

Date Reviewed

May 2021

Course

[Social Studies 9](#)

Topic

Royal Proclamation of 1763

Big Idea

Disparities in power alter the balance of relationships between individuals and between societies.

Essential Question

How does the Royal Proclamation impact land claims in BC?

Content:

Students are expected to know the following:

- the continuing effects of imperialism and colonialism on indigenous peoples in Canada

Curricular Competencies

Students are expected to be able to do the following:

- Assess the significance of people, places, events, or developments, and compare varying perspectives on their historical significance at particular times and places, and from group to group (significance)

Core Competencies

[Communication](#) – I can explain why Aboriginal land claims in BC are complex and controversial.

[Thinking](#) – I can consider different perspectives on the Royal Proclamation of 1763.

[Personal and Social](#) – I can refute biased opinions with arguments based on the principle of fairness.

First People's Principles of Learning

- Learning involves recognizing the consequences of one's actions

Introduction

- Explain that one of the major issues in BC today is the settlement of land claims by First Nations. Unlike most of the rest of Canada, First Nations people in BC have, with a few exceptions, never made treaties or agreements about how the lands they have traditionally

lived on were to be used or developed. As a result, there are many Aboriginal claims to land in BC that have never been resolved.

- Show the BC Treaty Commission video [What's the deal with treaties?](#) (21:22).

Pre-Assessment

- [Think-Pair-Share](#): Ask: What do you already know about treaties in BC?

Interactive Learning Activities

Part 1: Evidence

- Ask: Why have Aboriginal land claims in BC have been so complicated and controversial and why do they remain so to this day?
- Explain that part of the reason has to do with the Royal Proclamation of 1763 and disagreements over whether or not it applies to BC.
- Note that the Royal Proclamation:
 - set out the core elements of the relationship between First Nations and the Crown
 - established the recognition of First Nations rights in Canada
 - laid the foundation for the treaty process
- Provide students with access to the UBC Indigenous Foundations article [Royal Proclamation, 1763](#) and have them work with a partner to complete the handout “Royal Proclamation: Analysis”.

Part 2: Perspective

- Show the short video [Fast Facts about the Proclamation of 1763](#) (3:00).
- Provide students with access to the U.S. History website [The Royal Proclamation of 1763](#) and copies of the handout “Royal Proclamation: Perspectives”.
- Divide students in to three groups and assign each group one of the following perspectives:
 - Settler
 - Chief Pontiac
 - King George III
- Have each group complete their assigned perspective using information from the video and the website.
- Then have each group present their perspective to the rest of the class so that everyone will have information about all three perspectives.

Part 3: Significance

- Explain that the Province of British Columbia has maintained that the Royal Proclamation does not apply to B.C. since it had not yet been settled by the British when the Proclamation was issued in 1763.
- Have students read the handout “Royal Proclamation and British Columbia” to find historic reasons for and against the Royal Proclamation being relevant to BC.
- Debrief by creating a T-chart on the board to record the reasons for and against.
- Point out that there are complex reasons for the lack of treaties in BC, but one of the most important is the failure of successive governments in BC to recognize Aboriginal land title, as set out in the Royal Proclamation.

Post-Assessment

- Many arguments for not recognizing Aboriginal title to land in BC were made by Trutch. Students should note that his reasons were inaccurate, racist, and unfair. Explain that they now have an opportunity to make counter arguments for each of Trutch's reasons for denying Aboriginal title and not making treaties.
- Provide students with the handout "Does the Royal Proclamation Apply to BC?" Read aloud the first reason and counter arguments as an example. Have students work in small groups to come up with counter arguments for each of Trutch's reasons.

Extension Activities

- Modern day land claims are much more complicated than they would have been if they had been negotiated before significant settlement and development took place. Use the BC Treaty Commission's [Interactive Map](#) to explore current treaty negotiations.

