Building Relationships with Indigenous Peoples and Aboriginal Communities:

What the Duty to Consult and Accommodate means for Ontario Planners

Preface

The following learning module was developed from the work of Carolyn King* and David J. Stinson**. They have been collaborating since 2015 to educate land use planners and economic development officers on the necessity of consultation and accommodation. They were asked by the Ontario Professional Planners Institute (OPPI) to prepare a Continuous Professional Learning (CPL) course for the professional development of its members.

In this Continuous Professional Learning course, we will explore some of the worldviews, perspectives, communities and territories that belong to the First Peoples of this Land. This will provide a context for understanding the meaning of planning in the multi-jurisdictional place we call Canada and role of planners in the Duty to Consult and Accommodate.

In our live presentations, we start with a Welcome from an Elder. Like most meetings in most societies, gatherings of any significance start with a welcome. In the contexts we are studying here, that welcome often consists of a prayer, or ritual, or ceremony. The intention is to clear the mind and open the heart of personal concerns so that the important matters at hand can be dealt with in peace. It is not about the imposition of belief, but rather an invitation to participation. You are free to participate to whatever degree you are comfortable, without prejudice.

**Carolyn is a member and life-long resident of the Mississaugas of the Credit First Nation. She has been an employee of her community, but was also elected as its first female Chief. She has worked tirelessly on behalf of its community & economic development, its public relations, its land-use planning policies & environmental procedures. She has been awarded the Queen Elizabeth II Diamond Jubilee Medal for her support of First Nation history and advancement of the Aboriginal peoples, the recipient of an Eagle Feather from the Council of MCFN in recognition for 20 years of volunteering, and has recently been appointed as a Member of the Order of Canada. She is the creator of the Moccasin Identifier Project and is President of the Shared Path Consultation Initiative.*

***David is a Registered Professional Planner, Member of the Canadian Institute of Planners, and a Professional Agrologist. He has spent several decades working with First Nations and on behalf of land-use issues relevant to Aboriginal communities. He was employed as the Community Planning Advisor for the Ogemawahj Tribal Council. David has served on the Indigenous Community Planning Committee of the Canadian Institute of Planners and on the Indigenous Planning Perspectives Advisory Group for the Ontario Professional Planners Institute. He is a Partner at Incite Planning and serves on the Board of the Shared Path Consultation Initiative.*

Module III – History & Consultation: pre-Confederation

For this module, the discussion that follows is an attempt to situate the issue of the "Duty to Consult" in an historic context. Though prepared for an Ontario audience, the details have been selected from the narrative of Western Civilisation across the continent to show how the relationship between it and the Indigenous Civilisations continues to develop. No attempt has been made to be definitive, authoritative, or comprehensive. This story is simply presented to illustrate why the imperative for meaningful consultation arose.

Contact

Early Relationships between the "New World" and the "Old World" were built through trade and military alliances, religious and family ties, exploration and settlement efforts ... but how did this place go from being what native peoples have called Turtle Island to becoming North America? This is what we will explore next.

Note: *to provide a sense of history, an attempt has been made to contrast original given names, family names, and place names with those in common use today.*

Spain: 1492. It has been more than 525 years (12 October 1492) since a Genoese mariner named Christoffa Corombo *(Genoese: Christopher Columbus)* landed on the Caribbean Island of Guanahani. We know that others such as Viking settlers and Basque fishermen were visitors, but 1492 represents the date of sustained interest by Europe in what was for them a "New World". Columbus renamed that island San Salvador, claiming it for Spain.

His early interactions with the indigenous Carib populations were at times peaceful and at other times hostile, taking prisoners in an effort to find gold, and to put on display in Europe. Evidence suggests that his later colonisation efforts were accompanied by slavery, sexual exploitation, and brutal repression of uprisings. Only small remnants of the Carib culture survive in the Caribbean today.

England: 1497. Five years later in 1497, another Genoese-born mariner, Zuan Chabotto *(Venitian: Giovanni Caboto; Italian: John Cabot)*, claimed the island of Ktaqmkuk in the North Atlantic Ocean. Though a Venetian citizen at the time, he claimed this "New-found-land" for England. John Cabot is thought to have landed at Bonavista, but the exact route is unknown. Evidence of human occupation was found, but no contact occurred with the indigenous Beothuk.

