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**SFU**

**CELS**

Center for Education, Law, and Society

**The Royal Proclamation of 1763  
and how it affects Aboriginal issues in Canada today**

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## Teacher Introduction

Teaching about historical significance is critical to helping students develop an understanding of the relevance of history to the present. This is not always an easy task as the relevance of many historical events to the present is not apparent and the links are often complex. Drawing out historical relevance is a teaching challenge.

Fortunately the Royal Proclamation of 1763, lends itself to a lesson in historical significance more readily than many. The reason for this is that the Royal Proclamation is one of those events that has had far reaching, deep consequences for many people over a long period of time. Also, it stands as an event that is central to the relations between the mainly European settlers of North America and Aboriginal peoples since its inception in 1763. In fact, this resource will demonstrate in terms of Aboriginal issues, the proclamation has relevance right up to the present day especially in British Columbia.

### **IRP connections**

The resource has direct application to three important learning outcomes of the Social Studies 9:

- The changing nature of law and its relation to social conditions of the time.

The Royal Proclamation was originally intended to deal with issues relating to the settlement of eastern North America in the 18th century. It did however, over time, come to have much greater significance and its application and relevance evolved as the continent was settled.

- The Relationship between Aboriginal people and Europeans and the role each played in the development of Canada.

The Royal Proclamation is a central element of the story of Aboriginal/European relations in Canada. Understanding the Royal Proclamation is essential to understanding those relations.

- The roots of present day regional, cultural and social issues within Canada.

Aboriginal land title and issues relating to treaty making are among the most significant cultural and social issues in Canada and British Columbia today. The resource demonstrates how the Royal Proclamation and its application, or lack of it in the case of British Columbia, explains the current situation.

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## Teacher Introduction (con't)

### Format

#### Part 1: Historical background

Students learn about the historical background and the significant elements of the Royal Proclamation that applied to Aboriginal peoples. With their knowledge of the Royal Proclamation students then describe and analyze the proclamation from the perspective of one of the parties most affected:

- An Aboriginal/ First Nations inhabitant of the affected lands
- An American settler or pioneer
- An official of the colonial government representing the king.

#### Part 2: Historical relevance

Students learn how the Royal Proclamation of 1763 has relevance to the present and is an example of how historical events affect present day social issues, in this case Aboriginal land claims in British Columbia.

- Applying their understanding of the Royal Proclamation students will prepare counter arguments to the statement, "the Royal Proclamation does not apply in British Columbia and cannot be a reason for settling Aboriginal land claims in this province."

*Note: This is the position set out by Joseph Trutch in 1864 and followed by governments of BC until the Supreme Court ruling of 1973.*

## Part 1: Information for students on the Royal Proclamation of 1763

### Procedure:

- 1) Working with a partner read the following information one paragraph at a time. After you have read each paragraph make up a question that has an answer that will identify the main point of the paragraph. (The paragraphs are numbered for you to read and work on one at a time) Example for paragraph 1: What does the Royal Proclamation tell us about history and why it is important?
- 2) Once you have finished reading the information and writing your questions go back and write out the answers for your questions.
- 3) After you have answered all of your questions write a 5 to 10 line summary of the information that identifies the most important points.

### The Royal proclamation of 1763

1) If you look up the Royal Proclamation of 1763 in many history books or encyclopedias you may not find very much written about it. As far as world history is concerned it is not considered very important. In Canada however this document written by King George III of England in 1763 has been extremely important and in fact has great relevance to this day. The Royal Proclamation of 1763 is a good example of how history is more than facts and old stories. It is not only about events that shaped the past but how those events continue to effect the present as well.

2) One of the major issues in British Columbia 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 to the present day in BC many Aboriginal claims to land that have never been resolved. These land claims have not only been complicated but controversial.

Why Aboriginal have land claims in BC have been so complicated and controversial and why do they remain so to this day? Part of the reason has to do with the Royal Proclamation of 1763 and disagreements over whether or not it applies to BC.

So what was this Royal Proclamation and why does it still matter?