Additional References

Hall, A. 2019. "Royal Proclamation of 1763." *The Canadian Encyclopedia*.
<https://www.thecanadianencyclopedia.ca/en/article/royal-proclamation-of-1763>

"The Royal Proclamation of 1763." 2012. *Indigenous Corporate Training, Inc.*
<https://www.ictinc.ca/blog/royal-proclamation-of-1763>

"The Royal Proclamation of 1763." 2021. *USHistory.org* <https://www.ushistory.org/us/9a.asp>

"Treaties in Canada: Education Guide." [n.d.] *Historica Canada*.
http://education.historicacanada.ca/files/31/Treaties_English.pdf

Materials and Resources

Royal Proclamation: Analysis

Background information:

https://indigenousfoundations.arts.ubc.ca/royal_proclamation_1763/

What type of document is this?
Who created this document?
Why was it written?
Why is this a valuable source to examine when considering the history of Indigenous treaties in Canada?

Below is a section of the Proclamation:

“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...any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them. ...

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.

And We do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.”

What rights of Indigenous people are laid out in this document?

What does it say about colonists buying or settling on Indigenous land?

Answer Key—Royal Proclamation: Analysis

Background information:

https://indigenousfoundations.arts.ubc.ca/royal_proclamation_1763/

<p>What type of document is this?</p> <ul style="list-style-type: none">• claim of British ownership of North America
<p>Who created this document?</p> <ul style="list-style-type: none">• King George III
<p>Why was it written?</p> <ul style="list-style-type: none">• set out guidelines for European settlement of Aboriginal territories in North America
<p>Why is this a valuable source to examine when considering the history of Indigenous treaties in Canada?</p> <ul style="list-style-type: none">• states that Aboriginal title has existed and continues to exist, and that all land would be considered Aboriginal land until ceded by treaty

Below is a section of the Proclamation:

“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...any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them. ...

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.

And We do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.”

What rights of Indigenous people are laid out in this document?

- Recognizes that Indigenous tribes are Nations
- Land that is not ceded to or purchased by the British Crown belongs to the Indigenous people to live on and use

What does it say about colonists buying or settling on Indigenous land?

- Colonists cannot buy or settle on Indigenous land without permission from the British Crown
- If colonists have already settled on Indigenous land, they have to leave their settlement

Royal Proclamation: Perspectives

Settler	Chief Pontiac	King George III
<i>Reasons you oppose the Royal Proclamation</i>	<i>Reasons to fight against settlers on your traditional lands</i>	<i>Reasons the Royal Proclamation is important and necessary</i>

Royal Proclamation and British Columbia

Written by SFU's Centre for Law, Education, and Society (2011)

Almost all of the treaties signed in the 19th century between Aboriginal people and the Canadian government were for land east of the Rocky Mountains. These treaties actually continued the intention of the Royal Proclamation. That is, they recognized that Aboriginal people had a right to be on the land and that if Europeans wanted to use it they had to give something in return. In general, they didn't give very much but the idea of Aboriginal rights was recognized.

Most of what is now British Columbia was not covered by treaties. The only exception was the southern part of Vancouver Island and the north east or Peace River area. The reason for the lack of treaties in BC in the early days of European contact had mostly to do with the fact that Europeans did not come here to colonize the land. They were mostly sea traders coming off ships or were living in trading posts like Fort St James and Fort Langley where the only activity was trading with Aboriginals for furs, not colonizing the land.

Vancouver Island had been a separate colony of England since 1849. It was an isolated out post. Other than the fact that it was claimed by England it had nothing to do with Canada as it was separated by thousands of kilometers of wilderness. If you wanted to get to Vancouver Island from the eastern part of North America at that time you came by ship around the southern tip of South America. It was not a trip very many people made. Nevertheless, Vancouver Island was colonized by people from England with the idea that they would not only trade but also take up agriculture, mining and logging. In other words, they planned to stay.

James Douglas, the first Governor of Vancouver Island, believed treaty making was essential to peaceful settlement and for that reason he set about making treaties with the Aboriginal people living on Southern Vancouver Island.

His treaties were not exactly generous. The Saanich people for example were paid a few hundred dollars for what is now a good part of the community of Saanich. He was however demonstrating that the Aboriginal people did have a claim to the land even if he didn't think it was worth much. In that sense he was following the Royal Proclamation.

By the 1860's however things began to change. There had been a gold rush on the Fraser River and many people arrived looking for gold. A second colony was set up on the mainland and it was called "British Columbia". In 1866 Vancouver Island and British Columbia were combined into one colony and called British Columbia.

