of Quebec by the transfer of the Northwest Territory. The thirteen colonies presumed these western lands were their future!⁷⁸

⁷⁶ BERNHARD KNOLLENBERG, GROWTH OF THE AMERICAN REVOLUTION 1766-1775 380 n.2 (1975) (unstated purpose of the Proclamation was to discourage settlement in the west to preserve the market for British exports).

⁷⁷ Declaration, *supra* note 1 (emphasis added).

⁷⁸ Curtis, *supra* note 3, at 219-20; Virtue, *supra* note 3, at 44 (there is “no question that [the Quebec Act] was a contributing factor” to the Revolution).

There is no question that grievance twenty addressed the Quebec Act and its transfer of Indian lands and resources to the province of Quebec even though the grievance does not expressly name that Act. This Act protected the King's Discovery rights and profits in the Old Northwest even more strongly than the Royal Proclamation and even more completely limited the American colonists and colonial dreams of expansion.

3. *Grievance 21*

Grievance 21 criticized the King “[f]or *taking away our Charters*, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:”⁷⁹

This grievance clearly attacked both the Royal Proclamation and the Quebec Act but again without naming them. Both actions had enormously negative impacts on the future prosperity, territorial size of the thirteen colonies, and would negate colonial laws and policies some colonies had adopted to expand into the west. Both actions, especially the Quebec Act, demolished the dreams of westward expansion of the American colonies and colonists and their desires to profit from tribal lands and resources west of the Allegheny and Appalachian Mountains.

This grievance expressly decried the King taking away the royal charters. Each colony from Jamestown in 1609 forward was established by charters given by the English Crown that created the colonies, their governments, and granted them defined lands and rights. Six of the American colonies had been granted charters that promised them the entire continent from “sea-to-sea,” that is, from the Atlantic to the Pacific Ocean!⁸⁰ There is no question that the Proclamation of 1763 severely limited those aspirations and the rights defined under the colonial

⁷⁹ Declaration, *supra* note 1 (emphasis added).

⁸⁰ Curtis, *supra* note 3, at 214; Virtue, *supra* note 3, at 44 (Quebec Act ignored the colonial charters).

charters. In turn, the Quebec Act totally nullified the royal charters in regards western expansion for the thirteen colonies. By transferring these lands to the Province of Quebec, how would they ever become a part of the American colonies?

The Declaration also complained that the Quebec Act abolished some colonial laws and allegedly altered that “Forms of our Governments” by apparently diminishing their authority, their future possible boundaries in the west, their future populations and prosperity, and their royal charters. The Quebec Act was a bombshell for the colonies and led directly to the Declaration of Independence.

III. Conclusion

There is no question that the colonies and colonists objected strenuously in the Declaration to the Royal Proclamation and the Quebec Act. There can also be no question that Indian affairs and assets played a major role in those actions by England and in leading to the American Revolution.⁸¹ It is clear that these four out of twenty-seven grievances that called for independence, were about the Indian Nations, Indian Peoples, and their lands and resources. “[I]t is no mistake, then, that Thomas Jefferson was thinking about Indian relations on the new nation’s frontiers as he penned the Declaration of Independence”⁸² This is no doubt a surprising statement to many Americans today.

Hopefully, this Essay has demonstrated how intriguing it is to unwrap important historical events and to dig more deeply into such matters. Obviously, this assists one to reach a far greater understanding of the background and motivations for important milestones in American history. The American colonists and colonies dealt with and interacted regularly with

⁸¹ BLACKHAWK, *supra* note 12, at 144, 161, 173 (historians have ignored the centrality of native peoples to the Revolution and ultimately American history).

⁸² SPERO, FRONTIER COUNTRY, *supra* note 9, at 12.

Indian Nations before the Revolution. American colonists, colonial elites, and the colonies were eager to acquire Indian lands and resources. It turns out that they were in competition with the Crown itself to control and acquire those assets. The King had international law and an army on his side and he frustrated the ambitions of the colonists. Is it any surprise that Indian affairs and those issues arose both expressly and by implication in the Declaration of Independence?