### Setting the scene:

3) In 1756 England and France became involved in a war that came to be known as the Seven Years War. This was an important war especially to the politics of North America. This was because one of the outcomes of England's victory was that what had been the French North American Colonies, New France (Quebec) and a large part of French territory in what is now the United States, came under British rule.

4) However, even though England won the war they had serious problems in North America. The original 13 American colonies were becoming more and more resentful of English rule. Most of the non Aboriginal population of the American colonies had lived in North America for several generations and for over 200 years. They no longer felt any real connection to England. In fact they were very close to rebelling against England and becoming independent. (These 13 colonies in North America eventually become the United States of America.)

5) The "Americans" as the settlers of the 13 colonies came to be known were a problem for the British and they needed to be controlled. Not only that, but the British also needed to be able to collect taxes from them. If the Americans started to settle remote parts of North America they would be difficult to tax and control.

6) A second problem for the British was the hostility some of the Aboriginal population had for them and for the Americans in the 13 colonies. In fact the Seven Years war is sometimes referred to as the “French and Indian War” because it was not only the French and the British who were fighting but also a large number of Aboriginal tribes. The British had Aboriginal allies but at the end of the war they were very concerned about the possibility of on going hostility towards and from Aboriginal tribes.

7) The map below shows the parts of North America that were French but became British Territory after the Seven Years War. On the map these areas are called “Indian territory”. This is because in 1763 this area had not been settled by Europeans and was used by the French mainly for fur trading with the native population. The native inhabitants of the territory had supported the French during the war and did not like or trust the British.

8) It was the possibility of endless conflict with Aboriginals that led the British King, George III, to issue the Royal Proclamation. This proclamation was mainly an attempt by the British to assure natives in the “Indian Territory” that their lands would not be overtaken by European settlers. In order to do this the Proclamation had these conditions:

- King George reserved the western lands ( in the US this was known as the Ohio Valley. In Canada it was part of what is now western Ontario and northern Quebec) to the “several nations or tribes of Indians” that were under his “protection” as their exclusive “hunting grounds.” Non natives were forbidden entry to these lands.
- As ruler of this territory, however, the King claimed ultimate “Dominion” over the entire region. He further prohibited any private person from directly buying the interest of native groups in their ancestral soil. In other words no one but the King (the government) could make land deals with natives. This also meant that as far as the British were concerned the land belonged to the government of Britain.
- As detailed in the Proclamation, King George III set out a procedure whereby an “Indian group”, if they freely chose, could sell their land rights (i.e. make a treaty) to properly authorized representatives of the British monarch.
- The Royal Proclamation resulted in the establishment of the British Crown, and later the Government of Canada, as the central agent in the transfer of Aboriginal lands to colonial settlers. The important point here is that Aboriginal lands could only be occupied or used by non Aboriginals if there was a treaty with the government that would allow it.



# Student Activity 1

Your task in this activity is to look at the Royal Proclamation of 1763 from three perspectives:

- An American living in one of the thirteen colonies.
- An Aboriginal living on the “Indian territory”.
- A representative of King George III in North America.

Use the information provided here to help you develop each perspective. (You are to take all three perspectives.) The first provides some ideas on how Americans in the thirteen colonies might have felt. The second reading on the famous chief of the Ottawa Aboriginal nation, Pontiac, helps with the Aboriginal perspective. The third gives you some ideas on how the King and his government saw the need for the Proclamation.

## 1: The Americans in the thirteen colonies

[www.ushistory.org/us/9a.asp](http://www.ushistory.org/us/9a.asp) *Note: This is for identification of the source. Students need not go to the sites.*

Despite the Treaty of Paris, many Native Americans continued to fight against European settlement of land west of Appalachia. Ottawa Chief Pontiac led numerous attacks against British and colonial expansion and settlement and his violent aggression is one reason Britain issued the Proclamation of 1763.

But what seemed simple to the British was not acceptable to their colonial subjects. This remedy did not address some concerns vitally important to the colonies. Colonial blood had been shed to fight the French and

Aboriginals, not to cede land to them. What was to be said for American colonists who had already settled in the West?

In addition, the colonies themselves had already begun to set their sights on expanding their western boundaries; such planning sometimes even causing tension among the colonies. Why restrict their appetites to expand? Surely this must be a plot to keep the American colonists under the imperial (British) thumb and east of the mountains, where they could be watched.



