

Royal Proclamation 1763 (Jumblies p 76-79)



ACTIVITY: SHOW AND TELL

Convey the meaning of the Royal Proclamation by simplifying its complex language.

It is hard to tell people what to do. Take the following excerpt from the Royal Proclamation of 1763 and translate it into a direct instruction from the King to his resistant subjects. Summarize the new rules in your own way. Be firm and clear in your directions. Does your simplification leave any details out?



EXCERPT FROM THE ROYAL PROCLAMATION

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...

And we do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under Our Sovereignty, Protection, and Dominion, for the Use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three New Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West, as aforesaid...

And we do further strictly enjoin and require all Persons whatever, who have either willfully or inadvertently seated themselves upon any Lands... not having been ceded or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith

to remove themselves from such Settlements. And whereas great Frauds and Abuses have been committed in the purchasing Lands of the Indians, to the great Prejudice of Our Interests, and to the great Dissatisfaction of said Indians; in order therefore to prevent such Irregularities for the future, and to the End that the Indians may be convinced of our Justice, and determined Resolution to remove all reasonable Cause of Discontent...

No private Person... to make any Purchase from the said Indians of any Lands reserved to the said Indians... but... if, at any Time, any of the Said Indians should be inclined to dispose of the said Lands, that same shall be purchased only for Us, in Our Name, at some public Meeting or Assembly of the said Indians to be held for that Purpose by the Governor or Commander in Chief of Our Colonies...

The Trade with the said Indians shall be free and open to all our Subjects whatever; provided that every Person... do take out a License for carrying on such Trade...

Given at our Court at St. James's, the Seventh Day of October, One thousand seven hundred and sixty three, in the Third Year of Our Reign. God Save the King.

The Royal Proclamation formalizes a relationship – on paper and in English – with Indigenous nations. It promises to protect Indigenous Peoples from land “frauds and abuses,” a major grievance, and sets up rules for settlers who have “willfully or inadvertently seated themselves upon any [Indigenous] Lands.”

However, the protections the Proclamation offers are slippery and two-faced. On the one hand, the Proclamation sets aside “Indian territory,” a massive area of land (that includes the Toronto area) in which British settlement is prohibited – “for the present.” It recognizes Indigenous Title to lands not yet ceded or purchased by the Crown by establishing a process to extinguish it. Significantly, land surrenders will happen only through treaty, and only with the Crown. (The resentment of many settlers in the thirteen British colonies south of the Great Lakes toward these curbs on their land grabs helps fuel the American War of Independence against the British thirteen years later.)

The Royal Proclamation sets up the Crown as the protector of Indigenous Peoples (later, officials will speak of Queen Victoria as protecting her “red children” from unscrupulous “white children”). In the future, Indigenous nations will hold up the Proclamation as proof of the government’s duty to protect and will demand that Canada respect its own laws, recognize Indigenous Title, and follow due

process for land cessions and treaty making. However, the Proclamation, also gives the Crown a monopoly on land purchases and, with it, the power to set rock-bottom prices. It asserts underlying title (land ownership) and Crown sovereignty over all territories newly “acquired” from the French, including Indigenous ones, giving British law and governance ultimate priority. These assertions and the Crown’s paternalistic claim to set the limits of Indigenous sovereignty become the legal foundation of Britain’s and Canada’s relationship with Indigenous Peoples – the DNA of Canada’s Indian policy.

A royal edict, issued in English an ocean away, proves insufficient to reassure Indigenous nations of Britain’s intentions. What is needed is the restoration of diplomacy between nations on terms that Indigenous Peoples recognize and respect.

THE 1764 TREATY OF NIAGARA

Sir William Johnson, former British agent to the Haudenosaunee and now superintendent of Indian affairs for the northern colonies, is one of the richest and most powerful men in British North America: a fur trader, rum dealer, slaveholder, and extensive landowner. His task is to establish and maintain peaceful relations with Indigenous nations while also advancing Britain’s interests. He has a singular understanding of Indigenous Diplomatic Protocol through his close relations with the Mohawk, including through his partner, Molly Brant, an influential Mohawk Clan Mother. Adopted into the nation and made an Honorary Sachem, Johnson is the main British intermediary with the Haudenosaunee Confederacy.

It is Johnson who recommends extending the Haudenosaunee-British Covenant Chain to members of the Western Alliance to restore peace and gain control of territory formerly claimed by France. Although an architect of the Royal Proclamation’s provisions for Indigenous Peoples, he understands that the Proclamation must be ratified through Indigenous Diplomatic Protocol to be accepted. To accomplish this, he plans a diplomatic show of force: a grand Treaty Council at Fort Niagara, now a frontier of British-controlled territory.

He writes to General Thomas Gage, Amherst’s replacement as commander-in-chief of British forces in North America:

At this treaty... we should tie them down (in the Peace) according to their own forms of which they take the most notice, for example, by exchanging a very large [Wampum] belt with some remarkable & intelligible figures thereon expressive of the occasion which should always be shown to remind them of their promises.

To bring all nations to the proposed Treaty Council, Johnson uses both carrots and sticks: he threatens war for those who don’t attend and promises to restore trade to those who do. He recognizes that Indigenous sovereignty and independence must be respected (for now) though he anticipates that Indigenous nations will disappear

over time and British hegemony (and settlement) will be assured.