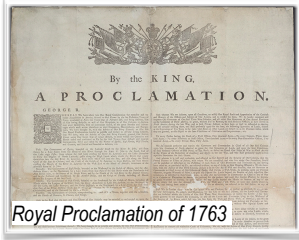


# Understanding the Context and Meaning of the Royal Proclamation of 1763

A synopsis of John Borrows' work, "Wampum at Niagara"

## Significance of the Royal Proclamation of 1763



The Royal Proclamation of 1763, as John Borrows states, "is a 'fundamental document' in First Nations and Canadian legal

history." It was drafted under the control and preference of the British colonial power to delineate boundaries and define jurisdictions between First Nations and the Crown\* as a way to alleviate conflicts between First Nations and settlers over territory. The document laid the groundwork for the treaty\* system in Canada.

## Historical Background

Leanne Simpson, shares that treaties between First Nations were common prior to European contact, and that they were made through common protocols,

ethics of justice, peace, respect, reciprocity, and accountability, and gift exchanges. Borrows states that the French understood and practiced gift giving as a necessary part of diplomacy in establishing peaceful coexistence. However, when Britain took territorial control of North America in **1760** from the French, after the 7 Years' War, they failed to comprehend this longstanding diplomatic process. During this time, First Nations in the southern Great Lakes felt increased pressure from European land speculation and settlement and considered three options: leave their traditional homelands, defend their territory, or generate a set of foundational principles of coexistence.

Borrows asserts that First Nations had been active participants in establishing their sovereignty in the decades leading up to this point. They did so "through practised experience, war, and negotiation" with non-Native people, which "resulted in the formulation of principles to regulate the allocation of land, resources, and jurisdiction between them." It is with these common understandings that Britain drafted the Proclamation.

### Glossary

\* **Crown**  
the British monarch

\* **treaty**  
the Government of Canada defines it as "agreements made between the Government of Canada, Indigenous groups and often provinces and territories that define ongoing rights and obligations on all sides"

### Treaty Making Amongst Nations

Simpson shares that, Indigenous nations make and maintain diplomatic relations with each other through "treaty processes" and protocols. Agreements are considered sacred and made in the presence of the spiritual world and formalized in ceremony.

### French & British Establish Alliances with First Nations

English and French each seek to establish greater control over North American territories and court First Nation allies.

### French Defeat & Articles of Capitulation

British defeat the French in Quebec in 1760. French and British representatives write Articles of Capitulation acknowledging First Nations sovereignty. First Nations continue to understand themselves as sovereign and independent. **British fail to comprehend significance of gift giving in diplomacy with First Nations. This provokes some to join Pontiac, member of the Odawa nation, in continuing to war with Britain.**

### Treaty of Niagara

Sir William Johnson meets with 24 First Nations. Presents are exchanged to certify the binding nature of nation-to-nation relations. A treaty of alliance and peace is established between First Nations and the Crown

### Pre-Contact

#### First Contact with non-Indigenous

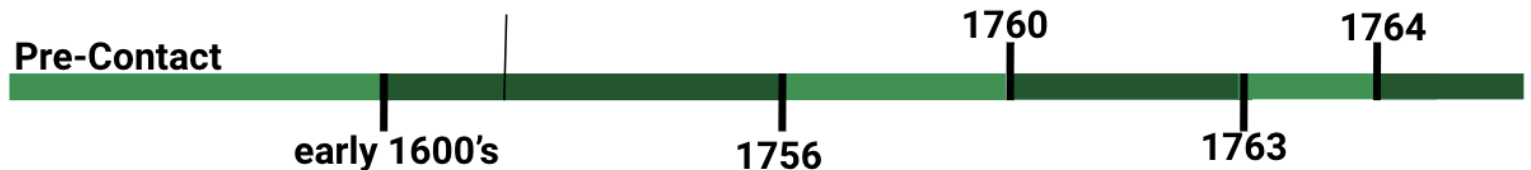
Traditional lifestyles of the First Nations around the Great Lakes is altered by first contact with non-Indigenous. French establish Jesuit missions and make contact through exploration and trading. **Presents given by French to First Nations to form diplomatic relations and peaceful coexistence.**

#### 7 Years' War (1756-1763)

Conflict between the French and English for control of trade on the upper Great Lakes leads to war. Majority of First Nations support the French.

#### The Royal Proclamation of 1763

First Nations/settler conflicts arise as increasing pressure from European land settlement and speculation in the southern Great Lakes. The Proclamation was declared to delineate boundaries and define jurisdictions between First Nations and the Crown.



# Comparing the Agreements



## The Royal Proclamation

- Crown **prohibited** colonial governments to survey or grant any unceded lands for settlement
- Crown became the only authority **able to extinguish Indian land title**
- First Nations now lived **under** protection of the Crown
- British **criminal jurisdiction** not administered on First Nations land, but people can still be charged if committed on First Nations territory; **First Nations sovereignty is unclear**

In the **Royal Proclamation of 1763**, British colonial language was used claiming 'dominion' and 'sovereignty' over territories that First Nations occupied; a requirement for the expansion of the colonial enterprise. The document exhibited contradictory aspirations when it used language ensuring protection of First Nations jurisdiction over their territory by prohibiting settlement on unceded lands. Borrow's scholarly reinterpretation is that the Proclamation "is part of a treaty between First Nations and the Crown" and the other part is found in the promises made at Niagara.

First Nations were invited by Sir William Johnson\* to attend a conference at Niagara to discuss the formation of principles that would govern First Nations/Crown relations. It was here in **1764** that the Proclamation was ratified by the **Treaty of Niagara**. Borrows says that this event was "the most widely representative gathering of American Indians ever assembled as approximately two thousand chiefs\* attended the negotiations [and] there were over twenty-four Nations" present. Johnson read the terms

### \* chiefs

leaders from the northeast, mideast, and midwest of North America

### \* Sir William Johnson

superintendent of Indian affairs, a representative of the Crown

## Treaty of Niagara

- Affirmed that First Nation peoples were not subject of the Crown; First Nations are **sovereign**
- Sir William Johnson presented a Covenant Chain wampum belt signifying a treaty of **alliance and peace**
- Presents were exchanged to certify the **binding nature** of spoken promises
- Two-row wampum belt presented by First Nations illustrated **relationship** to be **founded on peace, friendship, respect; where sovereignty is respected**

of the Proclamation and upheld First Nations treaty making practices through exchange of gifts and presented the Covenant Chain wampum (see image above). First Nations leaders reflected their understanding of First Nations/Crown relations by presenting the two-row wampum belt (see insert below). The Royal Proclamation became a treaty at this gathering because it was presented by the British representatives for affirmation and was accepted by the First Nations leaders. Furthermore, as Borrows states, "within the treaty [of Niagara] are found conditions that underpin the Proclamation and that lie outside of the bare language of the document's words." Therefore, the treaty transformed the Proclamation's "conventional ethnocentric colonial interpretations" to include First Nations perspectives.

## Legal Legacy

The promises made at Niagara were reaffirmed with annual gift giving by the British to First Nations; and First Nations peoples presented copies of the Proclamation to assert their rights when meeting with British representatives. The Treaty of Niagara demonstrates the obligations undertaken by the Crown. All parties saw First Nations as sovereign, therefore their jurisdiction cannot be violated or disturbed without their consent.

## SYMBOLISM OF THE TWO-ROW WAMPUM BELT By Robert A. Williams, Jr

"When the Haudenosaunee [nation] first came into contact with the European nations, treaties of peace and friendship were made. Each was symbolized by the Gus-Wen-Tah, or Two Row Wampum. There is a bed of white wampum which symbolizes the purity of the agreement. There are two rows of purple, and those two rows have the spirit of your ancestors and mine. There are three beads of wampum separating the two rows and they symbolize peace, friendship and respect. These two rows will symbolize two paths or two vessels, travelling down the same river together. One, a birch bark canoe, will be for the Indian people, their laws, their customs and their ways. The other, a ship, will be for the white people and theirs laws, their customs, and their ways. We shall each travel the river together, side by side, but in our own boat. Neither of us will try to steer the other's vessel."



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*Two-row Wampum Belt*, "The Guswenta: Two Row Wampum Belt is a Symbol of Sovereignty." *Oneida Nation*, 2020, <https://www.oneidaindiannation.com/the-guswenta-two-row-wampum-belt-is-a-symbol-of-sovereignty/> (accessed 15 November 2021)