*Pontiac, Chief of the Ottawa - by John Mix Stanley, 19th century*

Consequently, this law was observed with the same reverence the colonists reserved for the mercantile laws. Scores of wagons headed westward. How could the British possibly enforce this decree? It was nearly impossible.

The Proclamation of 1763 merely became part of the long list of events in which the intent and actions of one side was misunderstood or disregarded by the other.

## 2: Pontiac

<http://ohiohistorycentral.org/entry.php?rec=306&nm=Pontiac>

Pontiac was born around 1720. His father was an Ottawa Indian, and his mother was a Chippewa. His family raised Pontiac as an Ottawa, although he had numerous friends among his mother's people. Little is known of his early years. He probably traded with the French merchants that moved into modern-day Michigan and Ohio in the late 1600s and 1700s. By 1755, he had become an important leader of the Ottawas.



Pontiac subscribed to the spiritual beliefs of Neolin, a teacher among the Delaware Indians during the 1760s. Neolin encouraged his fellow Indians to forsake all English goods and customs. He felt that the natives' dependence on these items had infuriated the Creator. The reason why the Native Americans in the Ohio Country currently suffered at the hands of the English was because they had forgotten the true ways of their people. European ways would condemn the Indians to the natives' equivalent of eternal suffering. Indians had to separate from white ways and not become dependent on them.

Pontiac concurred with Neolin's views but also felt the Native Americans had to remain militarily strong to drive the Europeans out of the Ohio Country. This became especially important with the conclusion of the French and Indian War in 1763. The Treaty of Paris (1763) turned all French lands in North America over to the English. Native Americans feared the loss of their traditional ally and also believed that British settlers would flood the Ohio Country. To prevent the incursion of Whites, Pontiac and the Ottawas encouraged Ohio Country natives to rise up in 1763. The Ottawas attacked Fort Detroit in May 1763. Many people today view this as the beginning of Pontiac's Rebellion. The Shawnee Indians, the Munsee Indians, the Wyandot Indians, the Seneca Indians, and the Delaware Indians also raided English settlements in the Ohio Country and in western Pennsylvania during 1763. In the autumn of 1764, the English military took the offensive against the natives. Colonel John Bradstreet and Colonel Henry Bouquet each launched invasions of the Ohio Country from Pennsylvania. Both men were successful in subduing the native population.

Pontiac's Rebellion essentially ended in the autumn of 1764, but Pontiac did not formally surrender to the English until July 1766. The English promised him no harm as long as he agreed never to wage war against the British again. Pontiac spent the remainder of his life with his family on the banks of the Maumee River. In 1769, a Native American murdered Pontiac. It is not clear why he was killed. The English may have paid a man to kill Pontiac to deprive the Ottawas of one of their leaders. On the other hand, it may have been the work of a group of Native Americans who were upset with Pontiac's refusal to wage war against the English. Pontiac's death, like most of his life, remains a mystery. His dream of a united Native American front against the Europeans did not end with him. Other native leaders, such as Tecumseh and Little Turtle, would also try to form Indian confederations to stop the westward expansion of white settlers in the late 1700s and early 1800s.

### **3: The Royal Proclamation:**

[http://www1.canadiana.org/citm/themes/aboriginals/aboriginals3\\_e.html#royal](http://www1.canadiana.org/citm/themes/aboriginals/aboriginals3_e.html#royal)

The British, who now controlled Québec, wanted settlement to take place within the colony, but also wanted to ensure Aboriginals had their own land for reserve settlements. This was especially important as the British expected an overflow of settlers from the Thirteen Colonies to move north. However, this move to protect Aboriginal land ultimately frustrated British settlers and merchants in the colony.

Britain did not want land deals to be done by the settlers to protect Aboriginal interests. The Royal Proclamation hints at the reason: it notes that British interests were, prior to 1763, responsible for "great fraud and abuses" in obtaining land from Aboriginals that had caused the latter "great dissatisfaction". After all, only a decade earlier, the Mohawk had broken the covenant chain with the American colonies due to Anglo-American settlement that had occurred on Aboriginal lands without permission. After spending years fighting the French in North America and abroad, the British wanted to gain the allegiance of the Aboriginals to prevent further costly and bloody frontier wars, as more British settlers arrived.

