

In accordance with the recommendations made by the Lords of Trade in the foregoing documents the King issued on the 7th. October, 1763, the famous Proclamation recognizing and confirming - not creating as some have supposed - the Indian Title. This is the Proclamation held in the case of *Campbell v Hall* (*Cowper's Reports*, p. 213) to have the force and effect of a Statute in Canada, and held by the Supreme Court of the United States in the case of *Mitchell v United States* (9 *Peters*) to which I have already referred (page 12) to be of the same force and effect in the United States, and not capable of being annulled. I quote here the sections of the Proclamation relied upon.

Extracts from Royal Proclamation of 1763.

\*\*\*\*\*"And whereas it is just and reasonable and essential to our interests 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; We do therefore, with the advice of our Privy Council, declare it to be our Royal will and pleasure that no Governor or Commander-in-Chief in any of our Colonies of Quebec, East Florida or West Florida do presume, upon any pretence whatever, to grant warrants of survey or pass any patents for lands, beyond the bounds of their respective Governments as described in their Commissions; as also, that no Governor or Commander-in-Chief of any of our other Colonies or plantations in America do presume for the present and until our further pleasure be known, to grant warrants of survey or pass patents for any lands beyond the heads or courses of any of the rivers which fall into the Atlantic Ocean from the west or Northwest, or upon 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 further declare it to be our royal will and pleasure, for the present, as aforesaid, to reserve under our sovereignty, protection and dominion for the use of the said Indians all the land and territories not included within the limits of our said three new Governments, or within the limits of the territory granted to the Hudson's Bay Company as also all the lands and territories lying to the westward of the sources of the rivers which fall into the sea from the west and northwest as aforesaid; 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 special leave and license for that purpose first obtained."

"And we do further strictly ~~enjoin~~ enjoin and require all persons whatever, who have either willfully 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."