



Royal Proclamation of 1763

Relationships, Rights and Treaties

La Proclamation royale de 1763

Relations, droits et traités

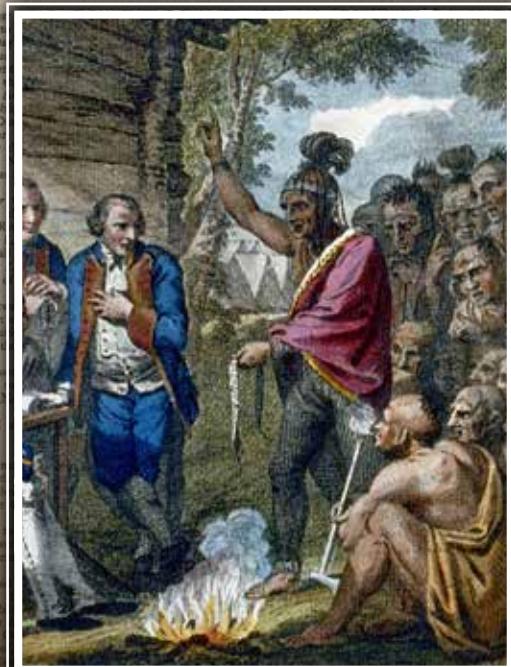


By the KING,

A PROCLAMATION.

GEORGE R.

HEREAS We have taken into Our Consideration the Acquisitions in America, secured by the Peace, concluded at Paris the Thirteenth Day of February One Thousand Seven Hundred and Sixty Three, by which the said Treaty was made, and by which the said Colonies were given up to the said French, and by which the said French were compelled to give up the said Colonies to Us; and We have also considered the State and Circumstances of the said Colonies, and the Interest of the Subjects of Our Country, and of the People and Inhabitants thereof, so far as may appear to Us by the Advice of Our Councils, Ministers and Officers, and General Officers, and by the Advice of our Agents, and by the Advice of our Commissioners, and We have also given Power to the said Governors, with the Consent of Our said Councils, and the Representatives of the People, so to be Instrumental as we please, to make, constitute, and ordain Laws, Statutes, and Ordinances for the Peace, Welfare, and Good Government of Our said Colonies, and of the People and Inhabitants thereof, so far as may appear to Us by the Laws of England, and under such Regulations and Restrictions as are used in other Colonies. And in the said Proclamation, it is declared, that all Indians who shall be called as aforesaid, all Persons inhabiting in, or relating to Our said Colonies, may enjoy in Our said Colonies, all the Liberties, Franchises, and Immunities, to all Persons who shall be called as aforesaid, all Persons inhabiting in, or relating to Our said Colonies, may enjoy in Our Royal Proclamation for the Employment of the Benefit of the Laws of Our Realm of England, for which Purpose, We have given Power under Our Great Seal to the Governors of Our said Colonies respectively, to enquire and confederate with the Advice of Our said Councils respectively, Courts of Judicature and Publick Justice, within Our said Colonies, for the hearing and determining all Causes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the Sentence of such Court, in all Civil Causes, to appeal, under the usual Limitations and Restrictions, to Us as Our Privy Council.



Colonies, to testify Our Royal Seal and Approbation of the Conduct of Our Armies, and to reward the same, We do hereby command and direct Our Governors of Our several Provinces without Fee or Reward, to such Reduced Officers as have served in such Private Troops as have been, or shall be disbanded in America, yearly, during the same, the following Quantities of Lands, to be distributed among them.



Colonies, to testify Our Royal Seal and Approbation of the Conduct of Our Armies, and to reward the same, We do hereby command and direct Our Governors of Our several Provinces without Fee or Reward, to such Reduced Officers as have served in such Private Troops as have been, or shall be disbanded in America, yearly, during the same, the following Quantities of Lands, to be distributed among them.