Thus, they ensured that any future negotiation with Aboriginals was to be done in public by representatives of the British crown, and that the final results of such negotiations would be recorded in written treaties. The proclamation also gave Britain the right to purchase Aboriginal hunting and fishing grounds, but gave Aboriginals the right to hunt and fish on these acquired lands. This would be very important in future claims and court cases by Aboriginal nations.

In October and November 1768, a conference was held at Fort Stanwix, New York, to fix the boundaries of the reserved hunting grounds provided for in the Royal Proclamation between all sides of the covenant chain. The Iroquois thanked the British for 'polishing the chain' when its sides had grown dull.

## Procedure:

Each of the following tasks asks you to demonstrate the perspective or point of view of the key participants involved or affected by The Royal Proclamation. Follow the instructions for each to demonstrate your position. (You are writing all three perspectives)

- 1) An American colonist 's protest poster that that makes at least three points on why you oppose the Royal Proclamation.
- 2) A list of speaking notes Chief Pontiac could use to persuade his people to fight against the American/ British settlement of your traditional lands.
- 3) A letter from representative of King George III which explains to the American colonists the important reasons for the Royal Proclamation.



*The Treaty of Penn with the Indians, by Benjamin West 1771-1772*



## Part 2: The historical relevance of the Royal Proclamation of 1763: Why it remains important in the 21st century.

### Background for teachers:

- The Royal Proclamation was written with the “Indian Territories” of the Ohio valley, Ontario and northern Quebec as its main concern but was later adopted by the Government of Canada as the principal guideline for the settlement and development of Aboriginal lands in what is now Canada.
- The Royal Proclamation is sometimes called the “magna carta” of native peoples. This description comes from the fact that the document recognizes basic rights of Aboriginals to inhabit and use their traditional lands and not to be interfered with in doing this. Also, the Proclamation requires that Aboriginals agree, through treaty, to any changes in the use of their lands by others.
- There has always been disagreement in Canada over the extent to which the Royal Proclamation applies beyond the territories of concern in 1763. Provincial governments in British Columbia in particular have long claimed it had no effect in British Columbia mainly because it was a separate colony until 1871.
- The Nisga’a were the first Aboriginal group in British Columbia to test the application of the Royal Proclamation in this province. The Nisga’a in fact had always maintained that the proclamation applied to their lands and would only negotiate treaties regarding their lands under the conditions of the proclamation.
- Frank Calder, a member of the Nisga’a nation tested the application of the Proclamation in BC in the Supreme Court of Canada with the result being a split decision. Three judges argued it did have affect, three that it did not. (The seventh judge did not address the specific issue). The court’s decision meant that while Calder had lost the case the question of Aboriginal title was not answered. The court said that the proclamation of 1763 did give Aboriginal title but they could not decide if the Proclamation was still valid.
- This case was significant however in that the government of Canada was put in the position of having to accept the concept of Aboriginal land title as it was described in the Royal Proclamation. Later Supreme Court cases (Guerin and Delgamuuk) established that the governments of Canada and BC were required in law to negotiate treaties with Aboriginals concerning the use of their traditional territories.
- After the Calder decision the Nisga’a went on to negotiate a treaty with the government of Canada which recognized the effect of the Royal Proclamation. There have however been very few treaties with other Aboriginal groups in BC since the Supreme Court decision.
- There are complex reasons for this lack of treaty making in BC but one of the most important is that the failure of successive governments in BC to recognize Aboriginal land title, as set out in the Royal Proclamation, has made a difficult situation worse. Because BC has been populated and developed without these treaties being in place 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.

## Reference for teachers for Activity 2 “Counter arguments”

The “reasons” provided are rationalizations Trutch and others gave for ignoring the Royal Proclamation. With some modifications and somewhat less blatant racism these arguments have been carried forward to the present day.