In August 1583, Sir Humphrey Gilbert took formal possession of the island for Queen Elizabeth I. The Beothuk were a cautious people and resisted active contact once colonisation began in 1610. It is thought that increasing competition for resources from other groups and the growing European population, disease, and perhaps occasional hostility led to their disappearance as a distinct cultural group. The last Beothuk woman, named Shanawdithit, died in 1829.

France: 1534. Breton-born Jakez Karter *(Breton: Jacques Cartier)*, sailed into the Gulf of St. Lawrence in 1534. He had brief trading encounters with the Mi'kmaq and then the Laurentian peoples, but the latter were disturbed when he planted a cross on the Kespe'kewaq *(Mi'kmaq: Gaspé)* Peninsula, claiming it for France. Leaving gifts, he took two men, Domagaya and Taignoagny, back to France. On the second voyage they piloted him to the Laurentian Iroquois settlement of Stadacona *(Quebec City)* where he met Chief Donnacona.

He then ventured further west to the village of Hochelega *(Montreal)*. The expedition overwintered in Stadacona, where they survived scurvy through the use of an indigenous medicinal made from white cedar. Donnacona, Domagaya, and Taignoagny, along with seven others were kidnapped and taken back to France to verify the riches of "Kanata" *(Laurentian: village; possible derivative for the word "Canada")*. They were apparently treated well, but all died there. A third voyage of settlement was undertaken, but the colony failed due to bad weather, disease, and deteriorating relationships with the native population. The Laurentian Iroquois culture itself soon disappeared, possibly from warfare with neighbouring groups.

Acadia: 1604. Like Cartier before him, François Gravé Du Pont, was born in St. Malo on the Brittany coast. He may have begun trading for fur as early as the 1580s. But in 1599, he and his protestant partner, Pierre de Chauvin, obtained a fur trade monopoly for Canada. In 1600, he was a ship's captain on Chauvin's voyage to established a post at Totouskak *(Montagnais: Tadoussac)*, a traditional location for summer trading among the indigenous Montagnais *(French: Innu)*, and a stopping point for European whalers and fishermen for the previous half century. Sixteen men were left to overwinter; only five survived, with the aid of the native population.

Chauvin died in 1603, but another fur-trading expedition was mounted by Du Pont to further explore the Saint Lawrence River. He was accompanied by two Innu men, along with Samuel de Champlain. He again visited the colony at Tadoussac; making a strong alliance with the Innu Chief's Begourat and Anadabijou.

The next year in 1604, both Champlain and Du Pont accompanied Pierre du Gua de Monts to colonise Passamaquoddy Bay *(Île Ste-Croix)*, near the present border between New Brunswick and Maine. Pierre du Gua, though protestant-born, had been granted the fur trade monopoly in Acadia. Du Pont departed for France before the harsh winter set in and returned in the spring of 1605 with fresh supplies. This aided the resettlement of the colony to Habitation de Port-Royal in present day Nova Scotia. But Du Pont also brought news that the fur trade monopoly was under threat, forcing du Gua return to France that same year. However, the colony thrived in this more fertile location, along with assistance from the Mi'kmaq under Chief Membertou and the social gatherings known as the "Order of Good Cheer". Pierre du Gua's monopoly was rescinded in 1607, and the Habitation was left in the care of Membertou and a few colonists. It was reoccupied in 1610, under catholic auspices, but the English attacked and looted the place in 1613. The colonists survived by staying with their Mi'kmaq neighbours and due to a grist-mill that escaped destruction. Port-Royal was finally lost to the British in 1710.

New France: 1608. Samuel de Champlain explored the Atlantic coast and the St. Lawrence valley, founding what is now Quebec City in 1608. Born into a family of navigators, he was also a cartographer who produced the early maps of the northeastern part of the continent. He is recognised as founder of New France, its administrator, and diplomat to the surrounding First Nations such as the Montagnais, Algonquin, Malecite, Mi'kmaq, Wendat, and Odawa peoples. He fought with them against their Haudenosaunee *(Iroquois)* rivals and adopted three Montagnais girls named: Faith, Hope, and Charity.