And We do further expressly enjoin and require all Officers whatever, as well Military as those employed in the Management and Direction of Indian Affairs within the Territories referred to, as also for the Use of the said Indians, to seize and apprehend all Persons whatever, who, having charged with Treason, Malpractices, Piracy, Murder, or other Felonies or Misdemeanors, shall be found Justice, and take Rating as for the Territory, and to send them under a proper Guard to the Colony where the Trial shall be commenced of which they shall stand accused, in order to take their Trial for the same.

Canada



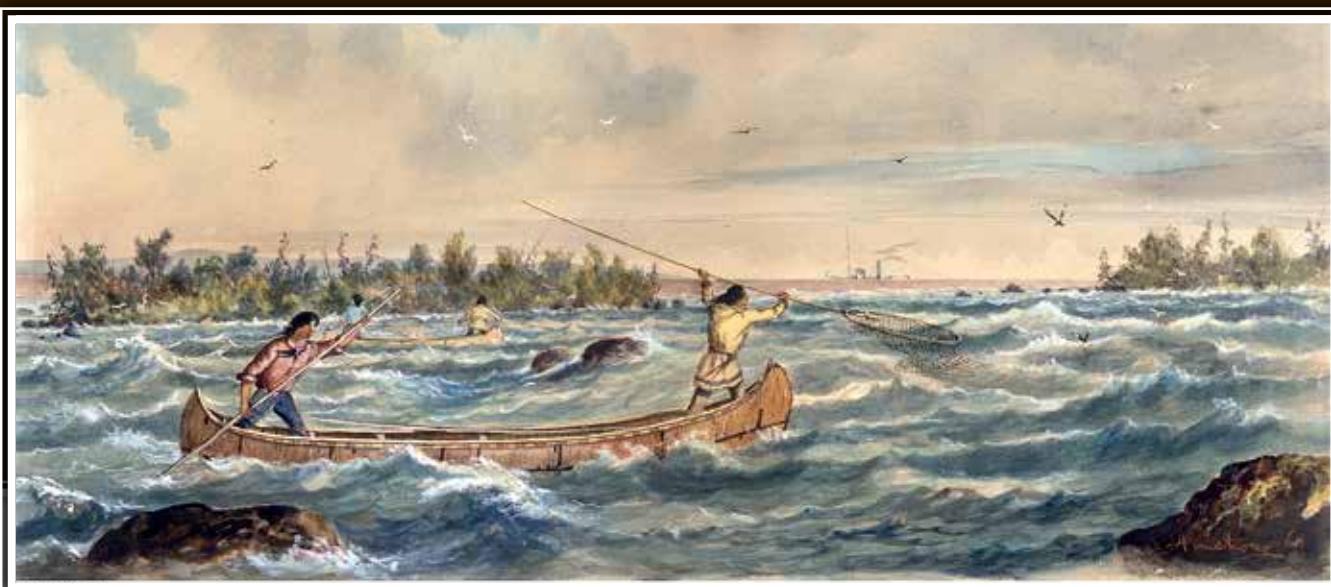
On October 7, 1763, King George III issued a Royal Proclamation for the administration of British territories in North America. The Proclamation is a foundational document marking the beginning of Canada's historic link with Great Britain and British parliamentary institutions. It was also important in establishing the core elements of the relationship between First Nation people and the Crown, recognizing First Nation rights in Canada and defining the treaty-making process that is still used.

"The Indians giving a talk to Colonel Bouquet in a conference at a council fire, near his camp on the banks of Muskingum in North America in Oct. 1764" in Smith, William. Historical Account of Bouquet's Expedition Against the Ohio Indians, in 1764: with preface by Francis Parkman and a translation of Dumas' biographical sketch of General Bouquet. Cincinnati, OH: R. Clarke, 1868.

Le 7 octobre 1763, le roi George III a publié une proclamation royale de l'administration des territoires britanniques en Amérique du Nord. Bien qu'il ne marque pas seulement le début d'un lien historique entre le Canada et la Grande-Bretagne et les institutions parlementaires britanniques, la Proclamation royale de 1763 était aussi un document fondamental établissant les éléments essentiels de la relation entre les Premières Nations et la Couronne de la reconnaissance des droits ancestraux au Canada et de la définition du processus de conclusion de traités encore utilisé de nos jours.