The following are suggestions for counter arguments teachers might find useful in working with students on the activity:

*(note: the counter argument for reason #1 is provided as an example for students)*

### **Counter argument to reason #2:**

The most obvious counter argument to the notion that Aboriginals had no “use” for the land is to point out what they did in fact use it for. Trutch of course meant “use” in the European sense which was mainly agricultural use of land.

### **Counter argument to reason #3**

This counter argument should focus on the consequences of not negotiating treaties. The lack of treaties in BC has actually become a barrier to economic development particularly since the Supreme Court ruling on the Calder case.

### **Counter argument to reason #4:**

The counter argument should focus on the Royal Proclamation which was very specifically about Aboriginal rights with regard to their traditional lands. Trutch’s argument is typical of a certain colonial perspective that saw Indigenous people as less than human. The Royal Proclamation did not however hold to this view.

### **Counter argument to reason #5**

The “no man’s land” idea was also based on the belief that since Aboriginal people did not have the European concept of land ownership they had no interest in what was done to it. The Royal Proclamation did in fact recognize that Aboriginals had “title” to their lands.

### **Counter argument to reason #6:**

This counter argument should focus on the fairness of the idea of assimilation, i.e. “how would you like to be “assimilated” and the negative consequences of a policy or practice of assimilation.

# Activity: The Royal proclamation Today

The historical relevance of the Royal Proclamation of 1763: Why it remains important in the 21st century.

## Instructions

Use the “true or false study guide” that follows the briefing sheet to summarize the information.

## Student Briefing Sheet

The Royal Proclamation and British Columbia:



*Sir James Douglas, photographer unknown ~1860*

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:



*Joseph Trutch ~ 1870 by WJ Topley*

"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.



# True or false study guide for “The Royal Proclamation and BC”

## Instructions

Read the following notes on the information and indicate beside each whether the statement is true or false. If it is true put a check mark in the space for “true”. If it is false, correct it in the space provided.

1. Like the rest of Canada, BC made treaties with Aboriginal people following the Royal Proclamation during the 19th century.

True \_\_\_\_\_

False: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Most of the Europeans who first settled in BC came overland from eastern Canada.

True \_\_\_\_\_

False: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. James Douglas the first governor of Vancouver Island and he did make treaties with some Aboriginal people because he thought treaties were important to peaceful settlement of the colony.

True \_\_\_\_\_

False: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. When BC was formed by joining Vancouver Island with the mainland to form one colony Douglas was not able to make Aboriginal treaties and tried to satisfy Aboriginal land claims by creating reservations.

True \_\_\_\_\_

False: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*continued...*

5. Joseph Trutch followed Douglas and tried to carry on treaty making with Aboriginal people in BC.

True \_\_\_\_\_

False: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Joseph Trutch believed in the Royal proclamation and that Aboriginal people had rights to their lands.

True \_\_\_\_\_

False: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Provincial governments in BC have never followed the Royal Proclamation and there are very few treaties with Aboriginal people in BC.

True \_\_\_\_\_

False: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. In general the fact that there are few Aboriginal treaties in BC and the Royal Proclamation has not been followed has not been serious and has not had any negative consequences for the province.

True \_\_\_\_\_

False: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Student Activity 2: Counter Arguments

Your task is to present counter arguments to Joseph Trutch. This means you have to develop some points that would demonstrate how he and those who might agree with him were wrong and that BC should follow the Royal Proclamation and negotiate treaties that recognize the land claims of Aboriginal people in BC.

All of the following are reasons Joseph Trutch gave for ignoring the Royal Proclamation. Your task is to write a counter argument for each of Trutch's "reasons".

### Example:

1. Reason ( according to Trutch): 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 did say that Aboriginal people do have title to their lands and treaties were 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 wild life.

Counter argument: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*continued...*

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. ( i.e. they will be assimilated)

Counter argument: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Hints for creating counter arguments:

1. The idea of “fairness” can be used in developing a counter argument. Think of how you or even someone like Joseph Trutch would like to be treated. In other words, “how would you like it if this happened to you?”
2. The problem of side effects and consequences. A good counter argument can be developed by pointing out the consequences or unintended side effects of actions or policies. Certainly the policies of Joseph Trutch with regard to Aboriginal people have had some significant consequences in BC.