

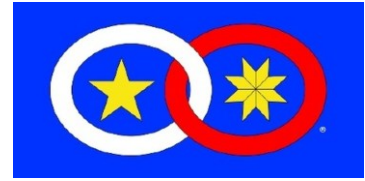
Royal Proclamation of 1763

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“On October 7, 1763, in what would prove to be a futile effort to save for the Amerindian Nations their remaining lands, assets and cultures, the King issued a Royal Proclamation giving further strength to the Royal Instructions of 1761.” (Paul 174)

The Seven Years War, otherwise known as the French and Indian War, began in 1756 and continued until 1763. Rivals Britain and France fought for supremacy. On February 10th, 1763, the Treaty of Paris was signed by France, Britain and Spain. “By the terms of the treaty, Britain obtained the French possessions of Ile Royale (Cape Breton Island), Canada (Quebec), and the Great Lakes Basin and the east bank of the Mississippi River.” (Jaenen, 2013). Shortly thereafter, arisen from the signing of the Treaty of Paris and France ceding its North American possessions, Britain became the dominant European power of North America.

Under the reign of King George III, ruler of the British Empire from 1760 to 1820, the Crown aspired to emphasize their authority. Therefore, the decision was made to issue a Proclamation “to establish a basis of government administration in the North American territories” acquired by Britain in the 1763 Treaty of Paris (Hall, 2006). Thus, issued by King George III on October 7th, 1763, the Royal Proclamation of 1763 emerged (Paul 174).

This historical document has earned very pertinent recognition, in that it greatly portrays the relationship between the British government and Aboriginal peoples. It reveals that the

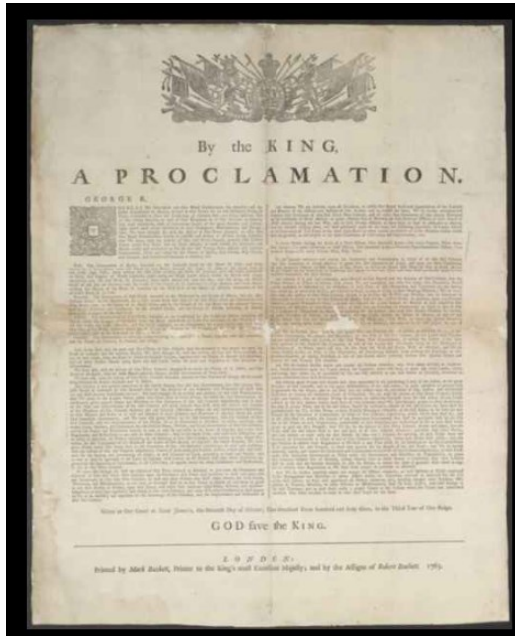


Figure 1 :
Royal Proclamation of 1763, Official Document

British Crown envisioned to “set out guidelines for European settlement of Aboriginal territories in what is now North America” (First Nations and Indigenous Studies, 2009). Once Britain held official ownership of aforesaid North American lands, they established their own rules and regulations.

Although the British Crown acknowledged, to some degree, the Aboriginal peoples, their rights and their lands, “the Royal Proclamation was designed and written by British colonists without Aboriginal input,

and clearly establishes a monopoly over Aboriginal lands by the British Crown” (First Nations and Indigenous Studies, 2009). Ergo, there was an evident lack of communication in that the official document (see Figure 1) did not include approval of the two parties involved in the agreement.

According to Marsh (2012), Obwandiyag, called “Pontiac” by the English, was the Odawa war chief who conducted a successful First Nations resistance which surfaced because of the European invasion of their lands. Perhaps it was also due to the lack of inclusion and consent of the Aboriginal peoples in the Proclamation. When Native Americans rose in rebellion alongside Obwandiyag, Pontiac’s War “sought to demonstrate that Aboriginal peoples were still masters of their ancestral lands, despite the British victory over the French army” (Hall, 2006). The intention of Pontiac’s War was quite evidently focused on ejecting the British from North America, and although “it failed to oust the British from native lands, the conflict forced British authorities to a recognition of native rights” (Marsh, 2012).

According to History.com, further clarification was settled after the rebellion of Pontiac's War, when "King George III declared all lands west of the Appalachian Divide off-limits to colonial settlers", intending to prevent "colonial expansion westward" (History.com, 2009). Accordingly, the Proclamation was concentrated, more specifically, towards monitoring the intrusion and disruption of the indigenous lands and Aboriginal rights, as well as preventing settlers from establishing themselves on territory rightfully belonging to the Native Americans. The aforesaid is covered in an excerpt, as follows, from the official document of the Royal Proclamation of 1763:

"And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds (...)."

A protocol was enforced by the British Empire. Authorized representatives of the British Crown were the only ones qualified to "conduct all official relations" with licensed traders permitted to travel westward to deal with the natives (History.com, 2009). The Crown held the crucial responsibility of being the liaison or agent, of sorts, for the transfer of lands from the Aboriginal peoples to colonial settlers. Similarly, at an official function, "an Aboriginal nation, if they freely chose, could sell their lands to properly authorized representatives of the British monarch." (Hall, 2006). Accordingly, as stated in the following excerpt from the 1763 Royal Proclamation, colonial settlers were prohibited of directly purchasing and claiming land from the Aboriginals, unless first bought by the British Crown and then sold to settlers:

“And We do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without our especial leave and Licence for that Purpose first obtained.”

Even though these words were inked onto paper, there were still folks not abiding by them, as stated in *We Were Not The Savages* by Daniel N. Paul; “The proclamation also declared that many colonists were guilty of land theft; however, the theft of Amerindian land did not abate, nor did anyone try to stop it.” (176).

In this era, there is still contemplating and pondering as to whether the Royal Proclamation remains in effect in Canada and, if it does, whether it alludes to the entire country or only certain parts (Hall, 2006). In the United States, “American independence from Great Britain after the Revolutionary War rendered it no longer applicable”, however, it has not been abolished nor addressed in Canada (First Nations and Indigenous Studies, 2009). According to Daniel N. Paul, “Canadian governments have tried to say that the Royal Proclamation of 1763 does not apply to Atlantic Canada. (...) It seems only logical that the proclamation did apply to Atlantic Canada; otherwise why would the Governor have circulated it throughout the colony?” (176). Regarding the validity of the historical document, in section 25 of the Constitution Act 1982, a reference is made to the Royal Proclamation of 1763, reading the following:

25. The guarantee in this Charter of certain rights and freedoms shall not be construed as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including:

- a. *any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and*
- b. *any rights or freedoms that now exist by way of land claims agreements or may be so acquired.*

Regardless of the validity of the document today, “Aboriginal peoples continually have had to prove their existing title to the land through legal disputes.” (First Nations and Indigenous Studies, 2009). Hence, the document of the 1763 Royal Proclamation has contributed to the outbreak of numerous arguments, as well as stirring wonder regarding many issues that surfaced because of it. As Paul states, “the Royal Proclamation of 1763 has proven to be an invaluable asset for First Nations in furthering their land claims.” (176).

Pertinent questions linger: what did the Royal Proclamation of 1763 initiate? What light has been shed that did not exist prior to the document being issued? What more might wondering about the Proclamation help us learn?

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