

peoples enriches and informs our understanding of why we are all Treaty people.³⁴ This is evident, for example, in the story of the Royal Proclamation of 1763 and its relationship to the Treaty of Niagara of 1764. The Royal Proclamation, which was issued by colonial officials, tells only half this story.

On October 7, 1763, King George III issued a Royal Proclamation by which the British Crown first recognized the legal and constitutional rights of Aboriginal peoples in Canada. In the Royal Proclamation of 1763, the British declared that all lands west of the established colonies belonged to Aboriginal peoples and that only the Crown could legally acquire these lands by negotiating Treaties.

At a time when Aboriginal peoples still held considerable power and conflicts with settlers were increasing, British officials sought to establish a distinct geographical area that would remain under the jurisdiction of Indigenous nations until Treaties were negotiated.

Anishinaabe legal scholar John Borrows notes that the Royal Proclamation can be fully understood only in relation to the Treaty of Niagara, in which the terms of the proclamation were ratified by Indigenous nations in 1764. As Borrows explains, the Indigenous leaders who negotiated the Treaty of Niagara with the Crown did so with the understanding that they would remain free and self-determining peoples. Borrows observes:

The Proclamation uncomfortably straddled the contradictory aspirations of the Crown and First Nations when its wording recognized Aboriginal rights to land by outlining a policy that was designed to extinguish these rights.... The different objectives that First Nations and the Crown had in the formulation of the principles surrounding the Proclamation is the reason for the different visions embedded within its text. Britain was attempting to secure territory and jurisdiction through the Proclamation, while the First Nations were concerned with preserving their lands and sovereignty.³⁵

The Royal Proclamation was ratified by over 2,000 Indigenous leaders who had gathered at Niagara in the summer of 1764 to make a Treaty with the Crown.³⁶ The Treaty negotiations, like earlier trade and peace and friendship Treaties, were conducted in accordance with Indigenous law and diplomatic protocol. John Borrows presents evidence that Aboriginal peoples, some fifty-four years after the Treaty of Niagara was negotiated and ratified, still remembered the promises that were made by the Crown. In 1818, a Crown representative, Captain Thomas G. Anderson, gave the following account of a meeting between Anishinaabe peoples and the Crown at Drummond Island in Lake Huron.

The Chiefs did decamp, laying down a broad Wampum Belt, made in 1764.... Orcata [an Anishinaabe] speaker ... holding the Belt of 1764 in his hand ... said: Father, this my ancestors received from our Father, Sir. W. Johnson. You sent word to all your red children to assemble at the crooked place (Niagara). They heard your voice—obeyed the message—and the next summer met you at the place. You then laid this belt on a mat, and said—‘Children, you must all touch this Belt of Peace. I touch it myself, that we may all be brethren united, and hope our friendship will never cease. I will