Early Relationships

Huronia: 1615. It is possible that Champlain may have been born a Huguenot *(French Calvinist)*, but he deftly negotiated the protestant/catholic tensions of his day. By 1615, when his travels brought him into the Wendake *(Huron-Wendat: le pays des Hurons; French: the country of the Huron)* region of present-day Ontario, he brought Recollet missionaries with him. It has been over 400 years since he celebrated Mass at the Wendat

village of Carhagouha. This site is located between the present-day French community of Lafontaine, Ontario and the present-day Chippewa community of Beausoleil First Nation (Chimnissing).

British America: 1607. Despite earlier tentative attempts at colonisation (by Sir Humphrey Gilbert in Newfoundland, 1583; by Sir Walter Raleigh in Roanoke Island, 1585), Virginia was the first English settlement to survive. However, the relationship with the Powhatan Confederacy was tenuous at best. It led to the popular legends of Pocahontas and John Smith, but also to the "Starving Time" and possible cannibalism. None-the-less, the establishment of Jamestown in 1607 by the **Virginia Company of London** sparked the tobacco trade, and led to the British domination of the continent.

Hudson's Bay Company: 1670. The Governor and Company of Adventurers of England trading into Hudson's Bay was granted a royal charter in 1670, under the restored monarchy of Charles II. It conveyed a trading monopoly over the entire Hudson's Bay watershed. Named after the first Governor, the king's cousin Prince Rupert of the Rhine, this vast territory was one of the world's largest land-holdings and covered 40% of modern Canada (close to 3.9 million km^2 or 1.5 million square mi.). It functioned as a de facto government with the authority to raise armies and navies, dispense justice, etc. However, its main function was trading manufactured goods for furs with the Aboriginal peoples of this region.

Since its beginnings, New France had also traded for fur with the Indigenous peoples throughout the St. Lawrence basin. After 1731, the explorer La Vérendrye extended the trade past Lake Winnipeg out onto the prairies. By 1770, Scottish and English merchants in Montreal had begun to discuss how to effectively compete with the Hudson's Bay Company. In 1779, the **Northwest Company** was formed. Their approach followed earlier practices of travelling by canoe to their Native trading partners rather than waiting patiently "by the Bay". Company explorers like Alexander Mackenzie and David Thompson pushed through to the Arctic and Pacific oceans, laying the basis for commercial relationships with the Aboriginal peoples they visited.

However, intense competition between the two companies exploited the fur supply below sustainable levels, leading to reduced profits and occasional armed conflict. This was exacerbated when the HBC granted an agricultural colony along the major NWC trade route in the Red River Valley. It raised tensions by banning the Métis from hunting buffalo. This was the main ingredient in pemmican, a major food source for the NWC voyageurs. The harvesting of timber started to supplant fur as Britain's navy lost its New England & Baltic lumber supply due to the Napoleonic Wars of the early 19th century. The fur trade was further strained by the American destruction of the pivotal Northwest Company post at Sault St. Marie during the War of 1812, also disrupting the lucrative trading relationships with Native communities below the border, as well as some that straddled it. Fur-trade regulations were reformed by the British government, who ordered the two companies to stop fighting. Thus, they merged in 1821, expanding the HBC into the Athabasca and Oregon regions.

In 1849, **Pierre Guillaume Sayer** and three other Métis were brought to trial in the Red River Colony for selling furs to independent traders. The charges where eventually dropped, but the HBC monopoly was effectively broken. They began to evolve into a retail business catering to householders. By the end of 20th century it was no longer in the fur trade. In 1870, the Dominion of Canada obtained all the lands of the HBC when it signed the Deed of Surrender for its vast territory. The HBC flag is perhaps the basis of Canada's original "Red Ensign" flag design.

Great Peace: 1701. In 1701, the village of Montreal doubled in size when 1,300 representatives from 39 First Nations arrived for peace negotiations. They included representatives from: the Haudenosaunee (Onondaga, Seneca, Oneida, Cayuga, and Mohawk), Amikwa (Beaver People), Cree, Meskwaki (the Foxes or Outagamis), Les Gens des terres (Inlanders), Petun (Tionontati), Illinois Confederation (Kaskaskia, Peoria, Tamaroa, Maroa, Coiracoentantanons, Moingwena), Kickapoo, Mascouten, Menominee, Miami (of the St. Joseph River, Piankeshaw, Wea or Ouiatenon), Mississaugas, Nippissing, Odawa (Sable, Kiskakons, Sinago, Nassawaketons), Ojibwe, Potawatomi, Sauk, Timiskamings, Ho-Chunk (Otchagras, Winnebago, Puants), Algonquians, Wabanaki Confederacy (Mi'kmaq, Maliseet, Passamaquoddy, Abenaki, and Penobscot).

It was hosted by Louis-Hector de Callière, Governor of New France, and represented the culmination of several years of diplomatic effort by French emissaries in the hinterland led by Augustin Le Gardeur de Courtemanche. An initial entente had been signed the previous year, but a wider settlement was desired. The eventual agreement, La Grande Paix de Montréal *(French: The Great Peace of Montréal)* ended close to a century of hostilities between the Haudenosaunee (Iroquois) Confederacy and New France, along with its First Nation allies such as the Huron-Wendat, Anishnaabe, Innu and Abenaki. Thirty-one groups signed the Treaty, which placed France as a mediator of disputes arising between First Nations and assured the neutrality of the Haudenosaunee in the event of a conflict with England.

The Settlement was crafted during a brief, 5-year pause in European conflict wedged between the Nine Year's War and the War of Spanish Succession, but the Peace between the French and the First Peoples lasted for 16 years. Amongst the First Nations involved, the "Peace" is still considered to be in force. Though overwhelmed by historical forces, the notion of co-operation between the indigenous and colonial populations is a lingering legacy.

Seven Year's War: 1756. The British and French empires contested for control over the eastern portions of what native peoples have called Turtle Island, for over a century and a half, through increasing immigration, military skirmishes, and commercial ventures such as the Hudson Bay Company. It came to a head in the world-wide conflict known as the Seven Year's War (**1756-1763**). In the Canadian battle on the Plains of Abraham, the French General Montcalm was defeated by British General Wolfe in 1759. Both Generals perished from battle wounds. In the end, France lost virtually all of its territorial claims on North America, except for the islands of St. Pierre & Miquelon with their attendant fishing rights on the Grand Banks.

The Royal Proclamation: 1763. In order to reorganise all of the territory Britain now possessed, King George III, declared The Royal Proclamation of 1763; in part to stabilise its relationship with the native populations, many of whom were previously allied with the French. It established the principle that any surrender of native land must be done to the Crown, not to private purchasers, and that non-native settlement was forbidden. In this sense, it is one of the first planning documents. [i]

Though not a treaty, it is taken in some circles as a type of "Magna Carta" for Aboriginal peoples, and is the foundation for the ongoing relationship with the Canadian Monarchy, the legal justification for Aboriginal self-government, and the basis for land claims. It is specifically recognised in section 25 of the Canadian Charter of Rights and Freedoms.

Treaty of Niagara: 1764. The next summer, British Superintendent of Indian Affairs, Sir William Johnson received approximately 2,000 First Nation Chiefs at Niagara Falls. It was one of the most comprehensive gatherings of native leadership to date. It included more than 24 Nations from "… as far east as Nova

Scotia, and as far west as Mississippi, and as far north as Hudson Bay… some records indicate that the Cree and Lakota (Sioux) nations were also present…" Some from as far away as the Blackfoot territory near the foothills of the Rockies, may have attended. "Aboriginal people throughout the Great Lakes and northern, eastern, and western colonial regions had travelled for weeks and months…" to participate in the ceremony. The signing of the implementing Treaty was accompanied by speeches and the exchanges of Wampum belts which solemnised the Proclamation of the previous year. The wampum used the "two-row" motif symbolic of the two streams the signing parties would "sail"; ship and canoe, side by side, each with its own customs and laws, never trying to steer the other. A vast Indian Reserve was created to the west with a line drawn along the height of land of the Appalachian Mountains to separate it from the 13 Atlantic Colonies. [ii]

American Revolution: 1776. The Royal Proclamation alienated speculators and irritated those who had received land grants in the territory, and were part of the grievances that sparked the American Revolution (**1775-1783**). The reorganisation also expanded the boundaries of Quebec westward to the Ohio and Mississippi Rivers, though this land was lost during the Revolution. But, the British relationship with the native peoples there, remained; annoying American settlers and helped to spark another conflict, the War of 1812.

During the Revolution, Loyalists to the British cause were from English, Dutch, German, Black, and Indigenous communities, including Chief Thayendanegea (Joseph Brant) and his sister Konwatsi'tsiaienni (Molly Brant; wife of Sir William Johnson, British Superintendent of Indian Affairs) who helped to secure support amongst the Haudenosaunee of the Mohawk, Seneca, Onondaga, and Cayuga Nations.

British North America: 1783. The American Revolution touched off a century of uprising against the "l'ancien régimes" by more liberal notions of economic, religious, and political order. Britain was not immune to this, but managed to survive due to its own unique form of "mixed government" (combining monarchy, aristocracy, and democracy to avoid the excesses of any one, i.e., tyranny, oligarchy, and anarchy). In the land we now call Canada that "mix" also entailed the relationship between native and non-native peoples. This trust was built over 250 years of mutually beneficial military alliances, commercial trade, and extensive intermarriage. Indeed, the author John Ralston Saul proffered the thesis that the polite and kind society that Canada believes itself to be came from this cooperation between the European and the Indigenous cultures. In this sense our constitution does not merely stem from patriation efforts of the early 1980s, but of every Treaty signed by the Crown since contact. [iii]

Note: *the issue of who has Treaty Rights is a bit of a trick question. Treaties can only be signed by equals. In the modern context, we would say "nation to nation". Thus, anyone who is a Canadian citizen has Treaty Rights: the right to live here, the right to make a livelihood, the right to purchase land, the right to develop it… instantiating a need for planning. For anyone who is an Indigenous-Canadian citizen having Treaty Rights has turned out to be far less substantial and far less secure… instantiating a need for consultation.*

War of 1812. During the War of (**1812-1815**), some Native peoples fought alongside the Americans. However, it is estimated that more than two dozen Nations supported Britain, including the Shawnee, Potawatomi, Ojibwa, Muscogee Creek, Seminole, Choctaw, Cherokee, Chickasaw, as well as Iroquois settled north of the border. Prominent leaders included Chief John Norton of the Mohawks, and the Shawnee War Chief Tecumseh, who, along with his brother Tenskatawa (the Prophet), formed a large inter-tribal confederacy to halt the westward expansion of American settlement.

While it has been over 200 years since the end of the war, Americans, Canadians, and British still quibble over who won. However, most scholars agree that it was the Native peoples who lost the war. During the Treaty of Ghent negotiations, the Indigenous interests of protecting land from settlement were dropped to achieve the peace. The economic interests of ending the war were conceded to re-establish trade. Britain was no longer in a position to stop the expansion of settlement. However, as occurred after the Revolution, allied First Nations were offered succour north of the border.

"Civilisation Programme"[iv]: 1828. With the end to hostilities, military allies were no longer needed. Thus, the British Treasury and Colonial Office began to question the military's need for an Indian Department, while others felt that it should become a civil agency tasked with "civilising" Native peoples. This aligned with the era of "philanthropic liberalism", created by the social conditions of Britain's rapid industrialisation. Many humanitarian movements arose, such as those opposed to slavery, or those supporting Christian missionary work, and included the formation of the Aborigines Protection Society. In 1828, Major General H.C. Darling reported to the Colonial Secretary, Sir George Murray, his recommendations that their former allies be settled on farms, provided livestock and implements rather than the typical annuities, and receive educational & religious instruction. Though not the only policy review, his report is taken to be "the founding document of the whole civilization programme".

Murray conferred with the Governor General of Lower Canada, Sir James Kempt, and the Lieutenant Governor of Upper Canada, Sir John Colborne. Their recommendations largely concurred. They reinforced the idea of gathering nomadic peoples into villages, and suggested support for the construction of homes. Colborne also critiqued previous waste and proposed the lease or sale of Native lands to pay for future efforts, so that selected U.S. successes might be replicated here. Oxford professor of political economy and eventual Under-secretary of State for the Colonies, Herman Merivale, proffered liberal policy options that ranged from extermination through slavery through insulation to amalgamation. However, his opinion was more in line with the social sentiments of the time, which saw an "insulation leading eventually to amalgamation" approach as the most cost-effective. This ethos helped to implement the Indian reserve system, along with a proselytizing for material progress, which is still in effect to this day.

Several agricultural experiments were initiated, two in Upper Canada at Sarnia and Coldwater, and another in Rivière Verte in Lower Canada. But pressures to cut costs made the next Colonial Secretary, Lord Glenelg seek advice once again. The Governor General in Lower Canada, the Earl of Gosford, had a bureaucratic response prepared in keeping with the rationale of the Colonial Office, encouraging agriculture and education on reserves set up near white settlements. On the other hand, the Lieutenant Governor of Upper Canada, Sir Francis Bond Head, embarked on a programme of extirpation of all Indians in the colony to Manitoulin Island. It was based on his travels through Argentina, precedents from the U.S., and visits to most Native communities under his jurisdiction. The Aborigines Protection Society in Britain released a public report denouncing the policy. In Canada, Methodist missionaries were incensed and reported much disquiet in Native communities. Reverend Robert Alder, name-sake of Alderville First Nation, lobbied Glenelg directly.

As a result of the mounting political pressure Glenelg reversed his previous endorsement of Bond Head's plans. With the appointment of a new Governor General, Lord Durham, and a Lieutenant Governor, Sir George Arthur, he recapitulated previous settlement and instructional practices, the security of reserve-land title from speculators and creditors, and instructed them "to protect and cherish this helpless Race… and raise them in the Scale of Humanity." This sparked another round of policy assessment, but these were overwhelmed by the events and aftermath of the Rebellions in the two colonies.

***Note:** for those who are up on their planning theory, they will recognise the military origins of tools such as "strategies", or "setting objectives", or the development of "policy options", etc. What was missing from the "Civilisation Programme" was humility. While its altruism was noble enough for the age, these efforts also express a paternalism that saw little need for consultation.*

United Province of Canada: 1841. During the early 19th century, in what is now Ontario and Quebec, the common people began to chaff at the economic, religious, and social control of colonial life by the local oligarchies: respectively the Family Compact and the Chateau Clique. Crop failures and the resultant bank collapses, led to an international recession that exacerbated these conditions. This led to the Rebellions of 1837-1838. In the wake of these uprisings, Lord Durham recommended that Upper Canada and Lower Canada be united into a new colony, the Province of Canada, which occurred in 1841.

Its second Governor General, Sir Charles Bagot, came to office in 1842, and was far more diplomatic than his autocratic predecessor. As an Ambassador he had influenced many events such as the creation of Belgium with the Kingdom of the Netherlands, the settling of spheres of influence in Alaska with the Russian Empire, and the demilitarisation of the Great Lakes and Lake Champlain, as well as the delineation of the western border between the U.S. and British North America with the Republic of the United States. Though instructed to resist responsible government, he allowed a ministry to be formed by Louis-Hippolyte La Fontaine and Robert Baldwin due to the majority of seats their party won in the provincial parliament and worked with them to restructure local governance. Controversially, he presided over the first extradition of a run-away slave back to the U.S., on grounds that the fugitive had committed crimes in order to flee.

He also commissioned yet another study on the management of Native peoples in the colony. Though Bagot died before the assessment was finalised in 1844, the subsequent: Report on the affairs of the Indians in Canada set the stage for future policy. [v] It was a seminal review of the justification and organisational structure of the "civilisation programme" to date. According to John Leslie, the commissioners upheld the duty of the Crown towards indigenous peoples beyond the views of "insensitive local authorities". Thus, something as radical as Bond Head's proposal was seen to be in violation of "faith of the crown and every principle of justice". Nonetheless, hunting and gathering seemed less viable in the face of increasing settlement, and thus the report also included socio-economic "statistical data on the Indian and half-breed populations, reserve acreage, agricultural advancement, health, schools, claims and grievances, temperance, and religious conversion."[vi] The essential recommendations were a centralised administration, boarding schools for children outside the influence of community life, the promotion of private enterprise, and personal tenure of land through a separate reserve registry system.[vii]

Responsible Government: 1848. With the rise of democratic agitation across Europe and the outbreak of republican revolutions in 1848, Britain began appointing governors that were "responsible" to the colonial parliaments rather than the imperial government. In 1848, Britain granted Responsible Government to the Colony of Nova Scotia and the United Province of Canada. This was followed in 1851 by the Colony of Prince Edward Island, then the Colony of New Brunswick in 1854, and the Colony of Newfoundland in1855.

The Governor General of the united Province, Sir Charles Metcalfe, was given authority to implement the recommendations of the Bagot Commission in 1845. By 1850, the Indian Department had been shifted from military to civil control, bolstered by supporting legislation and policies.[viii]

Municipal Government: 1849. In 1849, the legislature of the recently united Province of Canada passed the Baldwin Act. It became the basis for municipal government in present day Ontario, and the structure upon

which modern land development would rest. This period of the 19th century saw a growing modernity and a budding capitalism which increasingly assumed that the "value" of land came from its monetary worth. Land was seen less and less as a place to be in kinship with, and more and more as something to buy and sell. This notion was undergirded by the ideal of progress that applied to everyone regardless of race or class. But it also undermined the traditional assumptions of cooperation. Treaties with the Indigenous inhabitants of this land were increasingly interpreted as land deals, rather than the basis of sharing from its largess. Thus, the *Gradual Civilisation Act* was passed by the Province of Canada in 1857 to enfranchise native people, but only if they gave up their Aboriginal and Treaty rights.

Note: *At this time, the concepts of planning were only in their infancy. Though ideas such as Patrick Geddes, "place", "folk", and "work" directly paralleled Indigenous thinking on such matters, the profession would only be established in the 20th century. By then, planning would be grafted onto existing patterns of land clearing, resource extraction, and municipal growth.*

Confederation: 1867. The idea of a Union amongst the colonies was floated in 1857 and proposed to Brittan in 1859. By 1864, the Province of Canada was proving to be dysfunctional and asked to join talks on Maritime union at a Conference in Charlottetown that September. The discussions proved fruitful enough to prompt a follow-up Conference in Quebec City in October. While Prince Edward Island and Newfoundland opted out, Canada, New Brunswick, and Nova Scotia passed resolutions supporting union. This led to a Conference in London in December, 1866 where the terms of Confederation were finalised. It was quickly passed by the British Parliament and given Royal Ascent in March 1867. Formal union was set for the first of July.

It is important to note that indigenous representatives were not invited to be part of the discussions that created the British North America Act of 1867. Any previous notions of self-government for Aboriginal communities and of the traditional territories they relied on economically were simply assumed to no longer be viable. Indians and lands reserved for them were consigned to a federal department. The vast majority of lands, the natural resources they represent, as well as municipal government were assigned to the newly created Provinces. Treaties between the Crown and the First Peoples became the responsibility of the Dominion Government.

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[i] *planning student: Clara MacCallum Fraser, 2016*

[ii] *John Borrows. Wampum at Niagara: Royal Proclamation, Canadian Legal History, and Self-government. [www.sfu.ca/~palys/Borrows-WampumAtNiagara.pdf]*

[iii] *John Ralston Saul. A Fair Country: Telling Truths about Canada. 2008*

[iv] *Leslie, J. 1982. The Bagot Commission: Developing a Corporate Memory for the Indian Department. Historical Papers / Communications historiques, 17 (1), 31–52. https://doi.org/10.7202/030883ar*

[v] *[https://en.wikipedia.org/wiki/Charles_Bagot] 24 December 2020*

[vi] *Leslie, J. 1982. The Bagot Commission: Developing a Corporate Memory for the Indian Department. Historical Papers / Communications historiques, 17 (1), 31–52. https://doi.org/10.7202/030883ar*

[vii] *Bob Joseph. 2018. 21 Things You May Not Know About the Indian Act. Indigenous Relations Press. Port Coquitlam, B.C.*

[viii] *Leslie, J. 1982. The Bagot Commission: Developing a Corporate Memory for the Indian Department. Historical Papers / Communications historiques, 17 (1), 31–52. https://doi.org/10.7202/030883ar*