« Les Indiens s'entretiennent avec le colonel Bouquet lors d'une conférence du conseil autour du feu, près de son camp situé sur les bancs de Muskingum en Amérique du Nord, oct. 1764 »

[TRADUCTION], dans Smith, William. Historical Account of Bouquet's Expedition Against the Ohio Indians, in 1764: Préface de Francis Parkman, traduction de la notice biographique du général Bouquet de Dumas. Cincinnati, Ohio: R. Clarke, 1868.



In 2013, we commemorate the 250th anniversary of the Royal Proclamation of 1763. This is a unique opportunity to recognize an important event in Canadian history that laid the foundation for Canada's territorial evolution and the continuing treaty-making process, the struggle for the recognition of First Nation rights, and the continuing and evolving role of First Nation people in the development of Canada.

Fishing at Sault Ste. Marie
Library and Archives Canada, Acc. No. 1981-55-6,
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En 2013, nous célébrons le 250^e anniversaire de la Proclamation royale de 1763; une occasion unique de reconnaître un événement important dans l'histoire du Canada qui a jeté les bases de l'évolution territoriale du Canada et du processus de conclusion de traités, toujours en cours, de la lutte pour la reconnaissance des droits ancestraux et du rôle continu et évolutif des Premières Nations dans le développement du Canada.

Pêche à Sault Ste. Marie
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By the KING, A PROCLAMATION.



Crown-First Nation Relationship

Brothers of the Western Nations, Sachims Chiefs, & Warriors, You have now been here for several days, during which time we have frequently met to Renew, and strengthen our Engagements, & you have made so many Promises of your Friendship, and Attachment to the English that there now only remains for us to exchange the great Belt of the Covenant Chain that we may not forget our mutual Engagements ...

News of the Royal Proclamation reached Sir William Johnson, Superintendent for Indian Affairs, in December 1763. He immediately sent word of its provisions to all of the First Nation people of the interior of North America and invited former allies to a special assembly of First Nation representatives at Fort Niagara in July 1764. At Fort Niagara, Johnson met with these First Nations, estimated to be 20,000 people, and extended the Covenant Chain to all. This offering was made to renew the relationship with First Nation allies and to form new alliances with the former allies of France.

Sir William Johnson
Library and Archives Canada, MIKAN no. 2837321

Relations entre la Couronne et les Premières Nations

Frères des Nations de l'Ouest, chefs sachems et guerriers, Vous êtes ici depuis déjà plusieurs jours pendant lesquels nous nous sommes rencontrés à maintes reprises pour renouer et renforcer nos engagements, et vous avez fait plusieurs promesses d'amitié et d'attachement aux Anglais – il nous reste qu'à s'échanger la grande ceinture de la chaîne du covenant pour que nous n'oubliions jamais nos engagements mutuels ... [TRADUCTION]

Lorsque Sir William Johnson, surintendant des affaires indiennes, a appris l'existence de la Proclamation royale, en décembre 1763, il a immédiatement envoyé le libellé de ses dispositions à tous les membres des Premières Nations qui résidaient à l'intérieur du continent et il a invité les anciens alliés à une assemblée extraordinaire avec les représentants des Premières Nations, tenue au fort Niagara en juillet 1764. Au fort Niagara, Johnson a rencontré les Premières Nations, dont le nombre a été estimé à 20 000 personnes, et a élargi la portée de la chaîne du Covenant de manière à ce qu'elle s'applique à toutes les Premières Nations. Cette extension a été effectuée afin de renouveler les liens avec les alliées Premières Nations et de former de nouvelles alliances avec les anciens alliés de la France.

Sir William Johnson
Bibliothèque et Archives Canada, MIKAN no. 2837321

The Establishment of Treaty-Making Process

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.

Since its issuance in 1763, the Royal Proclamation has served as the basis of the treaty-making process throughout Canada. The protocols and procedures it established led to the orderly opening of the lands for settlement and the establishment of an ongoing Treaty Relationship between First Nations and the Crown. It also led to the establishment of the Indian Department's primary role as intermediary between First Nation people and the Crown. After Confederation in 1867, the principles established by the Proclamation continued to guide the treaties of Western Canada and the establishment of treaty rights and obligations for all parties.

*Treaty of peace and friendship between
Sir William Johnson and the Hurons of the Detroit*
Library and Archives Canada, MIKAN no. 106678

Établissement du processus de conclusion de traités

Nous défendons aussi strictement par la présente à tous Nos Sujets, sous peine de s'attirer Notre Déplaisir, d'acheter ou posséder aucune terre ci-dessus réservée, ou d'y former aucun établissement, sans avoir au préalable obtenu Notre Permission spéciale et une licence à ce sujet. »

Depuis sa publication en 1763, la Proclamation royale a servi de base au processus de conclusion de traités partout au Canada. Les procédures et les protocoles établis par la Proclamation ont entraîné l'ouverture harmonieuse des terres en vue de règlement de même que la mise en place d'une relation fondée sur les traités entre les Premières Nations et la Couronne. La Proclamation a également permis de définir le rôle principal du département des Indiens qui devenait l'intermédiaire entre les Premières Nations et la Couronne. Après la Confédération en 1867, les principes établis dans la Proclamation ont continué d'être le fondement de la conclusion des traités dans l'Ouest canadien ainsi que de l'établissement des droits issus de traités et des obligations de toutes les parties.

*Legendé Traité de paix et d'amitié entre
Sir William Johnson et les Hurons du Détroit*
Bibliothèque et Archives Canada, MIKAN no. 3675772



The Recognition of First Nation Rights in Canada

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...

The issuance of the Royal Proclamation and the accompanying promises made at Fort Niagara in 1764 laid the foundation for a constitutional recognition and protection of First Nations rights in Canada. The Royal Proclamation itself is referred to in the Constitution Act 1982 in section 25 which states:

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so 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.

— Constitution Act, 1982

Signing of the Constitution. April 17, 1982.
Robert Cooper, Library and Archives Canada, e008300499, MIKAN no.3206003

Reconnaissance des droits ancestraux au Canada

« Attendu qu'il est juste, raisonnable et essentiel pour Notre Intérêt et la sécurité de Nos Colonies de prendre des mesures pour assurer aux nations ou tribus indiennes qui sont en relations [sic] avec Nous et qui vivent sous Notre Protection, la possession entière et paisible des parties de Nos Possessions et Territoires qui ont été ni concédées ni achetées et ont été réservées pour ces tribus ou quelques-unes d'entre elles comme territoires de chasse... »

La Proclamation royale de 1763 ainsi que les promesses faites au fort Niagara en 1764 ont jeté les bases de la reconnaissance et de la protection constitutionnelles des droits ancestraux au Canada. Dans la Loi constitutionnelle de 1982, article 25, on se réfère à la Proclamation royale :

25. Le fait que la présente charte garantit certains droits et libertés ne porte pas atteinte aux droits ou libertés — ancestraux, issus de traités ou autres — des peuples autochtones du Canada, notamment :

- a) aux droits ou libertés reconnus par la Proclamation royale du 7 octobre 1763;
- b) aux droits ou libertés existants issus d'accords sur des revendications territoriales ou ceux susceptibles d'être ainsi acquis.

— Loi constitutionnelle de 1982

Signature de la Constitution. Le 17 avril, 1982.
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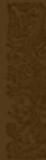




By the KING,

A PROCLAMATION.

GEORGE III



Fifthly. The Government have by a Law of the Lake, with Power in Forty Five Degrees, throughout the said Coast of the River, crossing the Mouth of the said River, and the Islands within the same.

Sixthly. The Government have, as the Niagara River, and the St. Lawrence River, and to the Islands within Six Leagues of the same.

Thirdly. The Government have the Islands within Six Leagues of the River Chaudiere; and so forth.

Fourthly. The Government have the Islands of Des

And, to the End of the Coast of Lowerada and put all that Coast, from all other coastes of Newfoundlands, with the River or the Roads, with the Islands within the River.

We have also, with the Roads or the Roads, with the Islands within the River.

And whereas it will be necessary to inform our Subjects and all others that We have, in the said territories, given equal rights to the Indians and the Micmacs of Canada, and the Micmacs of the said territories, for the hunting, as well as for the fishing, as far as may be, as the greatest part of the Country of Our Province.

We have also, with the Roads or the Roads, with the Islands within the River, given Power under Our Royal Letters Patent, to any Subject or Person, to whom it may be granted, to have a Right to the same, as if he were a Native and a Citizen.

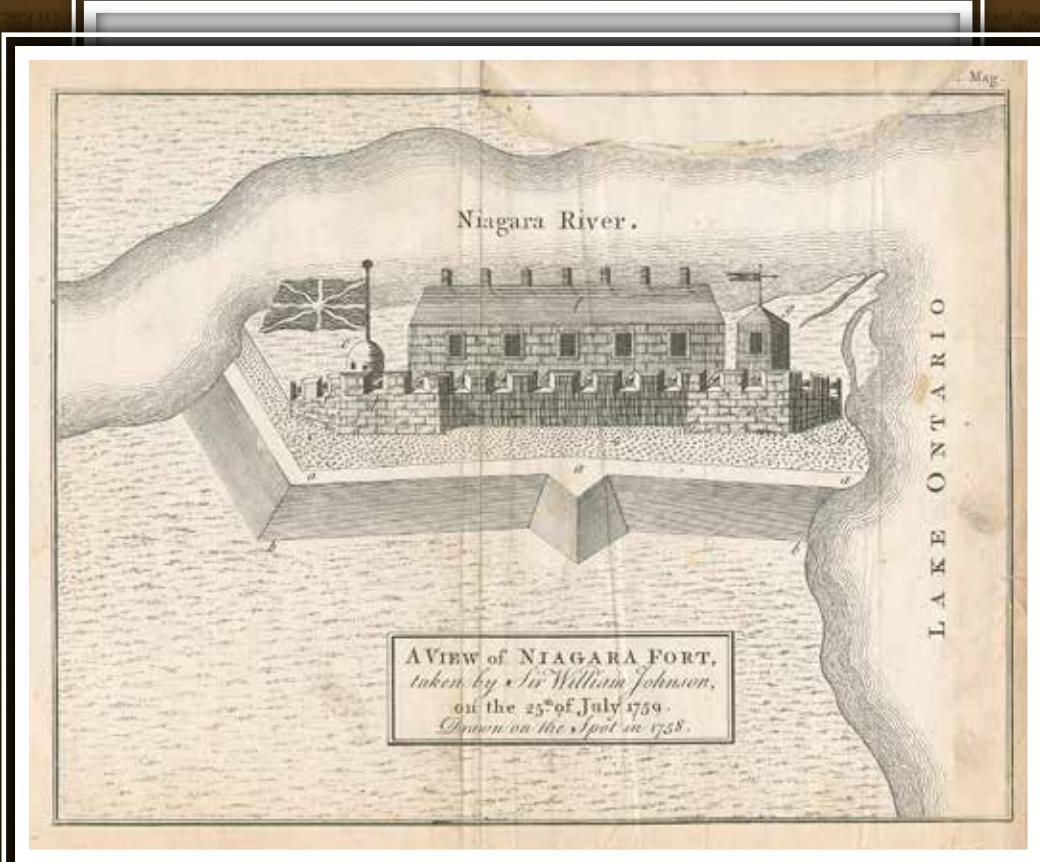
Given at Our

Aboriginal Affairs and Northern Development Canada
www.aandc-aadnc.gc.ca 1-800-567-9604

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Affaires autochtones et Développement du Nord Canada
www.aadnc-aandc.gc.ca 1-800-567-9604

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"A view of Niagara Fort, taken by Sir William Johnson on the 25th July 1759, drawn on the spot in 1758."

Library and Archives Canada,
MIKAN no. 3723947

« La vue du fort Niagara, prise par Sir William Johnson le 25 juillet 1759, réalisée sur place en 1758. » [TRADUCTION]

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