I will end with three interesting side points that also increase our knowledge and understanding of the Declaration and the Revolution.

First, it is worth noting that even before the Declaration of Independence on July 4, 1776, the colony of Virginia adopted its state constitution on June 29, 1776.⁸³ This constitution included many of the same grievances that Thomas Jefferson set forth in the Declaration. In addition, Virginia's constitution demonstrates again just how crucial a role the Royal Proclamation and the Quebec Act played in fomenting the American Revolution. The Virginia constitution clearly repudiated those royal actions.⁸⁴ Virginia claimed as its state boundaries and its property rights those lands had been granted to the colony "as fixed by the Charter of James I in one thousand six hundred and nine" and by the Treaty of Paris.⁸⁵ That language infers, of course, that the new state was ignoring and repudiating the Crown's actions after the Treaty of Paris in the Royal Proclamation of 1763 and the Quebec Act of 1774 that tried to limit Virginia's land rights. The Virginia constitution adds to the conclusion that Indian lands and the Proclamation and the Quebec Act contributed mightily to the Declaration and the Revolution.

⁸³ Encyclopedia Virginia, *The Constitution of Virginia*, June 29, 1776, 3814-15, at <https://encyclopediavirginia.org/primary-documents/the-constitution-of-virginia-1776/> (last visited Oct. 8, 2026).

⁸⁴ CALLOWAY, *THE INDIAN WORLD*, *supra* note 46, at 212.

⁸⁵ *Constitution of Virginia*, *supra* note 83, at 3818-19.

It is also worth noting that the Virginia convention that drafted this constitution in June 1776 was well aware of the Doctrine of Discovery. In that constitution, the state expressly retained the preemption right to be the only buyer of lands from the Indian Nations.⁸⁶

Second, after the colonists and colonies declared their independence and fought the Revolution over their desire to acquire Indian lands and assets, and other issues of course, the new United States government, perhaps surprisingly, in 1783 adopted almost exactly the Royal Proclamation of 1763! After their extreme displeasure with the Proclamation line drawn in 1763 to protect the King's preemption right, and to exclude the colonists from enormous lands and profits, it seems quite amazing that twenty years later in 1783, at George Washington's express urging, the new United States drew a line in the west and forbade Americans to settle and buy lands there in nearly the exact same manner as George III had done with his Proclamation in 1763.⁸⁷ Remember how Washington disparaged the King's 1763 proclamation line because Washington wanted to profit off Indian lands and resources? Well, ironically, in 1783, now that the United States was in charge and had to manage Indian affairs and the rapacious frontiersmen, Washington urged the new Articles of Confederation Congress to draw a similar line to restrain settlers and frontiersmen, and to allow the federal government to profit from the buying and selling of Indian lands. In a letter to the Congress in September 1783, Washington advised that:

Indians . . . retreat as our Settlements advance upon them and they will be as ready to sell, as we are to buy; . . . Settlement of the Western Country and making a Peace with the Indians are so analogous that there can be no definition of the one without involving

⁸⁶ *Id.* at 3819.

⁸⁷ National Archives, Founders Online, *Letter George Washington to James Duane*, 7 September 1783, at <https://share.google/IVeBxwKT06Cwo7eGx> (last visited October 7, 2026); MILLER, *supra* note 6, at 39-40 (citing numerous authorities); CALLOWAY, THE INDIAN WORLD, *supra* note 46, at 291-92, 340 (Washington now saw the dangers of unrestrained land grabbing now that he was in a position of authority and found himself in the same position as the Crown before the Revolution).

considerations of the other. . . . policy and oeconomy point very strongly to the expediency of being upon good terms with the Indians, and . . . purchasing their Lands in preference to attempting to drive them by force . . . which . . . is like driving the *Wild Beasts of the Forest* . . . when the gradual extension of our Settlements will as certainly cause the *Savage as the Wolf* to retire; *both being beasts of prey tho' they differ in shape*. In a word there is nothing to be obtained by an Indian War but the Soil they live on and this can be had by purchase at less expence ⁸⁸

Also of great interest and relevance is a June 1783 letter Washington wrote Congress in which he demonstrated his knowledge and use of elements of the Doctrine of Discovery. He proposed that to “combat the Savages[,]” Congress should increase its trade with Indians because that “would be the most likely means to enable us to purchase upon equitable terms of the Aborigines *their right of preoccupancy*; and to induce them to *relinquish our Territories*, and to remove into the illimitable regions of the West.”⁸⁹ Washington was expressly suggesting that Congress enforce its Discovery rights to control Indian trade, take advantage of the limited Indian title of “preoccupancy,” as he called it, and exercise its preemption right to buy Indian lands. Notice that Washington called tribal lands “our Territories.” This is the exact same language and principle of Discovery that George III used in the Royal Proclamation of 1763 when he described Indian country as “our dominions and territories.”⁹⁰

Congress accepted Washington’s advice and on September 22, 1783, it issued a resolution that no person could settle on or purchase Indian lands “without the express authority and directions of the United States in Congress assembled” and “that every such purchase or

⁸⁸ *Letter George Washington to James Duane*, 7 September 1783, *supra* note 87.

⁸⁹ FRANCIS PAUL PRUCHA, DOCUMENTS OF UNITED STATES INDIAN POLICY 1-2 (3d ed., 2000); XXVII WRITINGS OF GEORGE WASHINGTON 136-37, 139 (John C. Fitzpatrick, ed. 1931).

⁹⁰ PRUCHA, DOCUMENTS, *supra* note 89, at 3-4; THE WORLD TURNED UPSIDE DOWN: INDIAN VOICES FROM EARLY AMERICA 9 (Colin G. Calloway, ed. 1994); III THE AMERICAN INDIAN AND THE UNITED STATES: A DOCUMENTARY HISTORY 2140-42 (Wilcomb E. Washburn, ed. 1973).

settlement, gift or cession, not having the authority aforesaid, is null and void.”⁹¹ Congress was clearly exercising its Discovery power of preemption.

The most intriguing backstory is my third and final point. Several historians have raised an extremely interesting and highly controversial idea about many of the colonial elites of the Revolutionary era. These historians opine that George Washington and Benjamin Franklin, for example, and other colonial elites, would have been just as happy to stay English citizens and to have gotten rich speculating in Indian lands under England’s rule!⁹² But because of the Royal Proclamation, the Quebec Act, and George III’s ambitions, they had to become revolutionaries and Americans to obtain Indian lands and trade. Most of the colonists and colonies might have had similar ideas.

What an intriguing argument, and how that opens the Declaration of Independence, the American Revolution, and the very foundational principles that we think of as the American story and history, to interesting and even disturbing new possibilities and interpretations!

⁹¹ PRUCHA, DOCUMENTS, *supra* note 89, at 3-4.

⁹² SPERO, FRONTIER REBELS, *supra* note 13, at xxvi (doesn’t fit easily into the idea of the American Revolution as the struggle for liberty; raises an unpleasant and perhaps unpopular truth); ANDERSON, *supra* note 33, at 745 (“in this way American leaders-men like Washington and Franklin, who otherwise would have liked nothing better than to pursue honor, wealth, and power within the British imperial framework-were compelled to confront issues of sovereignty in ways that imparted new, universalistic meaning to an inherited language of rights and liberties.”; local autonomy ultimately required them to fight a war of independence; Americans who would have been imperialists became revolutionaries); Virtue, *supra* note 3, at 44 (Quebec Act ignored the colonial charters and “impelled loyal subjects, especially Virginians, to become rebels.”).