James Douglas became the first colonial governor of BC and as he had done on Vancouver Island he started talking to Aboriginal people about treaties. Unfortunately, the colonial offices in England said they had no money for treaty settlements and as a result Douglas was not able to do even the little bit he had done on Vancouver Island. He did however set up land reserves for Aboriginals. At the time, by comparison with what exists today, these reserves were fairly large. They were intended to allow Aboriginal people to carry on, more or less, their traditional activities. Without treaties Douglas seemed to believe that the reservations were the only way

he could follow the Royal Proclamation's intention to protect Aboriginal people from the rush of European settlement that was coming to BC.

The man who followed Douglas not as Governor but as the colonial official in charge of land colonization and relations with Aboriginal people really didn't care about protecting Aboriginal people from the worst effects of European settlement. In fact, he believed Aboriginals were little different from the bears and the deer and other creatures of the forest. His name was Joseph Trutch. (Both Victoria and Vancouver have streets named after him.)

This is what Joseph Trutch thought about the land claims of Aboriginal people:

"The Indians have really no rights to the lands they claim, nor are they of any actual value or utility to them; and I cannot see why they should retain these lands to the prejudice of the general interests of the Colony, or be allowed to make a market of them either to Government or to individuals."

Joseph Trutch simply didn't pay any attention to the Royal Proclamation even though he was an official of the colonial government. As far as he was concerned Aboriginals were just a barrier to the development of the territory and the opportunity for "White people" to get rich through that development. He set about drastically reducing the size of the reservations Douglas had set up and preventing Aboriginal people from settling on or claiming ownership of any land.

If Joseph Trutch had only been around a short time his influence would never have been so significant. However once BC became a province of Canada in 1871, he became Lieutenant Governor and his feelings about Aboriginal people and their rights (or lack of them) became the policy of the BC government. From 1871 on to almost the present-day governments of BC have never recognized the land claims of Aboriginal people as set out in the Royal Proclamation. It was Joseph Trutch who began this policy.

The problem Trutch and those who followed him created by ignoring the Royal Proclamation or claiming it did not apply to BC has been left to today's citizens of BC to solve. His attitude to the land claims of Aboriginal people and the refusal of BC governments from that time to deal with land claims as intended by the Royal Proclamation is a good example of how one generation sometimes has to pay for the deeds of earlier generations.

As it stands up to the present there are large parts of BC that are "frozen in time". Aboriginal groups say, as they have been saying, for 150 years, that according to the Royal Proclamation treaties must be made to allow any use of the land. At the same time the government of BC, since 1871, has done very little to settle the Aboriginal claim as set out in the Proclamation. This means activities like mining; forestry and tourism development can be held up or halted because the ownership of the land is in question. In short, the fact that there are so few treaties with Aboriginal people in BC has cost a great deal in terms of lost opportunities for economic development.

The 21st century citizens of BC now have to find ways to fix the mistakes of the past. We don't have the luxury of ignoring the Royal Proclamation as Joseph Trutch and others did. The Supreme Court of Canada has ruled that the Royal Proclamation does apply in BC and Aboriginal land claims must be dealt with through treaties.

Does the Royal Proclamation Apply to BC?

The following are reasons Joseph Trutch gave for ignoring the Royal Proclamation. Write counter arguments for each of Trutch's "reasons". The first one is done for you.

1. Reason: The Royal Proclamation did not apply to BC. It was only meant for the eastern parts of North America.

Counter argument:

- James Douglas the first Governor of BC had already recognized Aboriginal title to land in the treaties on Vancouver Island
- The Supreme Court of Canada said that Aboriginal people have title to their lands and treaties are necessary.

2. Reason: Aboriginal people had "no use" for the land.

Counter argument:

3. Reason: Aboriginal land claims would get in the way of European settlement of BC.

Counter argument:

4. Reason: Aboriginal people have no “right” to the land any more than the deer or bears or other wildlife.

Counter argument:

5. Reason: British Columbia was really a “no man’s land” before white (European) settlement. It didn’t “belong” to anyone.

Counter argument:

6. Reason: Aboriginal people have no need for treaties because they will eventually become part of the white population (they will be assimilated).

Counter argument: