



1865 — 1949

Confederation Debates

intermediate/senior
mini unit

<http://hcmc.uvic.ca/confederation/>



**Ontario
Provincial Edition**

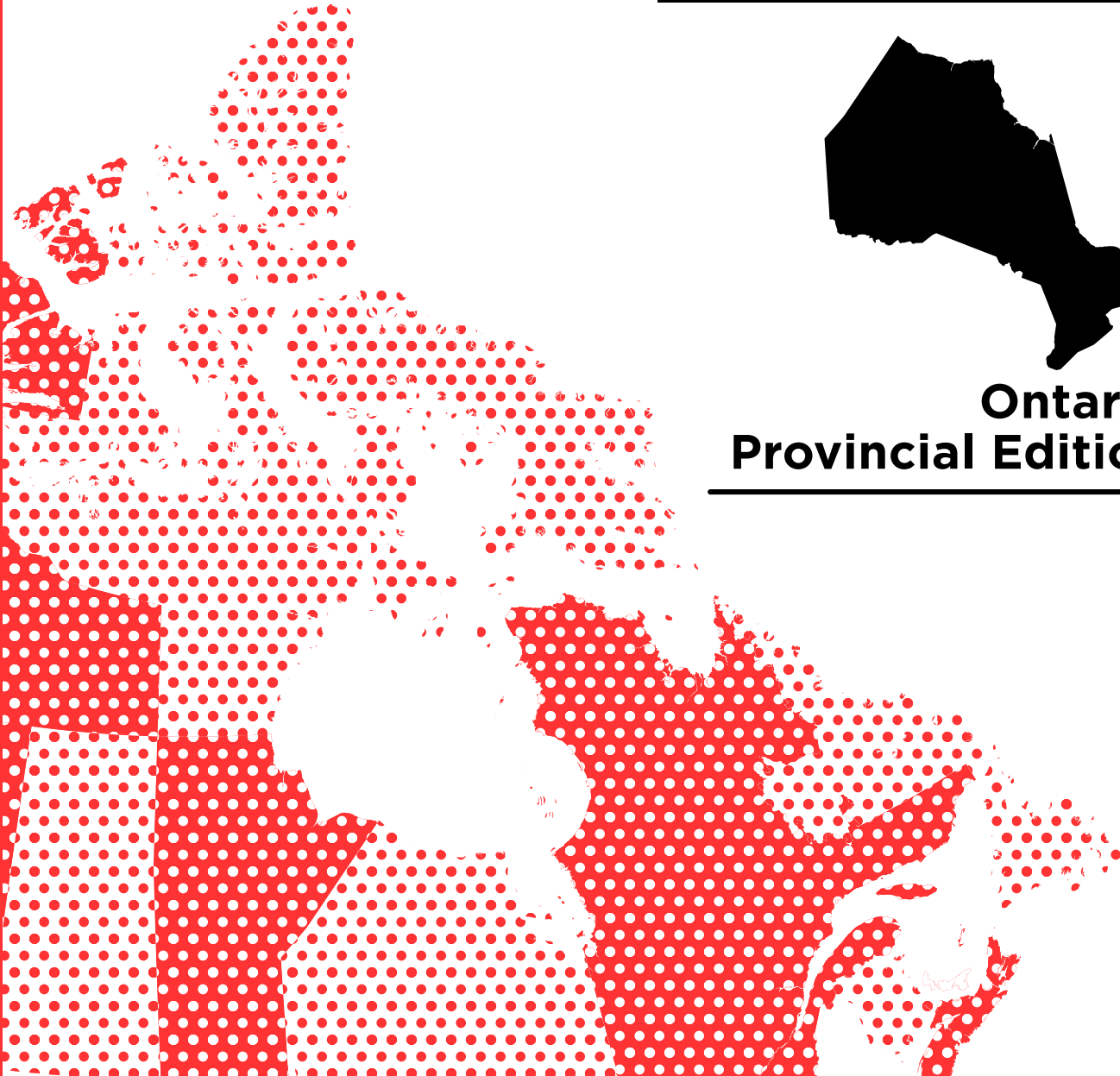


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ABOUT THE CONFEDERATION DEBATES MINI-UNIT

Before each province and territory became a part of Canada, their local legislatures (and the House of Commons after 1867) debated the extent, purposes, and principles of political union between 1865 and 1949. In addition to creating provinces, the British Crown also negotiated a series of Treaties with Canada's Indigenous Peoples. These texts, and the records of their negotiation, are equally important to Canada's founding yet, as the Truth and Reconciliation Committee recently explained, "too many Canadians still do not know the history of Indigenous peoples' contributions to Canada, or understand that by virtue of the historical and modern Treaties negotiated by our government, we are all Treaty people."

The vast majority of these records, however, remain inaccessible and many can only be found in provincial archives. By bringing together these diverse colonial, federal, and Indigenous records for the first time, and embracing novel technologies and dissemination formats, *The Confederation Debates* (theconfederationdebates.ca) encourages Canadians of all ages and walks of life to learn about past challenges, increase political awareness of historical aspirations and grievances, engage present-day debates, as well as contribute to local, regional, and national understanding and reconciliation.

This mini-unit for intermediate / senior level classes, helps students to understand and analyze the key ideas and challenges that preceded the creation of Ontario and Quebec. The first section deals with the debates in the provincial and / or federal legislatures, while the second section addresses more specifically founding treaty negotiations with the First Nations. Each section can be taught independently.

The activities and attached materials will help students understand the diversity of ideas, commitments, successes and grievances that underlay Canada's founding.

By the end of this mini-unit, your students will have the opportunity to:

1. Use the historical inquiry process, gathering, interpreting, and analyzing historical evidence and information from a variety of primary and secondary sources in order to investigate and make judgements about issues, developments, and events of historical importance.
2. Hone their historical thinking skills to identify historical significance, cause and consequence, continuity and change, and historical perspective.
3. Develop knowledge of their province / region within Canada, minority rights, democracy, and appreciate the need for reconciliation with Indigenous Peoples.

Curriculum Objectives:

This mini-unit has been broadly designed for intermediate / senior level classes. The activities described in the pages, for example, fulfill the following “Section 1 | Creating Canada: The Dominion, Ontario And Quebec” requirements from the grade 8 Ontario curriculum.

HISTORY:

A3.5 - identify a variety of significant individuals and groups in Canada during this period

B2. - use the historical inquiry process to investigate perspectives of different groups on some significant events, developments, and/or issues that affected Canada and/or Canadians between 1850 and 1890

A2.2 - gather and organize information and evidence about perspectives of different groups on some significant events, developments, and/or issues that affected Canada and/or Canadians during this period, using a variety of primary sources

A2.6 - communicate the results of their inquiries using appropriate vocabulary

LANGUAGE AND MEDIA LITERACY:

Reading:

1.4 demonstrate understanding of increasingly complex and difficult texts by summarizing important ideas and explaining how the details support the main idea

1.6 extend understanding of texts, including increasingly complex or difficult texts, by connecting the ideas in them to their own knowledge, experience, and insights, to other texts, and to the world around them

Writing:

1.3 gather information to support ideas for writing, using a variety of strategies and a wide range of print and electronic sources

1.5 identify and order main ideas and supporting details and group them into units that could be used to develop a summary, a debate, or a report of several paragraphs, using a variety of strategies.

SECTION 1 | CREATING CANADA: ONTARIO AND QUEBEC

Prerequisite skillsets:

- Word processing
- Web research
- Interpretation of primary sources
- Cooperative sharing
- Some familiarity with group debate

Background knowledge:

Students may need to be reminded of the following subjects from the preceding weeks.

SOCIAL:

- Catholic/Protestant divisions in Canada during the 1860s

ECONOMIC:

- Relations with the United States (American cancellation of the Reciprocity Treaty in 1866)

POLITICAL:

- The political deadlock between Canada-East and Canada-West in the Legislative Assembly between 1862 and 1864 over representation by population vs. French-Catholic minority rights
- The existence of a small but wealthy and influential English-Protestant population in Lower Canada (Quebec)
- The difference between a legislative union (ex. Great Britain had a single legislature for England and Scotland) and a federal union (with federal and provincial legislatures that each have areas of exclusive jurisdiction)
 - Charlottetown and Quebec constitutional conferences of 1865
 - The concept of dividing powers between federal and provincial governments, and the respective jurisdictions of each (ex. education, military)
 - Increasing Aboriginal marginalization (especially neglected Treaty Rights)
- The “Great Coalition” of George-Étienne Cartier, John A. Macdonald and George Brown

Confederation Debates: Introductory Lesson

Lesson: Introduce Confederation, concept of debate.

Concepts Used: Brainstorming, concept map

Recommended Equipment: Computer(s) - for viewing videos and *Dictionary of Canadian Biography* entries

Materials Provided: video, handouts

Time Needed: 2 x 40-minute class

INTRODUCTION:

The teacher will engage students in a brainstorming session with the suggested list of framing questions below.

BRAINSTORM SESSION:

To help students recall background knowledge (see previous page) please discuss the following questions:

1. What was Confederation?
2. What were the most influential ideas in Ontario and Quebec's Confederation Debate?
3. Who was the most influential individual in the Confederation Debates?
4. How did linguistic or ethnic tensions impact the debates and our constitution?
5. What are some areas of continuity and change between the Confederation period and today?

CONCEPT MAP:

1. When the brainstorm session has been completed, the teacher will circle the most pertinent / important subjects and sub-subjects that resulted from the brainstorm session.
2. Teachers may add subjects or sub-subjects if important topics were missed during the brainstorm session.
3. Students will then develop a concept map to highlight the important subjects and sub-subjects.
4. A concept map will provide a visual aid for students to see the important subjects and sub-subjects throughout the unit.

INTRODUCTION TO PARLIAMENT:

1. Distribute the "72 Resolutions Handout" to the students and highlight and discuss:
 - a. The fact that representation in the House of Commons is representation by population, and representation in the Senate is by region (ex. the Prairies)
 - b. The division of powers between federal and provincial governments (note that one focuses on national issues like banking, while the other focuses on local concerns like hospitals).
2. Distribute "Introduction to Parliament: The Question Period" handout and review the questions with the class.
3. Show the class any Question Period video posted to <http://www.cpac.ca/en/programs/question-period/>.
4. Pause the video at the start and point out the government side (left), the opposition side (right), and the Speaker of the House (centre).

5. Play several minutes of the video and ask students to fill out and submit the handout for teacher evaluation.
6. When the video is complete and the handouts are submitted, discuss the following points with the class:
 - a. Note that different parties form the government and opposition, and that each take opposite sides on issues.
 - b. During Question Period, one person asks questions, the other side answers / rebuts
 - c. The Speaker of the House controls the discussion
 - d. The classroom debate will not have any:
 - i. Yelling
 - ii. Talking over one another

Confederation Debates: Biographical Research

Lesson: Introducing the key historical figures in the Confederation Debates

Concepts Used: Critical Thinking, Historical Inquiry Process, Historical Thinking, Online Research,

Materials Used: Computers

Materials Provided: List of biographies, biography handout, primary document handouts, self-evaluation for jigsaw activity

Time Needed: 3 x 40-minute classes

HISTORICAL FIGURE COMPUTER RESEARCH

1. Teachers may wish to familiarize themselves with the key details listed in the historical figure briefs (see appendices) before beginning this activity.
2. Ideally, every student should do the research using their own computer. If there are no computers available, the teacher may wish to print off the *Dictionary of Canadian Biography* entries described below. Alternatively, if all students have access to a computer and internet access at home, this activity could be assigned for homework.
3. Divide the students into six equal-sized groups.
4. Assign each group one of the major historical figures listed below. Teachers may alternatively allow students to choose their historical figure.
 - a. George Brown (strong students should be assigned to this speaker)
 - b. Sir George-Étienne Cartier
 - c. Antoine-Aimé Dorion
 - d. Christopher Dunkin
 - e. Sir John A. Macdonald (strong students should be assigned to this speaker)
 - f. John S. Sanborn
5. Distribute copies of the “Biography Handout” (see appendices) to all of the students.
6. Tell students to use google to search their historical figure and find their listing on the *Dictionary of Canadian Biography* website as listed (see appendices).
7. Tell the students to read their respective *Dictionary of Canadian Biography* entries and record their answers to fill in the blanks on the “Biography Handout.”

GROUP DISCUSSION

1. After students have completed their research - in the computer lab, or at home - the students should rejoin their groups (see 3 above) in the classroom.
2. Distribute the “Primary Source” handouts (see appendices) to the groups (each student should have their own copy).
3. Each student will be given a task: reader, writer and discussant. (The reader will read the source to the group, the discussants will contribute to the discussion, and the writer will record the group’s ideas on a separate sheet of paper.) There can be more than one student assigned to each role.
4. The teacher will encourage each group to decide which statements were most important, and to discuss the possible historical significance of these statements. (Ex. George Brown demanded representation by population, and French Canadians like Cartier demanded French rights).

5. When this work is complete, the students will compare and share these reflections with their group members and determine what facts and ideas they think will be important for their peers to know. Each group member will add these notes to their “Biography Handout.”

JIGSAW

1. When all students have shared information with their group, they will separate into a jigsaw activity. The goal of this activity for all students to learn about every historical figure from their peers.
2. The teacher will assign the students from each group a number between 1 and 6. Eg. Students researching George-Étienne Cartier will be labelled from 1-6.
3. All number 1s, 2s, 3s, 4s, 5s and 6s will then gather together. Each student should have at least one person from every group to share their information.
4. If there are too many students from the historical figure groups, each member should share a portion of what they learned with the jigsaw group. If there are too few students to divide the historical figure groups among each of the jigsaw groups, one student can present their information to more than one group.

CLOSING VIDEO:

1. Obtain a copy of the film *John A: Birth of A Country* (available at <http://www.cbc.ca/player/play/2135790223>).
2. Cue the film to 1 hr 4 minutes and watch to 1 hr 15 minutes which shows George Brown, John A. Macdonald, George-Étienne Cartier and other historical figures debating a British North American union.
3. Use the video to differentiate the men who formed the Great Coalition (i.e. Macdonald, Cartier and Brown).
4. Note that Macdonald and Cartier were partners, while Brown traditionally opposed French Canadian rights.
5. Remind the students that, regardless of what they saw in the video, they will only debate in a respectful manner, and that there will be no yelling or name-calling.

EXIT CARD

1. Students will fill out the exit card (see appendices) and hand it in to the teacher for evaluation.
2. An exit card is an exercise designed to engage students with the material learned in class at the end of a lesson. All students will answer questions before leaving class. Exit cards allow teachers to assess the classes understanding of the day’s material in preparation for the next lesson.
3. Students will answer the questions and will hand in the exit card to the teacher at the end of the lesson.
4. The exit card questions found on the next page satisfy the requirements for 3 historical thinking concepts, historical significance, cause and consequence, historical perspective.
5. The teacher has discretion on whether to mark the exit cards to ensure understanding.

Culminating Activity: The Debate

Culminating Activity: This culminating activity will introduce students to the basics of debate within a historical context and gives them an opportunity to compare different historical positions on key issues of the 1860s.

Concepts Used: Critical Thinking, Primary Sources, Debate, Use appropriate vocabulary, Historical Inquiry Process, historical thinking concepts.

Time Needed: 2 x 40-minute classes

Students/ teacher will choose which figure they want to represent which may be the same or different to the historical figure they researched.

MATERIALS (PROVIDED):

- Mock ballots for optional voting activity. Print in advance of the lesson. (The ballot's text is loosely based on the motion that all of the Province of Canada's representatives debated in 1865.)
- Script for teachers as "Speaker of the House"

OPTIONAL MATERIALS (UNPROVIDED):

- Voting booth (set up before the debate begins for optional voting activity)
- Costumes (ex. The teacher may borrow a graduation robe to wear while acting as "Speaker of the House," or find a white whig)

CLASSROOM LAYOUT:

- If possible, rearrange the classroom desks to resemble parliament (i.e. the Confederation and anti-Confederation groups will sit across from each other with teacher standing in between at the front of the room)

DEBATE PREPARATION:

1. If possible, reorganize the classroom to resemble a parliamentary chamber, with the students representing the pro- and anti-Confederation historical figures facing each other.
2. Students will gather in their historical figure groups and prepare for the debate by composing short answers to the following questions that will be posed during the debate. Each student in the group will write an answer to one of the questions. If less than five students are in a group, one or more students may answer two questions.
 - a. What are the benefits of union?
 - b. What are the drawbacks of union?
 - c. Do we need representation by population in Confederation?
 - d. Local autonomy, or the ability to run things like schools without interference from the rest of the country, was very important to most of Canada's founders. Will the division of powers between federal and provincial governments protect local autonomy?
 - e. What measures have been taken to protect English language rights in the new French dominated province of Quebec? Will they be effective?
3. Students should practice their speech in front of the other members of their group to remain within a two-minute time constraint.

DEBATE:

1. The Speaker of the House (the teacher) will stand at the front of the classroom (between the pro- and anti-Confederation sides of the room if the classroom desks have been moved to either side of the classroom). The Speaker of the House will then read from the enclosed script (see appendices) to bring the debate to order, and pose important questions.
2. Students will be given the opportunity, after everyone has shared, to offer a direct rebuttal to another student's statement. The Speaker of the House may allow students to rebut a particular point.
3. Once each theme has been addressed and all students have had the opportunity to make their case, the Speaker of the House will motion for adjournment.
4. After the debate is finished, teachers may wish to hold the optional voting activity (below).

OPTIONAL VOTING ACTIVITY:

1. Students should fill out the "Post-Debate Self-Evaluation" handout (see appendices) and submit it to the teacher during the voting activity.
2. The teacher will invite each student to the front of the classroom to vote.
3. Each student will go to the voting booth, make their mark for or against joining Confederation based on the debates they have just heard, and deposit the ballot into the box or bucket.
4. When every student has voted, the teacher will collect the ballots, count them, and announce the outcome to the class.

REFLECTION ACTIVITY:

1. Debrief session on how the 1865 debates are important today. Guiding questions can include:
 - a. Why was their historical figure important in the Confederation debates?
 - b. What are some ways in which each historical figure responded to challenges and / or created change?
 - c. Was the language in the materials hard to understand? Imagine if English wasn't your first language, as it was for the Indigenous peoples of Canada.
2. Optional discussion point: Why did each of the founders avoid debating the rights of French-minority groups in Upper Canada or the Prairies? Answers:
 - a. John A. Macdonald: the discussion of future Franco-Ontarian rights was postponed by Alexander Tilloch Galt's promise to propose a bill on this matter after the Legislative Assembly passed the 72-Resolutions.
 - b. John Sanborn: was concerned about English-Protestant minority rights, but had to wait for the separate debate on Alexander Tilloch Galt's proposed education bill.
 - c. George Brown: Did not like giving extra rights to minority groups, so he avoided the topic.
 - d. Christopher Dunkin: it is not clear why Dunkin, as a Protestant-Montrealer did not lobby for his minority group. His inaction hurt his electoral popularity.
 - e. George-Étienne Cartier and Antoine-Aimé Dorion: According to historian Arthur Silver, French-Catholic Lower Canadians were primarily interested in protecting their local rights in the 1860s and did not begin to strongly advocate for French-Catholic rights on the Prairies until after 1867).

Culminating Activity Script

1. To bring the House to order, the Speaker will say “This meeting will come to order.”
2. The Speaker of the House will then conduct roll call for the six historical representatives. As each representative is named, students from that historical figure’s group will say “present.”
3. Once everyone is accounted for, the Speaker will read the House rules:
 - a. The Speaker of the House has ultimate power while Parliament is in session.
 - b. All representatives must stand to make their statements but will not leave their desk.
 - c. The Speaker will ask individual students to rise and sit as if they were debating in parliament.
 - d. No name-calling or insults will be tolerated.
 - e. Representatives may ask to interrupt the current speaker with a question or counter point by raising their hand. The Speaker of the House will decide whether to ask the current speaker to pause.
 - f. Arguments must remain relevant to the subject of the debate. The Speaker of the House has the right to move to another speaker if anyone goes off-topic.
 - g. Students should write down any personal questions or comments for the debrief after the debate.
 - h. Optional: The Speaker may limit the amount of time Representatives are allowed to speak for (ex. two-minutes)
4. The Speaker of the House will then introduce the first main question: “what are the benefits of union?” The groups representing John A. Macdonald, George-Étienne Cartier, and George Brown will be asked to speak. Each group will be limited to a two-minute opening statement.
5. The Speaker will then introduce the second main question: “what are the drawbacks of union?” The groups representing Antoine-Aimé Dorion, Christopher Dunkin, and John Sanborn will be asked to speak. Each group will be limited to a two-minute opening statement.
6. The Speaker will then introduce the third main question. “Do we need representation by population in Confederation?” Prompting questions for students may include:
 - a. Is it fair for some provinces to have more representatives than other provinces in the new country? Why?
 - b. How did the founders expect the Senate (often referred to as the “Upper House”) to protect the less populated provinces from being dominated by Ontario and Quebec? Did everyone think the Senate would be effective in this role.
7. Before introducing the next main question, the Speaker of the House will say “Is everyone ready for the next question?” Additional discussion / debate may ensue.
8. The Speaker of the House will then introduce the fourth main question: “Local autonomy, or the ability to run things like schools without interference from the rest of the country, was very important to most of Canada’s founders. Will the division of powers between federal and provincial governments protect local autonomy?” Prompting questions for students may include:
 - a. What powers does the constitution give to the federal government?
 - b. What powers does the constitution give to provincial governments?
 - c. Did the founders worry that the federal government would interfere in provincial affairs?
 - d. How did the founders try to minimize and alleviate these concerns about provincial autonomy?
9. Before introducing the next main question, the Speaker of the House will say “Is everyone ready for the next question?” Additional discussion / debate may ensue.

10. The Speaker of the House will then introduce the fifth main question: “What measures have been taken to protect English language rights in the new French dominated province of Quebec? Will they be effective?” Prompting questions for students may include:
 - a. Should English-speaking Canadians be expected to learn French if they live in Quebec?
 - b. What language and religious school rights will English Canadians have in Quebec? Are these promises sufficient guarantees?
 - c. Should we support the protection of the English language in Quebec?
11. When everyone has had the opportunity to state their case, the Speaker will say “I move for the adjournment of this session of Parliament.”

SECTION 2 | CREATING CANADA: FURTHERING INDIGENOUS-CROWN RELATIONSHIPS

Prerequisite Skillsets:

- Word processing
- Interpretation of primary sources
- Cooperative sharing

Background Knowledge

Based on the background information provided below (pp.19-21), teachers should familiarize themselves with the following ideas and consider how they will be discussed with students. These ideas will help the students think about treaties and the treaty relationship as important parts of Confederation and founding documents of Canada's constitutional order. Understanding the treaties as important parts of Canada's constitutional architecture demonstrates the role indigenous peoples played in shaping the country.

Important learning outcomes include:

- Nation-to-Nation Relationship
- The Royal Proclamation, 1763 and the Treaty relationship
- The British North America Act, 1867
- The Indian Act, and how it was used to exercise jurisdiction *over* Indigenous Peoples
- The Robinson Treaties
- Historical background on the signing of the treaties and their main clauses

“I Left a Trace:” Lesson 1

Lesson: Introduce oral tradition, negotiations with the Indigenous Peoples, discuss the possibility of cultural / linguistic misunderstanding.

Concepts Used: Brainstorming, historical significance, written response log.

Materials Provided: handouts (see appendices)

Time Needed: 2 x 40-minute classes

THINK, PAIR, SHARE:

To introduce students to the idea that history is constructed from traces of the past, we suggest this introductory activity. The two activities and the follow up response log engages students by having them analyze their personal experience.

1. After describing what a trace is, ask students to take 10 minutes to record everything that they have done in the last 24 hours (and that would be appropriate for classroom discussion) on a blank sheet of paper. They must draw their reflections. Examples of traces include:
 - a. Telling your parent you loved her/him
 - b. Telling someone you know a story about your past
 - c. Bringing mud into the house
 - d. Things you created with your hands
 - e. Actions that influenced others
 - f. Digital traces
2. Ask the class to identify:
 - a. Which traces were purposeful and which were accidental by marking them with a “P” and an “A.”
 - b. How would someone who is not from Canada interpret your traces? Would they be the same or different?
 - c. Would an historian working 100 years from now be able to interpret your traces the same way you would today? Which traces does each student think would be correctly interpreted by historians by marking them with an “H”?
3. Ask the students to find a partner.
4. The partners will then, without saying a word, exchange their drawings.
5. Tell the students that they are now historians, and instruct them take 5 minutes to examine each drawing and write down observations like:
 - a. What they believe the drawing describes?
 - b. What it is used for?
 - c. Why they think the individual thought it was important?
 - d. What does the trace mean?
6. Ask the students to pass the drawings back to their author.
7. Have the class discuss how many items their partners correctly identified. Did they correctly interpret the significance of the “H” items?
8. How many of the “P” items were interpreted correctly? Is the class surprised that their purposeful traces were not always the ones that were interpreted correctly?

RESPONSE LOG:

1. Hand out the Response Log handout. Students should answer one of the five questions to reflect on the topic. Recommended reflection time half an hour.
2. If the students do not have time to finish their response, teachers can assign it as homework.

VIDEO DEBRIEF:

Debrief the class with one or both of these Indigenous 'Trace' videos.

- "Wab Kinew," Heroes (song about indigenous heros) <https://youtu.be/3U14KmHlzMc>.
- "The Ballad of Crowfoot," examines the situation of Aboriginal people in North America through the figure of Crowfoot, the legendary 19th-century Blackfoot leader of the Plains Cree. <https://youtu.be/l-32jc58bgI>.

Museum Curation Activity: Lesson 2

Lesson: introduce negotiations with the Indigenous Peoples, discuss the possibility of cultural / linguistic misunderstanding, nation-to-nation relationships, museum curation techniques.

Concepts Used: Historical significance, flowcharts

Materials Provided: handouts (see appendices)

Time Needed: 2 x 40-minute class

Note: Teachers may wish to invite an Indigenous leader into the classroom, tour the exhibit that the students will produce, comment on their interpretations of the “artifacts,” and share their own experiences with the Canadian state and / or reconciliation.

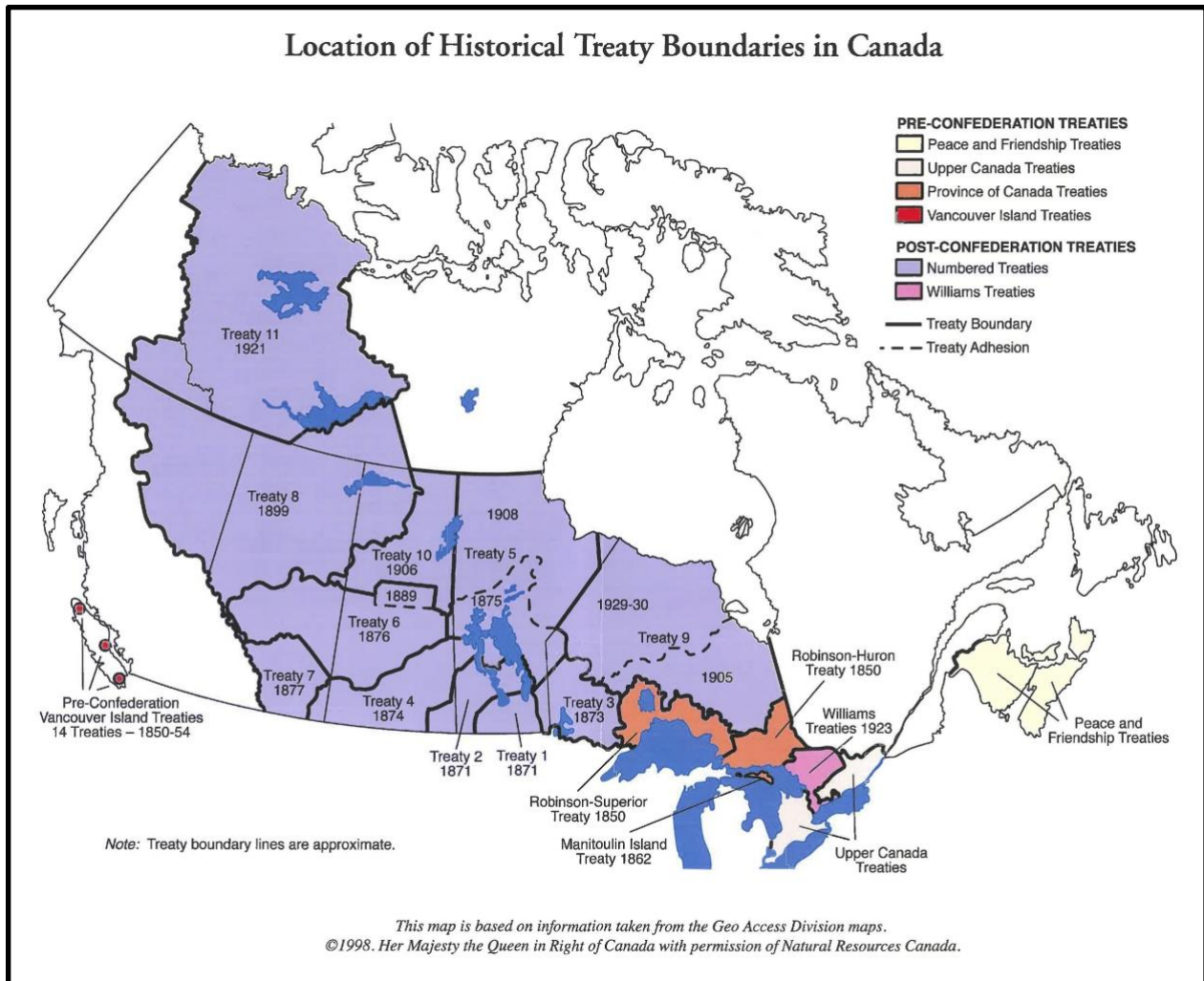
INTRO/BACKGROUND INFORMATION FOR TEACHER TO PREPARE FOR THE MUSEUM CURATION ACTIVITY:

Introducing the Treaty Relationship:

There are two very distinct stories we can tell about confederation and Canada’s indigenous peoples. In one story, indigenous peoples are largely invisible. Here, their only presence is found in s.91(24) of the *British North America Act, 1867*, where “Indians, and lands reserved for the Indians” were deemed to be federal, as opposed to provincial, jurisdiction. This has subsequently been interpreted as providing the federal government with a power *over* indigenous peoples and their lands. The *Indian Act* of 1876, which is largely still with us today, was passed on this basis. This created what political philosopher James Tully has called an “administrative dictatorship” which governs many aspects of indigenous life in Canada. Many of the most profoundly upsetting consequences of colonialism are traceable in large part to the imposition of colonial authority through s.91(24) and the *Indian Act*.

But there is another story as well. Canada did not become a country in single moment. Though the *British North America Act, 1867* created the much of the framework for the government of Canada, Canada’s full independence was not gained until nearly a century later. Similarly, the century preceding 1867 saw significant political developments that would shape the future country. Canada’s Constitution is both written and unwritten. Its written elements include over 60 Acts and amendments, several of which were written prior to 1867. The *Royal Proclamation, 1763*, for example, is a foundational constitutional document, the importance of which is reflected by its inclusion in s.25 of the *Canadian Charter of Rights and Freedoms*. The *Royal Proclamation* established a basis for the relationship between the British Crown and indigenous peoples in North America. By establishing a procedure for the purchase and sale of indigenous lands, the Proclamation recognized the land rights of indigenous peoples and their political autonomy.

Both the pre-confederation and post-confederation treaties form an important part of this history and what Brian Slattery calls Canada’s “constitutional foundation.” It is through treaties such as these that the government opened lands for resource development and westward expansion. It is also through the treaty relationship that indigenous peoples became partners in confederation and helped construct Canada’s constitutional foundations.



For a detailed discussion/background information, and a overly detailed version of what you will present to the class, consider watching: <https://youtu.be/PBXnjBX7j3c>.

If you want to present a video to the class on this, consider playing: https://youtu.be/eFyul7gzy_0.

A helpful article outlining the Crown-Aboriginal relationship and importance of the treaties:
<http://www.macleans.ca/society/why-its-time-to-define-the-crowns-role-with-first-nations/>

INTRODUCING THE ROBINSON TREATIES: TEACHER BRIEFING

The Robinson Treaties are important pre-confederation treaties. The two most well-known, the Robinson-Superior and Robinson-Huron treaties, were signed in 1850, the first being signed with the chiefs along the north shore of Lake Superior on September 7th, the second signed with chiefs inhabiting the eastern and northern shores of Lake Huron on September 9th. The goal, from the perspective of the governments in Britain and the province, was to extinguish Aboriginal title to the lands in order to secure access to mineral resources, particularly copper. Mining activity in the region had grown increasingly contentious. As Robert Surteers notes, “when entrepreneurs began to exploit the mineral deposits - some of which had been known since the days of Father Alouez's journey into the region in the seventeenth century - their prospecting, surveying and technical parties were actually moving into lands which the Indians considered to be theirs. This activity was regarded by the Indians as trespassing.” The aim of the treaty negotiations were to resolve these difficulties.

Under the Robinson-Superior and Robinson-Huron treaties, the Ojibwa signatories were said to “fully, freely, and voluntarily surrender, cede, grant, and convey unto Her Majesty, her heirs and successors for ever, all their right, title, and interest to, and in the whole of, the territory above described” with the exception of lands to be reserved to the aboriginal people for their use. In exchange, each group was to receive a lump sum payment of £2000 and an annuity of £500 was to follow each year. The treaties also included a schedule of lands reserved to be reserved to the aboriginal peoples, with the Robinson-Huron agreement creating 21 reserves. Both treaties asserted that reserves could not be sold except to the Crown, a prohibition on alienation first seen in the Royal Proclamation, 1763.

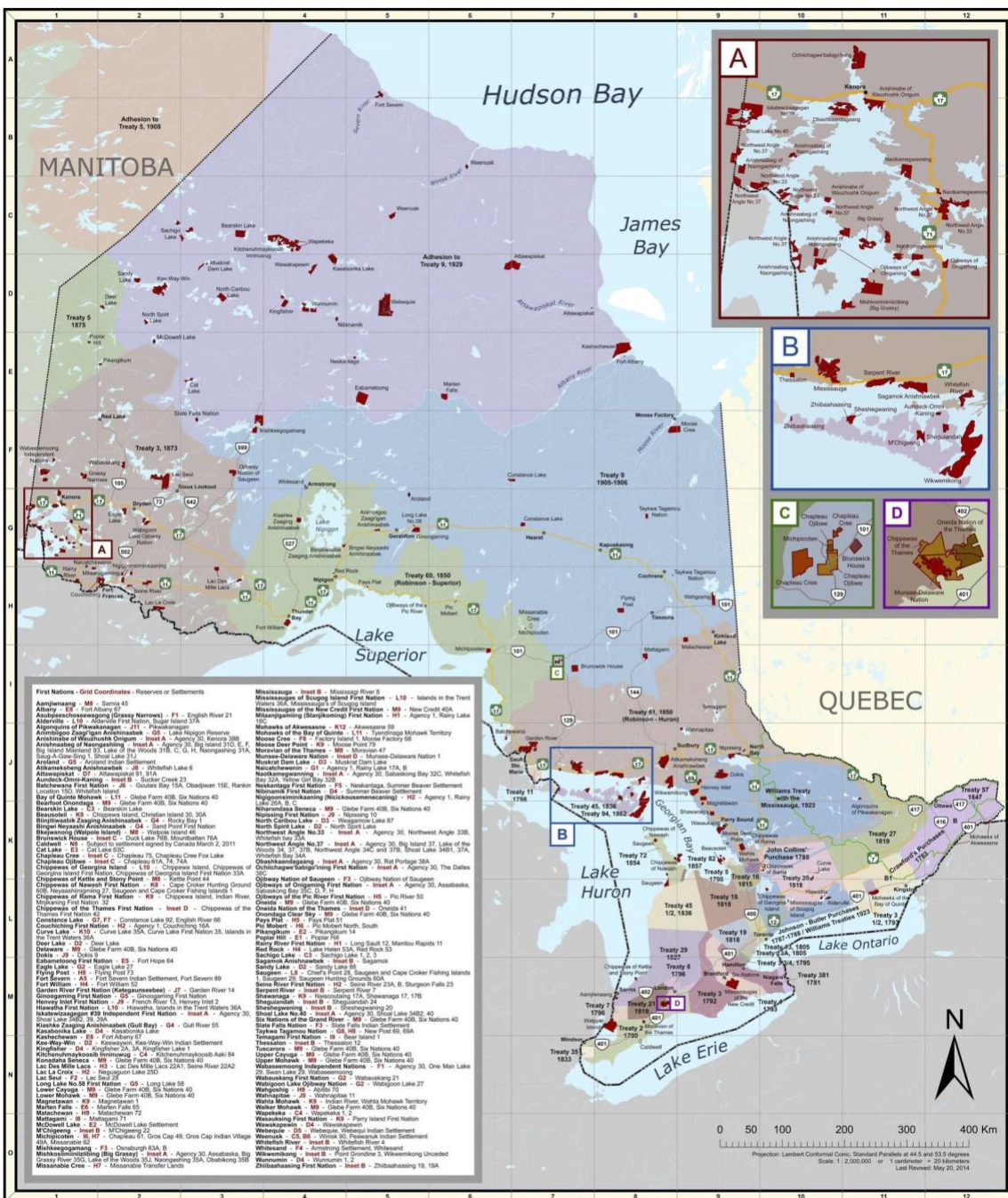
The Robinson Treaties established a model upon which the later numbered treaties were based. These are thought to be the first treaties in Ontario to include written protection for hunting and fishing rights. Such protection in earlier treaties had been agreed to verbally, but not documented. The treaties also included an “elevator clause” which stated that the annual annuities may be increased if the lands surrendered proved profitable enough to pay for the increase. This, however, was to occur at the “Crown’s pleasure.” This has resulted in considerable debate in contemporary times, as First Nations leaders have argued that the failure to increase annuities constitutes a breach of the treaty.

(see: <http://www.cbc.ca/news/canada/sudbury/first-nations-grow-impatient-with-robinson-huron-treaty-breach-1.2761736>)

These are not the only treaties in Ontario. Other “Robinson Treaties” include the Saugeen Surrenders (1854) and the Pennefather Treaty (1859). A significant portion of northern Ontario is covered by Treaty 9, which was signed in 1905. One of the most important pre-confederation treaties is the Treaty of Niagara, which was signed in 1764 and enshrined many of the principles laid out in the Royal Proclamation of 1763. There were a number of land surrenders and treaties negotiated in Upper Canada, with 15 concluded between 1783 and 1812. Two treaties known as the Williams Treaties were signed in 1923.

Further information on the Robinson Treaties are available at: <https://www.aadnc-aandc.gc.ca/eng/1360941656761/1360941689121>

FIRST NATIONS AND TREATIES



First Nations - Grid Coordinates: Reserves or Settlements

A1	Algonquin	MS - Sandy 45
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A100	Algonquin	MS - Sandy 45

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ISBN 978-1-6008-3021-1

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Legend

- ◆ Settlements
- ◊ See First Nations List
- Provisional Algonquin Settlement Area
- First Nations Reserves
- Trans Canada
- Other Highway
- Canada - USA Border
- Provincial Border



INTRODUCING THE ROBINSON TREATIES: HOW TO PRESENT THIS INFORMATION TO THE CLASS

To present these messages in an accessible way to the class, or mention their messages to the class:

1. The teacher will write all of the keywords on the board before the students enter the classroom:
 - a. British North America Act, 1867 (remind students that they have a handout on this from the parliamentary activities)
 - b. Indian Act, 1876
 - c. Royal Proclamation, 1763
 - d. Treaty Relationship
 - e. Robinson Treaties
 - f. The Crown
2. The teacher will discuss the keywords by mapping out the relationship on their own flow chart at the front of the class visually linking these points as the federal government has traditionally seen it. (I.e. Indigenous peoples are a jurisdiction of the Crown, and wards of the state who needed to be assimilated into dominant Canadian society). The drawing will be hierarchical:

Crown
↓
British North America Act, 1867 (federal jurisdiction for Indigenous Peoples)
↓
Indian Act, 1876
↓
Indigenous Peoples
↓

3. The teacher will then ask the class to draw a second flow chart, and follow the teacher as they describe and link these ideas again according to a nation-to-nation relationship. (I.e. the Crown and Indigenous Peoples have a long pre-Confederation history as co-equal partners (non-hierarchical) that was continued with the Robinson Treaties). The flowchart will emphasize equality:

Crown	← →	Indigenous Peoples
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Museum Curation Exercise:


1. Divide the class into 6 groups
 - a. Assign the following artifacts to the groups:

- b. The Robinson-Huron Treaty
 - c. William Benjamin Robinson (Crown negotiator)
 - d. Shingwaukonse (Ojibwa Chief)
 - e. Allan Macdonell (lawyer and businessman)
 - f. Shingwaukonse's *Dodem*
 - g. Records of the negotiations and implementation
2. Each group will research their artifact using the resources provided in the appendices.
 3. Teachers have the discretion to allow the groups to present what they learned in creative ways (ex. Diorama, youtube video, etc...), but we recommend that each produce an historical plaque (roughly 200 words).
 4. Each group will pair their plaque (or other visual displays) with the historical artifact.
 5. The class (teacher, students, and Indigenous guest - if applicable) will then re-congregate, and tour their collective exhibit.
 6. Suggested talking points for each artifact:
 - a. *The Robinson-Huron Treaty*
 - i. The treaty uses very complex and technical legal language. Did you find it easy to understand? Would it have been difficult for people who did not grow up with English to understand?
 - ii. Which of the parties to the treaty might have benefitted most from having it written this way? What does this tell us about how power is exercised by creating certain historical accounts?
 - iii. Thinking about our museum exercise, What might be missing from the treaty as it is presented here (ex. did the oral statements vary significantly from the written treaty)?
 - b. *William Benjamin Robinson*
 - i. Why might Robinson have been chosen to negotiate the Robinson-Huron treaty for the Crown?
 - ii. What were Robinson's political affiliations? Why might this matter?
 - iii. What did Robinson think about Canadian Independence?
 - c. *Shingwaukonse (Ojibwa Chief)*
 - i. How would you describe Shingwaukonse's vision for his people?
 - ii. Who did Shingwaukonse believe rightly controlled the resources in Ojibwa territory?
 - iii. What was his relationship to the Crane clan?
 - iv. Why did Shingwaukonse occupy the mine site in 1849?
 - v. What was the role of Allan Macdonell in that occupation?
 - d. *Allan Macdonell (lawyer and businessman)*
 - i. Why was William Benjamin Robinson suspicious of Macdonell's involvement in the treaty process?
 - ii. What was the role of the Hudson's Bay Company in the west?
 - iii. What did Macdonell think of the Hudson's Bay Company?
 - iv. Was he a defender of aboriginal land rights?
 - e. *Shingwaukonse's Dodem*
 - i. What is significant about the Crane clan?
 - ii. What is the importance of a 'dodem'?
 - iii. How does the clan system relate to Ojibwa government?
 - iv. Does this tell us anything about Ojibwa law?
 - f. *Records of the negotiations and their implementation*

- i. What did Robinson believe the Treaty accomplished?
- ii. What were the 'extravagant terms' demanded by the Ojibwa that Robinson did not want to meet?
- iii. As Vidal and Anderson believed Ojibwa lands had to be purchased before being settled, does that mean they recognized that the Ojibwa owned the land?
- iv. How did Chief Dokis interpret the Treaty promises?
- v. What did Shingwaukonse want from the treaty?



APPENDICES



SECTION 1: MATERIALS AND HANDOUTS FOR CREATING CANADA: THE DOMINION, ONTARIO AND QUEBEC

Handout: Introduction to Parliament



THE QUESTION PERIOD

What were the main topics discussed in the video?

/5

Write the political parties of the different politicians who spoke in the video (ex. "Conservative").

/5

Do the politicians address each other directly? Explain.

/5

How do members of the parliament behave during Question Period?

/5

Total: /20

Biography Activity Handout



Your Name: _____

Name of Historical Figure: _____

Birth and Death Dates: _____

Family Members: _____

Where were they born?: _____

Where did they live?: _____

Pro or anti-Confederation?: _____

Reason(s) for pro-Confederation or anti-Confederation position?:

Exit Card



Your Name: _____

Date: _____

Historical significance: Name the three historical figures you think had the biggest impact on Confederation and write a sentence about each explaining why. (You should have at least one figure from Pro- and one from Anti-Confederation.)

Cause and consequence: Name one way that Canada would be different if we didn't have Confederation.

Historical perspective: Name one person and one reason they were anti-Confederation?

If you were to select a new national capital, what city would you choose? Why did you choose this location? Do you think your choice would be different if you lived in a province other than Ontario?



John A. Macdonald in Brief

John A. Macdonald was born in Glasgow Scotland in 1815. His father was an unsuccessful merchant who improved his family's fortunes after immigrating to Kingston, Upper Canada in 1820 and opening several businesses. John A. Macdonald began articling in law at the age of 15 and opened his own firm ten years later. His family life was filled with considerable tragedy. In 1843, Macdonald married his cousin Isabella Clark, who soon became chronically ill, endured two difficult pregnancies for their sons John Alexander and Hugh John, and died in 1857. Their first son died at 13 months, while the latter went on to become a reluctant political figure in Manitoba.

John A. Macdonald became the political representative for Kingston after winning his seat in the general election of 1844. He soon ascended to lead the Liberal-Conservatives. A practical politician, Macdonald had a penchant for brokering deals and alliances. This attitude served him well the Province of Canada's political arena where he led his Upper Canadian party as Premier or co-Premier with George Étienne Cartier and other Bleu leaders for much of the late 1850s and early 1860s.

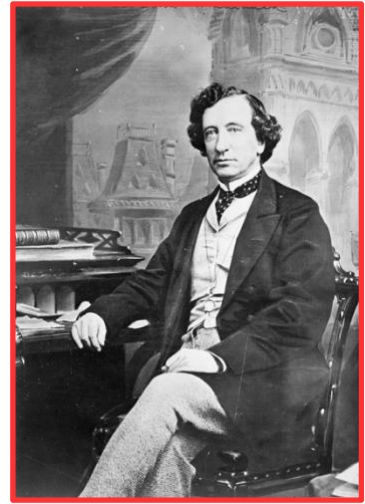


Image held by Library and Archives Canada.

Although Macdonald preferred legislative union and doubted the merits of the federal principle until 1864, he championed a centralized British North American federation at the Charlottetown, Quebec, and London constitutional conferences because the solution broke the political deadlock that had plagued the relationship between Canada East and Canada West. After marrying Susan Agnes Bernard in February 1867, he became Canada's first Prime Minister in 1867, and was knighted around the same time.

Note: Macdonald personally favoured weak provincial powers, and stated this position during the debates. To gain the support of other provinces, however, he emphasized provincial powers on several occasions. If students ask about this contradiction in Macdonald's statements, congratulate them on noticing that politicians can sometimes be two-faced.



Antoine-Aimé Dorion in Brief

Born in Sainte-Anne-de-la-Pérade (La Pérade), Lower Canada in 1818, Antoine-Aimé Dorion was born into a prominent merchant and Catholic family that had long supported the progressive ideas of the politician and rebel-leader Louis-Joseph Papineau. After attending school and studying law, he became an articling student; however after his father suffered a financial setback, he took the role of a junior clerk in Montreal. During this period, he developed deep ties with Lower Canada's intellectual elites, read philosophy and literature, developed a strong reputation as a lawyer, and married Iphigénie Trestler. As a liberal, he was a strong advocate of responsible government. He helped found the short-lived Montreal Annexation Society where he worked closely with English-speaking Protestants. Yet, Dorion was also something of a moderate in that he did not support the anti-clericalism that had wide support among many Rouge [define?] politicians and thinkers. He first held provincial office in 1854, when he won the support of English-speaking

Montrealers with promises of progress, more elected government positions, and reciprocity with the United States. He almost immediately became the Rouges' leader in the Legislative Assembly where he continued to balance progress against anti-clericalism and the survival of French-Canadian culture against the assimilationist intentions of the emerging English-Protestant population in the province of Canada. Dorion spent nearly all of his pre-Confederation political career in opposition; his only time in government was as co-Premier in the ill-fated two-day Grit-Rouge government with George Brown, and a year as co-Premier with John Sandfield Macdonald from 1863 to 1864.

Dorion did not join the Great Coalition of 1864 and was not present at the Charlottetown and Quebec conferences. During the Legislative Assembly's debate on the Quebec Resolutions in 1865, he led the Rouges in opposing the Confederation deal. The federal principle, Dorion claimed, created extra and unnecessary levels of government. Like many politicians from Canada East and West, he contended that the resolutions needed to be ratified by the Province's voters. He was also deeply concerned that English-Protestants from across British North America would dominate French-Canadians in the House of Commons.



Image held by Library and Archives Canada.



George Brown in Brief

George Brown was born in Scotland in 1818. In 1837, he emigrated with his father from Liverpool to New York where they quickly established a politically charged paper called the *British Chronicle*. The journal resonated with many Scottish communities in Canada, and the Browns moved to Toronto in 1843. George Brown readily followed in his father's footsteps, pursuing politics in journalism, publishing editorial pieces in his father's new Toronto paper: the *Banner*. In 1844, a group of Toronto Reformers approached George Brown about founding a new party paper. The result was the *Toronto Globe*, which would become one of the most powerful newspapers in British North America.

A genuine passion for politics combined with his editorial talents made it natural for George Brown to enter politics. First elected to the Legislative Assembly riding for Kent in 1851, he eventually united and led Reformers behind the platform of representation by population ("rep by pop"). Like most other Reformers, Brown also supported the annexation from the North-West, free trade, and preferred non-sectarian education systems. His anti-Catholicism, when combined with strident demands for 'rep by pop' made it difficult for Lower Canadian politicians to ally with him.

Political deadlock in the Canadian legislature increasingly frustrated all sides. In 1862, health problems led him to return to Scotland for the first time in 25 years, where, at the age of 43, he met and fell in love with Anne Nelson. They married and returned to Canada in late December. The experience of returning to the centre of the British Empire, combined with a new willingness for compromise that spurred from a desire to spend more time with his new family, led him to suggest the formation of a Great Coalition (comprised of Macdonald's Liberal-Conservatives, Cartier's Bleus and Brown's Reformers). He subsequently took leading roles in the Charlottetown and Quebec conferences.

A prominent journalist, Liberal politician, and major contributor to the shape of Confederation, Brown left the Great Coalition in December 1856, knowing that the Confederation deal was assured. After losing a bid to become a federal MP in 1867, he preferred to be known for his relation to the *Globe*. George Brown subsequently refused the lieutenant governorship of Ontario in 1875 and a knighthood in 1879. He became a Senator in 1873, and died of an infected gun wound in Toronto in 1880.



Image held by Library and Archives Canada.



Christopher Dunkin in Brief

Christopher Dunkin was born 25 Sept. 1812 at Walworth, England to the Honourable Summerhays Dunkin and Martha Hemming. His family's wealth allowed him to study at the universities of London and then Glasgow from 1829 to 1831. Later, he continued his studies at Harvard University until 1833, and became a Greek and Latin tutor. He subsequently resigned from this position in 1835 and married Mary, daughter of Jonathan Barber. They eventually moved to Montreal in 1837 to pursue Dunkin's professional ambitions.

He first served as a correspondent for the Morning Courier, then worked at the post of secretary first to the education commission in 1838, then in postal service, and eventually became the deputy provincial secretary for Canada East on 1 Jan. 1842. Four years after, he received his first commission as a lawyer and his ambition and talent soon brought him popularity. He unsuccessfully ran for political office in 1844, but then succeeded in 1857, and became the Conservative representative for Drummond and Arthabaska in the Legislative Assembly. Over the succeeding years, he developed a cold and stubborn personality. It was he who sponsored the temperance bill of 1864, which became known as the Dunkin Act.

When the Legislative Assembly debated the 72 Resolutions in 1865, Dunkin strongly opposed the deal and gave one of the longest, detailed, and thoughtful critiques of the terms of union. He worried about the mixture of American and British systems, and expressed particular concern about the Senate as well as the persistence of the party system. He did not, however, express major concern about the rights of English-speaking Protestants in a French-Catholic province and his failure to pioneer this cause cost him considerable support among his English-speaking comrades.

Despite this setback, he became Quebec's Provincial Treasurer immediately after Confederation and held this post until 1869. During the same period, he was also the MP for Brome and became Macdonald's Minister of Agriculture in 1869. On 25 October 1871, he left politics for the bench, becoming a judge of the Superior Court of Quebec for the district of Bedford.

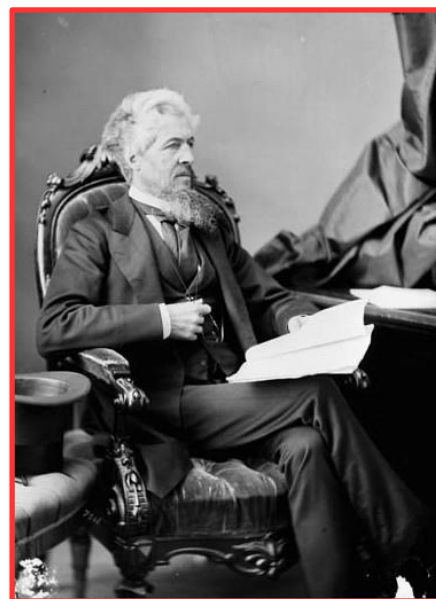


Image held by Library and Archives Canada.



George-Étienne Cartier in Brief

Sir George-Étienne Cartier was born on 6 September 1814 at Saint-Antoine-sur-Richelieu Lower Canada to a wealthy merchant and political family. At the age of twenty-three, he participated in the rebellions in Lower Canada in 1837 and was forced to flee to the United States after for roughly six months. Indeed, newspaper reports claimed that he was killed in the ensuing confrontations. When Cartier returned from the United States in October of that year, he resumed his law practice. In 1848, Cartier began his political career by winning the seat for Verchères in the Legislative Assembly of United Canada. In 1852 Cartier introduced the bill that created the Grand Trunk Railway Company, and he was subsequently appointed one of its legal advisors the following year. He soon became the leader of the Parti Bleu. The party drew much of its support from the Roman Catholic Church and was thus strongly committed to preserving the power of the Catholic Church and French culture in what is now Quebec. Many Bleus also had strong ties to big business. Cartier, for example was intimately involved with the Grand Trunk Railway. In 1857 Cartier and John A. Macdonald supported each other as co-Premiers and the two men continued to work closely as leaders of their respective French and English coalitions until Cartier's death in 1873.

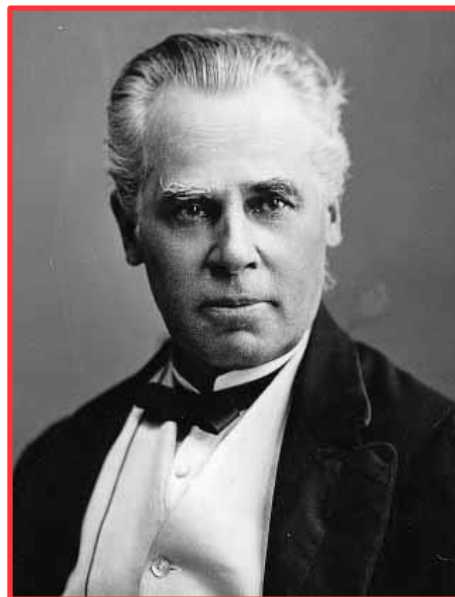


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As a leader in the Great Coalition, Cartier was one of the leading advocates of Confederation and took a leading role at the Charlottetown and Quebec conferences, and strongly defended the proposal in the Legislative Assembly. The Bleu leader believed that it was the only alternative to annexation to the United States. In 1865 he declared: "we must either have a Confederation of British North America or else be absorbed by the American Confederation." Cartier also desired the expansion of Province of Canada's financial and political influence across British North America. He therefore supported the construction of an intercolonial railway and Canada's acquisition of the North-West. Both of these endeavours would also serve his business interests. Most significantly, he also supported a federal structure of governance because he believed that it would give Quebecers the provincial autonomy to preserve Francophone culture. In fact, he sought the protection of guarantees of English Protestant rights in Quebec, believing that it would lead to reciprocal rights for French Catholic minorities in other parts of Confederation.



John Sewell Sanborn in Brief

John Sanborn was born in Gilmanton, N.H. on New Year's Day in 1819. He subsequently graduated from Dartmouth College in New Hampshire with a Master of Arts. After 1852, he moved to Sherbrooke, Lower Canada where he worked as a school principal for three years. After that he studied law in Montreal, became a lawyer in 1847, and returned to Sherbrooke. There he married Eleanor Hall Brooks, the daughter of the current local Conservative member of the Legislative Assembly.

When his father-in-law died in 1849, Alexander Tilloch Galt briefly filled the vacant seat but shortly thereafter declared himself in favour of annexation to the United States. The unpopularity of this stand with some of Galt's business ties, in addition to his opposition to moving the Province of Canada's capital to Toronto led him to resign his seat in January 1850. Sanborn contested the riding as an annexationist, believing that joining the United States would bring greater prosperity to his region. He ultimately won the riding with 51% of the vote and became the only annexationist candidate ever elected to the Canadian parliament. As prosperity returned to Canada, however, support for annexationism waned. In the Legislative Assembly, Sanborn had ties to both major parties, but most often sided with the Liberals. Eleanor died in 1853, leaving three children. John Sanborn married Nancy Judson Hasseltine of Bradford in 1856. They had one daughter together.

When evaluating Confederation in 1865, Sanborn did not fit into the typically pro- and anti-Confederation spectrum. He famously proposed an unsuccessful amendment for an elected Senate, but this is outside of this mini-unit's scope. As a representative for a largely English-Protestant riding in Lower Canada, he expressed considerable concern for this minority's long-term rights under a federal union that gave provinces jurisdiction in education. He ultimately abstained from the final vote on the 72-resolutions.



Image held by Library and Archives Canada.



Ballots

BALLOT

Be it resolved that the Imperial parliament should unite colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island with provisions based on the 72 Resolutions.

Yes No

BALLOT

Be it resolved that the Imperial parliament should unite colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island with provisions based on the 72 Resolutions.

Yes No

BALLOT

Be it resolved that the Imperial parliament should unite colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island with provisions based on the 72 Resolutions.

Yes No

Teacher's Rubric for Evaluation of Confederation Debates

	4	3	2	1	Points
Factual Information	<p>Significant contribution to the debate.</p> <p>Student was able to provide historical information relating to their character.</p>	<p>Reasonable contribution to the debate.</p> <p>Student has missed a few crucial elements of historical information about their character.</p>	<p>Minimal contribution to the debate.</p> <p>Student missed a significant number of crucial elements during the debate.</p>	<p>Unsatisfactory contribution to the debate.</p> <p>Student did not provide enough crucial pieces of historical information about their character.</p>	
Comprehension	<p>Student fully understands the historical content and significance of the debate. Speech is well prepared and all questions are answered during the debate.</p>	<p>Student somewhat understands the historical content and significance of the debate. Speech is prepared and major concepts are understood.</p>	<p>Student vaguely understands the historical content and significance of the debate. Speech is somewhat prepared but major concepts are missed or misunderstood.</p>	<p>Student does not understand the historical content and significance of the debate. Speech is not well prepared and student has not contributed significantly to the debate.</p>	
Delivery	<p>Student clearly articulates during the debate. All questions are answered and delivered articulately.</p>	<p>Student reasonably articulates during the debate and questions are reasonably answered.</p>	<p>Student sometimes articulates during the debate but there are a few misunderstandings.</p>	<p>Student does not articulate during the debate and does not deliver the speech well and there are many misunderstandings.</p>	
Rebuttal	<p>Student can effectively rebut during the debate</p>	<p>Student can adequately rebut during the debate</p>	<p>Student has limited rebuttal during the debate</p>	<p>Student is not able to rebut during the debate</p>	
Historical Thinking	<p>Student shows significant understanding of historical thinking concepts and uses them throughout the debate (eg. speaking as their historical figure would as opposed to their own views).</p>	<p>Student shows a general understanding of historical thinking concepts and uses some throughout the debate (eg. can somewhat speak as their historical figure would).</p>	<p>Student shows some understanding of historical thinking concepts and can use a few throughout the debate (perhaps with some misunderstanding or citing their own views).</p>	<p>Student shows little understanding of historical thinking concepts (eg. speaking as they would or giving irrelevant arguments).</p>	
Total					



Post Debate Self-Evaluation

Name: _____

Your self-grade: _____

Describe your contribution to the group:

What would you do to improve your group work next time?

What would you do to improve your debating skills next time?

How could your team improve next time?

Teacher comments:

Teacher grade:

Additional Sources

GENERAL RESOURCES:

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Primary Source: Sir. John A. Macdonald's Views on Confederation

Macdonald, as co-Premier of the Province of Canada and member of the Grand Coalition, was among the speakers that introduced the terms of union.

When the Province of Canada's legislatures debated Confederation in February and March 1865, John A. Macdonald said the following points:

SCHOOLS / MINORITY RIGHTS

“As to the school question, it had been announced by Hon. Mr. GALT, at Sherbrooke, that before Confederation took place, this Parliament would be asked to consider a measure which he hoped would be satisfactory to all classes of the community. There was a good deal of apprehension¹ in Lower Canada on the part of the minority there as to the possible effect of Confederation on their rights on the subject of education, and it was the intention of the Government... to lay before the House this session, certain amendments² to the school law, to operate as a sort of guarantee against any infringement³ by the majority of the rights of the minority in this matter.... I only said this, that before Confederation is adopted, the Government would bring down a measure to amend the school law of Lower Canada, protecting the rights of the minority, and which, at the same time, I believe, would be satisfactory to the majority, who have always hitherto⁴ shown respect for the rights of the minority, and, no doubt, will continue to do so.”



Image held by Library and Archives Canada.

REP BY POP

“Now, we all know the manner in which that question was and is regarded by Lower Canada; that while in Upper Canada the desire and cry for it was daily augmenting⁵, the resistance to it in Lower Canada was proportionably⁶ increasing in strength... For though Upper Canada would have felt that it had received what it claimed as a right, and had succeed in establishing its right, yet it would have left the Lower Province with a sullen⁷ feeling of injury and injustice. The Lower Canadians would not have worked cheerfully under such a change of system, but would have ceased⁸ to be what they are now — a nationality, with representatives in

¹ Apprehension = fear

² Amendments = change or addition to a document

³ Infringement = limitation

⁴ Hitherto = until now

⁵ Augmenting = growing

⁶ Proportionably = proportionately

⁷ Sullen = gloomy

⁸ Ceased = stopped

Parliament, governed by general principles, and dividing according to their political opinions—and would have been in great danger of becoming a faction⁹, forgetful of national obligations, and only actuated¹⁰ by a desire to defend their own sectional interests, their own laws, and their own institutions. (Hear, hear.)”

REP BY POP AND PROVINCIAL GOVERNMENTS VS. LEGISLATIVE UNION

“The... only means of solution for our difficulties was the junction¹¹ of the provinces either in a Federal or a Legislative Union. Now, as regards the comparative advantages of a Legislative and a Federal Union, I have never hesitated to state my own opinions. I have again and again stated in the House, that, if practicable¹², I thought a Legislative Union would be preferable. (Hear, hear.) I have always contended that if we could agree to have one government and one parliament, legislating for the whole of these peoples, it would be the best, the cheapest, the most vigorous, and the strongest system of government we could adopt. (Hear, hear.) But, on looking at the subject in the Conference... we found that such a system was impracticable¹³. In the first place, it would not meet the assent¹⁴ of the people of Lower Canada, because they felt that in their peculiar position—being in a minority, with a different language, nationality and religion from the majority,— in ease of a junction¹⁵ with the other provinces, their institutions and their laws might be assailed¹⁶, and their ancestral associations, on which they prided themselves, attacked and prejudiced; it was found that say proposition which involved the absorption of the individuality of Lower Canada... would not be received with favor by her people. We found too, that though their people speak the same language and enjoy the same system of law as the people of Upper Canada, a system founded on the common law of England, there was as great a disinclination¹⁷ on the of the various Maritime Provinces to lose their individuality, as separate political organizations, as we observed in the case of Lower Canada herself. (Hear, hear.) Therefore, we were forced to the conclusion that we must either abandon the idea of Union altogether, or devise a system of union in which the separate provincial organizations would be in some degree preserved.”

REP BY POP

“In settling the constitution of the Lower House, that which peculiarly¹⁸ represents the people, it was agreed that the principle of representation based on population should be adopted, and the mode of applying that principle is fully developed in these resolutions... In order to protect local interests, and to prevent sectional jealousies, it was found requisite¹⁹ that the three great divisions into which British North America is separated, should be represented in the Upper House on the principle of equality.”

PROVINCIAL AUTONOMY

“I shall not detain²⁰ the House by entering into a consideration at any length of the different powers conferred upon the General Parliament as contradistinguished²¹ from those reserved to the local legislatures; but any

⁹ Faction = a group in disagreement with a larger group

¹⁰ Actuated = motivated

¹¹ Junction = joining

¹² Practicable = to be done

¹³ Impracticable = unfeasible

¹⁴ Assent = approval

¹⁵ Junction = a point where two things join

¹⁶ Assailed = attacked

¹⁷ Disinclination = unwillingness

¹⁸ Peculiarly = especially

¹⁹ Requisite = was necessary

²⁰ Detain = hold

honorable member on examining the list of different subjects which are to be assigned to the General and Local Legislatures respectively, will see that all the great questions which affect the general interests of the Confederacy as a whole, are confined to the Federal Parliament, while the local interests and local laws of each section are preserved intact, and entrusted to the care of the local bodies. As a matter of course, the General Parliament must have the power of dealing with the public debt and property of the Confederation. Of course, too, it must have the regulation of trade and commerce, of customs²² and excise.²³ The Federal Parliament must have the sovereign power of raising money from such sources and by such means as the representatives of the people will allow. It will be seen that the local legislatures have the control of all local works; and it is a matter of great importance, and one of the chief advantages of the Federal Union and of local legislatures, that each province will have the power and means of developing its own resources and aiding its own progress after its own fashion and in its own way. Therefore all the local improvements, all local enterprises or undertakings of any kind, have been left to the care and management of the local legislatures of each province.”

PROVINCIAL AUTONOMY

“Besides all the powers that are specifically given in the 37th and last item of this portion of the Constitution, confers²⁴ on the General Legislature the general mass of sovereign legislation, the power to legislate on "all matters of a general character, not specially and exclusively reserved for the local governments and legislatures." This is precisely the provision²⁵ which is wanting in the Constitution of the United States. It is here that we find the weakness of the American system— the point where the American Constitution breaks down..(Hear, hear.) It is in itself a wise and necessary provision. We thereby strengthen the Central Parliament, and make the Confederation one people and one government, instead of five peoples and five governments, with merely a point of authority connecting us to a limited and insufficient extent.”

SENATE

“There are three great sections, having different interests, in this proposed Confederation. We have Western Canada, an agricultural country far away from the sea, and having the largest population who have agricultural interests principally to guard. We have Lower Canada, with other and separate interests, and especially with institutions and laws which she jealously guards against absorption by any larger, more numerous, or stronger power. And we have the Maritime Provinces, having also different sectional interests of their own, having, from their position, classes and interests which we do not know in Western Canada. Accordingly, in the Upper House, —the controlling and regulating, but not the initiating, branch (for we know that here as in England, to the Lower House will practically belong the initiation of matters of great public interest), in the House which has the sober second-thought in legislation—it is provided that each of these great sections shall be represented equally by 24 members.”

All of the above quotes are from: Province of Canada. *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada*. Quebec: Hunter, Rose & Co., Parliamentary Printers, 1865.

²¹ as contradistinguished = as compared

²² Customs = taxes on goods that circulate between two countries

²³ Excise = tax on goods that circulates within a country

²⁴ Confers = gives

²⁵ Provision = a clause



Primary Source: George-Étienne Cartier's Views on Confederation

When the Province of Canada's legislatures debated Confederation in February and March 1865, George-Étienne Cartier said the following points:

SCHOOLS / MINORITY RIGHTS

"Some parties—through the press and by other modes—pretended that it was impossible to carry out Federation, on account of the differences of races and religions. Those who took this view of the question were in error. It was just the reverse. It was precisely on account of the variety of races, local interests, &c.,¹ that the Federation system ought to be resorted² to, and would be found to work well. (Hear, hear.) "

SCHOOLS / MINORITY RIGHTS

"Objection had been taken to the scheme now under consideration, because of the words " new nationality." Now, when we were united together, if union were attained, we would form a political nationality with which neither the national origin, nor the religion of any individual, would interfere. It was lamented³ by some that we had this diversity of races, and hopes were expressed that this distinctive feature would cease⁴. The idea of unity of races was utopian⁵—it was impossible. Distinctions of this kind would always exist. Dissimilarity, in fact, appeared to be the order of the physical world and of the moral world, as well as in the political world. But with regard to the objection based on this fact, to the effect that a great nation could not be formed because Lower Canada was in great part French and Catholic, and Upper Canada was British and Protestant, and the Lower Provinces were mixed, it was futile and worthless in the extreme. Look, for instance, at the United Kingdom, inhabited as it was by three great races. (Hear, hear.) Had the diversity of race impeded the glory, the progress, the wealth of England? Had they not rather each contributed their share to the greatness of the Empire?... In our own Federation we should have Catholic and Protestant, English, French, Irish and Scotch, and each by his efforts and his success would increase the prosperity and glory of the new Confederacy. (Hear, hear.) He viewed the diversity of races in British North

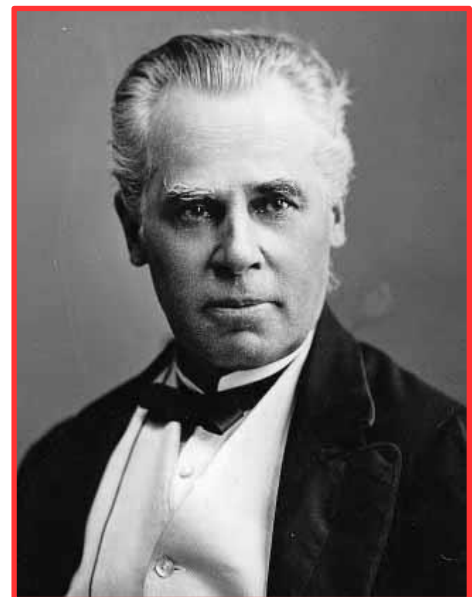


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¹ &c. = etcetera

² Resorted to = used

³ Lamented = complained

⁴ Cease = stop

⁵ Utopian = unrealistic

America in this way : we were of different races, not for the purpose of warring against each other, but in order to compete and emulate⁶ for the general welfare. (Cheers.) We could not do away with the distinctions of race. We could not legislate for the disappearance of the French Canadians from American soil, but British and French Canadians alike could appreciate and understand their position relative to each other. They were placed like great families beside each other, and their contact produced a healthy spirit of emulation. It was a benefit rather than otherwise that we had a diversity of races.”

SCHOOLS / MINORITY RIGHTS

“...Of course, the difficulty, it would be said, would be to deal fairly by the minority. In Upper Canada the Catholics would find themselves in a minority; in Lower Canada the Protestants would be in a minority, while the Lower Provinces were divided. Under such circumstances, would anyone pretend that either the local or general governments would sanction⁷ any injustice. What would be the consequence, even supposing any such thing were attempted by any one of the local governments? It would be censured everywhere. Whether it came from Upper Canada or from Lower Canada, any attempt to deprive⁸ the minority of their rights would be at once thwarted⁹. Under the Federation system, granting to the control of the General Government these large questions of general interest in which the differences of race or religion had no place, it could not be pretended that the rights of either race or religion could be invaded at all. We were to have a General Parliament to deal with the matters of defence, tariff, excise,¹⁰ public works,¹¹ and these matters absorbed all individual interest.”

LANGUAGE AND MINORITY RIGHTS

“I will add to what has been stated by the Hon. Attorney General for Upper Canada, in reply to the hon. member for the county of Quebec and the hon. member for Hochelaga, that it was also necessary to protect the English minorities in Lower Canada with respect to the use of their language, because in the Local Parliament of Lower Canada the majority will be composed of French-Canadians. The members of the Conference were desirous that it should not be in the power of that majority to decree¹² the abolition of the use of the English language in the Local Legislature of Lower Canada, any more than it will be in the power of the Federal Legislature to do so with respect to the French language. I will also add that the use of both languages will be secured in the Imperial Act to be based on these resolutions. (Hear, hear.)”

REP BY POP VS. MINORITY RIGHTS

“He did not oppose the principle of representation by population from an unwillingness to do justice to Upper Canada. He took this ground, however, that when justice was done to Upper Canada, it was his duty to see that no injustice was done to Lower Canada. He did not entertain the slightest apprehension¹³ that Lower Canada's rights were in the least jeopardized¹⁴ by the provision that in the General Legislature the French Canadians of Lower Canada would have a smaller number of representatives than all the other origins

⁶ Emulate = copy

⁷ Sanction = penalty for disobeying the law

⁸ Deprive = take away

⁹ Thwarted = opposed successfully

¹⁰ Tariff and excise = taxes paid when bringing goods across an international border

¹¹ Public works = government construction projects (ex. roads)

¹² Decree = order

¹³ Apprehension = worry or hesitation

¹⁴ Jeopardize = worried

combined. It would be seen by the resolutions that in the questions which would be submitted to the General Parliament there could be no danger to the rights and privileges of either French Canadians, Scotchmen,¹⁵ Englishmen or Irishmen. Questions of commerce, of international communication, and all matters of general interest, would be discussed and determined in the General Legislature; but in the exercise of the functions of the General Government, no one could apprehend that anything could be enacted which would harm or do injustice to persons of any nationality.”

REP BY POP

“He wished that Upper Canada should understand him in this matter. He was accused of being opposed to Upper Canada's rights, because during fifteen or twenty years he had to oppose his honorable friend the President of the Council (Hon. Mr. BROWN). His honorable colleague took the ground that representation should be according to population in each section of the province. He (Hon. Mr. CARTIER) had restated that position, believing that the moment such a principle was applied, his honorable friend, who, no doubt, wanted to maintain the peaceful government of the country, would have been disappointed in his wish. It would have given rise to one of the bitterest struggles between the two provinces that ever took place between two nations. He did not mean to say that the majority from Upper Canada would have tyrannised¹⁶ over Lower Canada; but the idea that Upper Canada, as a territory, had the preponderance¹⁷ in the Government by a large number of representatives, would have been sufficient to generate that sectional strife to which he had alluded.¹⁸”

All of the above quotes are from: Province of Canada. *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada*. Quebec: Hunter, Rose & Co., Parliamentary Printers, 1865.

¹⁵ Scotchmen = the inhabitants of Scotland

¹⁶ Tyrannised = cruel domination

¹⁷ Preponderance = a dominant proportion

¹⁸ Alluded = referred



Primary Source: Antoine-Aimé Dorion's Views on Confederation

When the Province of Canada's legislatures debated Confederation in February and March 1865, Antoine-Aimé Dorion said the following points:

SCHOOLS / MINORITY RIGHTS

"When my honorable friend... makes a contract with a friend and neighbor to be filled even a few months in the future, does he not have it put in legal form, in black and white?¹ Of course he does. And when we are making arrangements calculated to last for all time to come, is it not vastly more important that the same safe and equitable principle² should be recognized? (Hear, hear.) The honorable gentleman recognized it himself in the most marked manner,³ by placing in the resolutions guarantees respecting the educational institutions of the two sections of Canada. The Roman Catholics of Upper Canada were anxious to have their rights protected against the hand of the Protestant majority, and, where the Protestants are in a minority, they are just as anxious to have their rights permanently protected."

MINORITY RIGHTS

"I should have desired to make my remarks to the House in French, but considering the large number of honorable members who are not familiar with that language, I think it my duty to speak at the present time in English."

REP BY POP AND MINORITY RIGHTS

"I [have] always stated that the difference existing in the religions faith of the people of the two sections, in their language, in their laws, in their prejudices⁴ even—for there are prejudices which were respectable and ought to be respected—would prevent any member from Lower Canada, representing a French constituency, from voting for representation by population, pure and simple,⁵ and thereby placing the people of Lower



Image held by Library and Archives Canada.

¹ Legal form, in black and white = McGee has to make it clear

² Equitable principle = A law that treats everyone fairly

³ Marked manner = a noticeable way

⁴ Prejudice = judging or having an idea about someone or something before you actually know them.

⁵ Pure and simple = on its own

Canada in the position of having to trust for the protection of their rights to the people of Upper Canada, who would thereby have the majority in the Legislature. (Hear.)”

REP BY POP AND SCHOOL / MINORITY RIGHTS

“There is at this moment a movement on the part of the British Protestants in Lower Canada to have some protection and guarantee for their educational establishments in this province put into the scheme of Confederation, should it be adopted; and far from finding fault with them, I respect them the more for their energy in seeking protection for their separate interests. I know that majorities are naturally aggressive and how the possession of power engenders despotism,⁶ and I can understand how a majority, animated⁷ this moment by the best feelings, might in six or nine months be willing to abuse its power and trample on the rights of the minority, while acting in good faith,⁸ and on what it considered to be its right. We know also the ill feelings that might be engendered to such a course. I think it but just that the Protestant minority should be protected in its rights in everything that was dear to it as a distinct nationality,⁹ and should not lie at the discretion¹⁰ of the majority in this respect, and for this reason I am ready to extend to my Protestant fellow-citizens in Lower Canada of British origin, the fullest justice in all things, and I wish to see their interests as a minority guaranteed and protected in every scheme¹¹ which may be adopted. With these views on the question of representation, I pronounced in favor of a Confederation of the two Provinces of Upper and Lower Canada, as the best means of protecting the varied interests of the two sections. But the Confederation I advocated¹² was a real confederation, giving the largest powers to the local governments, and merely a delegated authority¹³ to the General Government—in that respect differing *in toto*¹⁴ from the one now proposed which gives all the powers to the Central Government, and reserves for the local governments the smallest possible amount of freedom of action. There is nothing besides in what I have ever written or said that can be interpreted as favoring a Confederation of all the provinces. This I always opposed.”

REP BY POP VS. PROVINCIAL AUTONOMY

“Is this House, sir, going to vote a Constitution with the Upper House as proposed, without knowing what sort of local legislatures we are to have to govern us? Suppose, after we have adopted the main scheme, the Government come down with a plan for settling the local legislatures upon which great differences of opinion will arise, may it not happen then that the majority from Lower Canada will unite with a minority from Upper Canada and impose¹⁵ upon that section a local Constitution distasteful to a large majority of the people of Upper Canada. The whole scheme, sir, is absurd from beginning to end.”

PROVINCIAL AUTONOMY

“Perhaps the people of Upper Canada think a legislative union a most desirable thing. I can tell those gentlemen that the people of Lower Canada are attached to their institutions in a manner that defies any attempt to change them in that way. They will not change their religious institutions, their laws and their

⁶ Engenders despotism = causes one person to have a lot of power over other people.

⁷ Animated = excited.

⁸ Acting in good faith = acting fairly.

⁹ Distinct nationality = belonging to a particular nation.

¹⁰ Discretion = freedom to decide in a particular situation.

¹¹ *in toto* = in total.

¹² Advocated = publically support.

¹³ Delegated authority = give power to others.

¹⁴ *in Coto* = thought.

¹⁵ Impose = force.

language, for any consideration whatever. He may think it would be better that there should be but one religion, one language and one system of laws, and he goes to work to frame institutions that will bring all to that desirable state; but I can tell honorable gentlemen that the history of every country goes to show that not even by the power of the sword¹⁶ can such changes be accomplished. (Hear, hear.) ...Is it desirable that in this country then we should pass a measure calculated to give dissatisfaction to a million of people? You may ascertain¹⁷ what the cost of keeping down a million of dissatisfied people is by the scenes that have been and are now transpiring¹⁸ on the other side of the line, where a fifth of the people of the United States has risen and has caused more misery and misfortune to be heaped upon that country than could have been wrought in centuries of peaceful compromising legislation... Experience shows that majorities are always aggressive, and it cannot well be otherwise in this instance. It therefore need not be wondered at that the people of Lower Canada, of British origin, are ready to make use of every means to prevent their being placed at the mercy of a preponderating¹⁹ population of a different origin. I agree with them in thinking that they ought to take nothing on trust in this matter of entering upon a new state of political existence, and neither ought we of French origin to do so, in relation to the General Government, however happy our relations to each other may be at present.”

SENATE

“Suppose the Lower, House turns out to be chiefly Liberal, how long will it submit to the Upper House, named by Conservative administrations which have taken advantage of their temporary, numerical strength to bring about such a change as is now proposed? Remember, sir, that, after all, the power, *the* influence of the popular branch of the Legislature is paramount.²⁰”

All of the above quotes are from: Province of Canada. *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada.* Quebec: Hunter, Rose & Co., Parliamentary Printers, 1865.

¹⁶ Power of the sword = violent oppression.

¹⁷ Ascertain = make sure of.

¹⁸ Transpiring = happening.

¹⁹ Preponderating = dominating.

²⁰ Paramount = most important



Primary Source: George Brown's Views on Confederation

When the Province of Canada's legislatures debated Confederation in February and March 1865, George Brown said the following points:

SCHOOLS / MINORITY RIGHTS

"Now, I need hardly remind the House that I have always opposed and continue to oppose the system of sectarian education,¹ so far as the public chest is concerned. I have never had any hesitation on that point. I have never been able to see why all the people of the province, to whatever sect² they may belong, should not send their children to the same common schools to receive the ordinary branches of instruction. I regard the parent and the pastor as the best religious instructors—and so long as the religious faith of the children is uninterfered with, and ample opportunity afforded to the clergy to give religious instruction to the children of their flocks, I cannot conceive any sound objection to mixed schools. But while in the Conference and elsewhere I have always maintained this view, and always given my vote against sectarian public schools, I am bound to admit, as I have always admitted, that the sectarian system, carried to the limited extent it has yet been in Upper Canada, and confined as it chiefly is to cities and towns, has not been a very great practical injury. The real cause of alarm was that the admission of the sectarian principle was there, and that at any moment it might be extended to such a degree as to split up our school system altogether. There are but a hundred separate schools in Upper Canada, out of some four thousand, and all Roman Catholic.

But if the Roman Catholics are entitled to separate schools and to go on extending their operations, so are the members of the Church of England, the Presbyterians, the Methodists, and all other sects.³ No candid⁴ Roman Catholic will deny this for a moment; and there lay the great danger to our educational fabric, that the separate system might gradually extend itself until the whole country was studded with nurseries of sectarianism, most hurtful to the best interests of the province, and entailing an enormous expense to sustain the hosts of teachers that so prodigal⁵ a system of public instruction must inevitably entail⁶. Now it is known



Image held by Library and Archives Canada.

¹ Sectarian education = separate school system

² Sect = group of people with different religious beliefs

³ The Church of England, the Presbyterians, the Methodists, are different denominations of the Protestant Christian faith.

⁴ candid = honest

⁵ Prodigal = spending money in a wasteful way

⁶ Entail = include

to every honorable member of this House that an Act was passed in 1863, as a final settlement of this sectarian controversy... When, therefore, it was proposed that a provision should be inserted in the Confederation scheme to bind that compact⁷ of 1863 and declare it a final settlement, so that we should not be compelled, as we have been since 1849, to stand constantly to our arms, awaiting fresh attacks upon our common school system, the proposition seemed to me one that was not rashly to be rejected. (Hear, hear.) I admit that, from my point of view, this is a blot on the scheme before the House, it is, confessedly, one of the concessions from our side that had to be made to secure this great measure of reform. But assuredly,⁸ I, for one, have not the slightest hesitation in accepting it as a necessary condition of the scheme of union, and doubly acceptable must it be in the eyes of honorable gentlemen opposite, who were the authors of the bill of 1863. (Cheers.) But it was urged that though this arrangement might perhaps be fair as regards Upper Canada, it was not so as regards Lower Canada, for there were matters of which the British population have long complained, and some amendments to the existing School Act were required to secure them equal justice. Well, when this point was raised, gentlemen of all parties in Lower Canada at once expressed themselves prepared to treat it in a frank and conciliatory manner⁹, with a view to removing any injustice that might be shown to exist; and on this understanding the educational clause was adopted by the Conference.”

REP BY POP

“The people of Upper Canada have bitterly complained that though they numbered four hundred thousand souls more than the population of Lower Canada, and though they have contributed three or four pounds to the general revenue for every pound contributed by the sister province, yet the Lower Canadians send to Parliament as many representatives as they do. Now, sir, the measure in your hands brings this injustice to an end;—it sweeps away the line of demarcation¹⁰ between the two sections on all matters common to the whole province; it gives representation according to numbers wherever found in the House of Assembly; and it provides a simple and convenient system for re-adjusting the representation after each decennial¹¹ census. (Cheers.)”

PROVINCIAL AUTONOMY

“But, Mr. SPEAKER, I am further in favor of this scheme because it will bring to an end the sectional discord¹² between Upper and Lower Canada. It sweeps away the boundary line between the provinces so far as regards matters common to the whole people—it places all on an equal level—and the members of the Federal Legislature will meet at last as citizens of a common country. The questions that used to excite the most hostile feelings among us have been taken away from the General Legislature, and placed under the control of the local bodies. No man need hereafter be debarred¹³ from success in public life because his views, however popular in his own section, are unpopular in the other,—for he will not have to deal with sectional questions; and the temptation to the Government of the day to make capital out of local prejudices will be greatly lessened, if not altogether¹⁴ at an end. What has rendered¹⁵ prominent public men in one section utterly

⁷ compact = agreement

⁸ assuredly = surely

⁹ Frank and conciliatory manner = honest and open

¹⁰ demarcation = boundary

¹¹ decennial = every 10 years

¹² discord - disagreement

¹³ debarred = excluded

¹⁴ altogether - entirely

¹⁵ rendered = made

unpopular in the other in past years? Has it been our views on trade and commerce—immigration—land settlement—the canal system—the tariff,—or any other of the great questions of national interest? No, sir, it was from our views as to the applying of public money to local purposes—the allotment¹⁶ of public lands to local purposes,—the building of local roads, bridges, and landing-piers with public funds—the chartering of ecclesiastical¹⁷ institutions—the granting of public money for sectarian¹⁸ purposes—the interference with our school system—and similar matters, that the hot fends between Upper and Lower Canada have chiefly arisen, and caused our public men, the more faithful they were to the opinions and wishes of one section, to be the more unpopular in the other. A most happy day will it be for Canada when this bill goes into effect, and all these subjects of discord are swept from the discussion of our Legislature. (Hear.)...”

“All local matters are to be banished from the General Legislature; local governments are to have control over local affairs, and if our friends in Lower Canada choose to be extravagant, they will have to bear the burden of it themselves. (Hear, hear.) No longer shall we have to complain that one section pays the cash while the other spends it; hereafter, they who pay will spend, and they who spend more than they ought will have to bear the brunt. (Hear, hear.)... Each province is to determine for itself its own wants, and to find the money to meet them from its own resources. (Hear, bear.)”

SENATE

“But I am told by Upper Canadians—the constitution of the Lower House is all well enough, it is in the Upper House arrangements that the scheme is objectionable.¹⁹ And first, it is said that Upper Canada should have had in the Legislative Council a greater number of members than Lower Canada....Our Lower Canada friends have agreed to give us representation by population in the Lower House, on the express condition that they shall have equality in the Upper House. On no other condition could we have advanced a step; and, for my part, I am quite willing they should have it. In maintaining the existing sectional boundaries and handing over the control of local matters to local bodies, we recognize, to a certain extent, a diversity of interests; and it was quite natural that the protection for those interests, by equality in the Upper Chamber, should be demanded by the less numerous provinces. Honorable gentlemen may say that it will erect a barrier in the Upper House against the just influence that Upper Canada will exercise, by her numbers, in the Lower House, over the general legislation of the country.”

All of the above quotes are from: Province of Canada. *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada*. Quebec: Hunter, Rose & Co., Parliamentary Printers, 1865.

¹⁶ Allotment = a piece of land that is given

¹⁷ ecclesiastical = church

¹⁸ sectarian = Catholic vs. Protestant

¹⁹ objectionable = worthy of objection



Primary Source: Christopher Dunkin's Views on Confederation

When the Province of Canada's legislatures debated Confederation in February and March 1865, Christopher Dunkin said the following points:

SCHOOLS / MINORITY RIGHTS

"So, too, with regard to education in Upper and Lower Canada; 'the provision is to be made, no one knows how, for everybody, and all are guaranteed some sort of satisfaction. It is true we are not told what the promised measures on this head are to be; whether they really will give increased facilities to the minorities in the two sections for the education of their youth in their own way or not; but we are to take the promise as all right, and everybody is required to be content.

By the very provisions¹ you talk of for the protection of the non-French and non-Catholic interests, you unfortunately countenance² the idea that the French are going to be more unfair than I believe they wish to be. For that matter, what else can they well be? They will find themselves a minority in the General Legislature,³ and their power in the General Government will depend upon their power within their own province and over their provincial delegations in the Federal Parliament. They will thus be compelled⁴ to be practically aggressive, to secure and retain that power. They may not, perhaps, wish to be; they may not, perhaps, be aggressive in the worst sense of the term.—I do not say that they certainly will be; but whether they are or not, there will certainly be in this system the very strongest tendencies to make them practically aggressive upon the rights of the minority in language and faith,⁵ and at the same time to make the minority most suspicious and resentful of aggression. The same sort of alienation,⁶ as between the two faiths, will be going on in Upper Canada. Note of warning is already given by this scheme, to both parties, that they prepare for fight; and the indications, I regret to say, are that such note of warning is not to be given in vain. (Hear, hear.) The prejudices of the two camps are once more stirred to their depths; and if this scheme goes into operation, they will separate more and more widely, and finally break out into open war, unless, indeed, it shall work very differently from what any one can now imagine. If provincial independence is to be crushed down by a General Government



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¹ provisions = a list of protection rules

² countenance = to make an idea seem credible

³ General legislature = parliament

⁴ compelled = forced

⁵ faith = religion

⁶ alienation = separation

careless of local majorities, then you will have this war. Or, if on the other hand, the policy of the Federal Executive⁷ should be to give effect to the aggregate⁸ will of the several local majorities, at whatever sacrifice of principle, still then you will have this war. The local minorities—threatened with elimination, in their alarm and jealousy, will be simply desperate, ready for any outbreak of discontent at any moment. Take a practical case. Suppose the rule adopted, of not having an Executive Council⁹ inconveniently large, Lower Canada, as we have seen, can then only have three members of it; and if all these three are French-Canadians—as they almost must be, because the French cannot put up with less than three out of twelve—how will not the Irish Catholics and the British Protestants feel themselves aggrieved?¹⁰ You cannot help it. They must in that case feel deeply aggrieved, and so feeling, they will cause troubles. The Irish Catholics will be told, I suppose, "Oh, you will have an Irish Catholic member of the Government to look to from Newfoundland;" and if so, they will have to guide themselves by some sort of Irish-Catholic Newfoundland rule of policy, and not by any rule ever so little savoring of a regard for larger or higher principle. The British Protestants, in their turn, will be told: "You have a majority of your own tongue and faith from Upper Canada and the Lower Provinces; you must be content with that, and look to their members of the Government for such care as you may need in the matter of your affairs." "Oh, we must, must we?" will be the answer; "then we will square our conduct¹¹, not by any rule for British America or even Lower Canada, but by the shifting exigencies¹² of prejudice or passion, whatever they might be, in Upper Canada and your Lower Provinces." (Hear, hear.) These discontented elements in Lower Canada, depend upon it,¹³ will create no small confusion; and among those thus driven into making trouble, there will be not a few whose preferences will even be American, and who will appeal to outside influences for protection. Such will be the legitimate effect of this system; and if any one tells me that it will be conducive¹⁴ to the peace and good government of this country, I say he prophesies¹⁵ in a way that I cannot understand. Thank God, Mr. SPEAKER, I do not need, as I stand here, to defend myself from any charge of bigotry as against any sect or party. There was a time in Canada when it was most difficult for any person who spoke my tongue to stand up and say that the French-Canadians ought not to be politically exterminated from the face of the earth. I stood out steadfastly¹⁶ against that doctrine then. I remember well the painful events of that sad time. I foresee but too distinctly the fearful probability there is of that time coming again, through the adoption of these resolutions. And I do not shrink from the danger of being misunderstood or misrepresented,¹⁷ when I now stand up here and warn the country of this danger. If trouble of this sort ever arises, it is one that will extend very rapidly over the whole Confederacy. In all parts of it, in every province, there are minorities that will be acted upon by that kind of thing. In the Lower Provinces, and in Newfoundland, things are but too ripe for the outburst of hostilities of this description. Talk, indeed, in such a state of things, of your founding here by this means "a new nationality"—of your creating such a thing—of your whole people here rallying round its new Government at Ottawa. Mr. SPEAKER, is such a thing possible? We have a large class whose national feelings turn towards London, whose very heart is there; another large class whose sympathies centre here at Quebec, or in a sentimental way may have some reference to Paris; another large class whose memories are of the Emerald Isle; and yet another whose comparisons are rather with Washington; but have we any class of people who

⁷ federal executive = the prime minister's cabinet

⁸ aggregate = combined

⁹ executive council = the prime minister's cabinet

¹⁰ Aggrieved = upset at how you have been treated

¹¹ Square our conduct = correct how we behave

¹² Exigencies = an urgent need or demand

¹³ depend upon it = count on it

¹⁴ Conducive = making something possible

¹⁵ Prophecies = predicts

¹⁶ Steadfastly = dependable

¹⁷ misrepresent = to incorrectly repeat another person's statement

are attached, or whose feelings are going to be directed with any earnestness, to the city of Ottawa, the centre of the new nationality that is to be created? In the times to come, when men shall begin to feel strongly on those questions that appeal to national preferences, prejudices and passions, all talk of your new nationality will sound but strangely. Some other older nationality will then be found to hold the first place in most people's hearts. (Hear, hear.)”

REP BY POP

“Representation by population is given to meet the grand demand of Upper Canada; but the people of Lower Canada are assured, in the same breath, that it will not hurt them; that their institutions and privileges are made perfectly safe; that they will even have as many members in the Lower House as before, and that they will, in a variety of ways, be really better off than ever. A delightful ambiguity is found, too, upon the point as to who will make the future apportionments¹⁸ of the constituencies...

The House of Representatives is an aggregate¹⁹ of state delegations, and our mock House of Commons is to be an aggregate of provincial delegations. Each man is to come to it ticketed as an Upper or Lower Canadian, a New Brunswicker, a Nova Scotian, Newfoundlander, a Prince Edward Islander, or what not. These distinctions, which, if we are to be a united people, we had better try to sink, we are to keep up and exaggerate. The system will do that, and but too well.”

PROVINCIAL AUTONOMY

“...according to this scheme, independently of and besides all the difficulties our sectionally-organized²⁰ Federal Cabinet will find in dealing with its sectionally-organized Federal Legislature, it is to have these provincial governments also, to embarrass it...”

There is, in the United States' system, a clear and distinct line drawn between the functions of the general and state governments. Some may not like the idea of state sovereignty,²¹ and many may wish that more power had been given to the General Government. But this much is plain, that it is not proposed to allow anything approaching to state sovereignty here. We have not even an intelligible statement as to what powers are to be exercised by the general, and what by the local legislatures and governments. Several subjects are specifically given to both; many others are confusedly left in doubt between them; and there is the strange and anomalous²² provision that not only can the General Government disallow the acts of the provincial legislatures, and control and hamper and fetter²³ provincial action in more ways than one, but that wherever any federal legislation contravenes²⁴ or in any way clashes with provincial legislation, as to any matter at all common between them, such federal legislation shall override it, and take its place. It is not too much to say that a continuance of such a system for any length of time without serious clashing is absolutely impossible.”

SENATE

“Mr. SPEAKER, at the Legislative Council under the proposed Confederation; what is it? There is a sort of attempt to prevent its numbers from resting on a population basis; and this is about the only principle I can

¹⁸ Apportionments = to divide up

¹⁹ Aggregate = form into a group

²⁰ sectionally-organized = organized by province

²¹ state sovereignty = provincial autonomy

²² Anomalous = different from normal

²³ Hamper and fetter = to stop from moving forward

²⁴ Contravenes = conflict

find in it. (Hear, hear.) It would seem to have been thought, that as the branch of the legislature was to be shared between the provinces in the ratio of their population, there must be some other rule followed for the Upper Chamber. So we are to have twenty-four for Upper Canada, twenty-four for Lower Canada, twenty-four for the three Lower Provinces, and four for Newfoundland; simply, I suppose, because the populations of these equalized sections are not equal, and because four is not in proportion to the population of Newfoundland. (Hear, hear.)...

Surely, Mr. SPEAKER, this Legislative Council, constituted so differently from the Senate of the United States, presided over by a functionary²⁵ to be nominated by the General Government; having no such functions of a judicial or executive character as attached to that body, and cut off from that minute oversight of the finances which attaches to the Senate of the United States; although it may be a first-rate deadlock; although it may be able to interpose²⁶ an absolute veto, for no one can say how long, on all legislation, would be no Federal cheek at all. I believe it to be a very near approach to the worst system which could be devised in legislation...

All that can be mid of it is, that it is proposed to be constituted upon almost the worst principles that could have been adopted. It seems as if it were so constituted for the mere purpose of leading to a dead-lock. The members of it are not to represent our provinces at all, but are to be named by the Federal power itself, for life, and in numbers to constitute a pretty numerous body, but without any of the peculiar functions wisely assigned to the Senate of the United States."

All of the above quotes are from: Province of Canada. *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada*. Quebec: Hunter, Rose & Co., Parliamentary Printers, 1865.

²⁵ functionary = leader

²⁶ Interpose = add something in between



Primary Source: John S. Sanborn's Views on Confederation

When the Province of Canada's legislatures debated Confederation in February and March 1865, John Sanborn said the following points:

Unlike today, separate schools own lots of land and relied heavily on revenue from renting these lands to cover their costs. When Sanborn spoke about "property rights," he recognized that these schools required the right to operate, as well as the right to retain these lands.

MINORITY RIGHTS

"He was also prepared to admit that diversity of interests was no sufficient argument against union, —(hear)—since in this very particular might frequently be found the strongest bond of union. As in electricity, opposite poles attracted each other, so among nations a diversity of interests which might *a priori*¹ be pronounced² a bar, was not unfrequently³ the most effectual means of harmony, and thus a diversity of feeling which brought out talent, might lead to a comparison of opinions which would induce⁴ an enlarged policy calculated to elevate and not to depress⁵ national energies. He was prepared to admit that Confederation would enlarge the minds of all, and make us better to understand our resources and capabilities. It would make us more enquiring⁶, and teach us so to use our industrial power as to secure the best results. (Hear, hear.) He was prepared to admit that the results of the union between Upper and Lower Canada had been beneficial to both, and he argued that union with the other provinces, inhabited by a people educated under different circumstances and of different origins, could hardly be without mutual advantage. It would give the inhabitants of each province the opportunity of studying each other's habits and pursuits, and so induce larger and more comprehensive⁷ views."



Image held by Library and Archives Canada.

¹ *a priori* = theoretically

² pronounced = declared

³ unfrequently = infrequently

⁴ induce = create

⁵ depress = diminish

⁶ enquiring = inquiring

⁷ comprehensive = including all or almost all of something

REP BY POP

“But what was the real impediment⁸? Want of patriotism—not the want of a good Constitution. If there had been less virulence⁹ of party spirit, and a better disposition to accommodate matters, there would have been no dead-luck. (Hear, hear.)... If the leading men had felt as they ought to have felt, there would have been no deadlock, for it existed more in name than in reality. There was no cause for saying that no government could be formed which could command a good majority. And what had the difficulties arisen from? From a persistent¹⁰ agitation¹¹ for representation according to population, in consequence of which the people had at last come to believe that it was a fundamental axiom¹² in government. (Hear, hear.) “

PROVINCIAL AUTONOMY AND MINORITY / SCHOOL RIGHTS

“The limitation of the era of the federal, and the power of the local governments, was the old story of federal and state rights--in fact, the bone of contention which had led to the present unhappy war; an apple of discord¹³ which our posterity¹⁴ might gather in fruits of the most bitter character. There was another branch of the subject he would fail in his duty if he did not touch upon, and that was the situation in which the English of Lower Canada would be placed. The Honorable Premier had remarked at some length upon the disposition¹⁵ to toleration and the indulgent spirit evinced¹⁶ by his people in past times, and he (Hon. Mr. SANBORN) was not prepared to detract¹⁷ from this. He would freely and fully concede¹⁸ the point. He had always lived in the midst of a mixed population, and his division was more French than English, and it would ill become him to cast reflections on their liberality and desire for fair play or justice to others. But this was the time, when treating of important arrangements for the future, to lay aside all unnecessary delicacy, and by our action to lay down the guarantees for the perpetuation¹⁹ of these kind feelings and this spirit of toleration so long existing, and which he devoutly hoped would never cease. No greater calamity²⁰ could befall the English, or, in fact, both races, than the introduction of religious discord among the people of Lower Canada. (Hear, hear.) It would, however, be a grievous mistake to overlook the safeguards and rules necessary to perpetuate kindly feelings, and to prevent the disposition to aggressions which existed more or less in all minds. That principle—the love of power—was found in every human heart, none were exempt from it, and the history of the world showed that no people had ever risen superior to it. The Honorable Premier had recognized this truth in the remarks he had made in regard of the difficulties between Upper and Lower Canada. The French Canadians had persistently refused the demands of Upper Canada for representation by population, because of the terror they felt that, if granted, their institutions would be in danger; and he had told the French members in the House that under the new Constitution their rights were so effectually²¹ guarded that their autonomy was fully secured—the safeguards thereof being put in their own hands. But, at the same time, the English, who were a fourth of the population, and who, by habit and tradition, had their

⁸ Impediment = obstacle.

⁹ Virulence = hostility.

¹⁰ persistent = repeated.

¹¹ agitation = movement.

¹² axiom = an established norm.

¹³ apple of discord = a point of disagreement.

¹⁴ our posterity = future generations.

¹⁵ disposition = preference.

¹⁶ evinced = revealed.

¹⁷ detract = abandon.

¹⁸ concede = surrender.

¹⁹ the perpetuation = the repetition.

²⁰ calamity = disaster.

²¹ effectually = effectively.

own views of public policy, were left entirely without guarantee other than the good feelings and tolerant spirit of the French. Was this safe? The only safeguard they were to have was in regard of education, but in regard of the rights of property they were to be left to the Legislature. And this brought him to the consideration of that part of the proposed Constitution which had reference to civil rights and rights of property. It was said that the civil laws of Lower Canada were now consolidated into a code, and this would enhance our credit; and if bleed upon sound principles and rendered²² permanent, it would undoubtedly do so, for what is so conducive to the prosperity of a country as well-protected rights of property and vested interests?"

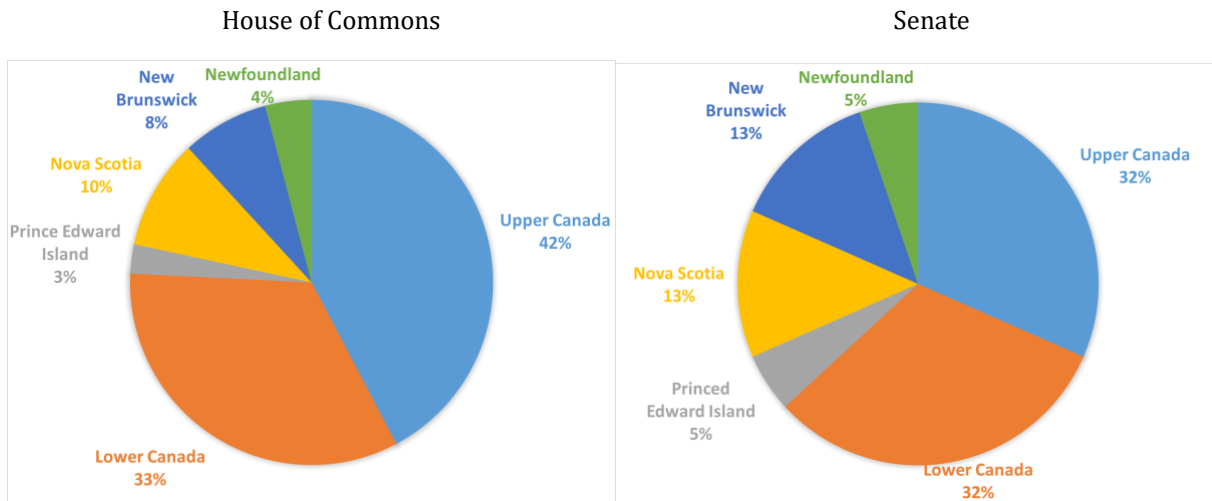
All of the above quotes are from: Province of Canada. *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada*. Quebec: Hunter, Rose & Co., Parliamentary Printers, 1865.

²² rendered = made.



72 Resolutions Handout

PARLIAMENTARY REPRESENTATION



DIVISION OF POWERS

Federal Powers	 Military	 Postal Service	 Indigenous Peoples
Provincial Powers	 School	 Health Care	 Prisons



SECTION 2: MATERIALS AND HANDOUTS FOR CREATING CANADA: FURTHERING INDIGENOUS- CROWN RELATIONSHIPS

Handout: Copy of the Robinson Treaty Made in the Year 1850 with the Ojibewa Indians of Lake Huron Conveying Certain Lands to the Crown

Reproduced from <http://www.aadnc-aandc.gc.ca/eng/1100100028984/1100100028994>

THIS AGREEMENT, made and entered into this ninth day of September, in the year of our Lord one thousand eight hundred and fifty, at Sault Ste. Marie, in the Province of Canada, between the Honorable WILLIAM BENJAMIN ROBINSON, of the one part, on behalf of HER MAJESTY THE QUEEN, and SHINGUACOUSE NEBENAIGOCHING, KEOKOUSE, MISHEQUONGA, TAGAWININI, SHABOKISHICK, DOKIS, PONEKEOSH, WINDAWTEGOWININI, SHAWENAKESHICK, NAMASSIN, NAOQUAGABO, WWBEKEKIK, KITCHEPOSSIGYN by PAPASAINSE, WAGEMAKI, PAMEQUONASHEUG, *Chiefs*; and John Bell, PAQWATCHININI, MASHEKYASH, IDOWEKESIS, WAQUACOMICK, OCHEEK, METIGOMIN, WATACHEWANA, MINWAPAPENASSE, SHENAOQUOM, ONINGEGUN, PANAISSY, PAPASAINSE, ASHEWASEGA, KAGESHEWAWETUNG, SHAWONEBIN; and also Chief MAISQUASO (also Chiefs MUCKATA, MISHOQUET, and MEKIS), and MISHOQUETTO and ASA WASWANAY and PAWISS, principal men of the OJIBEWA INDIANS, inhabiting and claiming the Eastern and Northern Shores of Lake Huron, from Penetanguishine to Sault Ste. Maire, and thence to Batchewanaung Bay, on the Northern Shore of Lake Superior; together with the Islands in the said Lakes, opposite to the Shores thereof, and inland to the Height of land which separates the Territory covered by the charter of the Honorable Hudson Bay Company from Canada; as well as all unconceded lands within the limits of Canada West to which they have any just claim, of the other part, witnesseth:

THAT for, and in consideration of the sum of two thousand pounds of good and lawful money of Upper Canada, to them in hand paid, and for the further perpetual annuity¹ of six hundred pounds of like money, the same to be paid and delivered to the said Chiefs and their Tribes at a convenient season of each year, of which due notice will be given, at such places as may be appointed for that purpose, they the said Chiefs and Principal men, on behalf of their respective Tribes or Bands, do hereby fully, freely, and voluntarily surrender, cede,² grant, and convey unto Her Majesty, her heirs and successors for ever, all their right, title, and interest to, and in the whole of, the territory above described, save and except the reservations³ set forth in the schedule hereunto annexed;⁴ which reservations shall be held and occupied by the said Chiefs and their Tribes in common, for their own use and benefit.

And should the said Chiefs and their respective Tribes at any time desire to dispose of any part of such reservations, or of any mineral or other valuable productions thereon⁵, the same will be sold or leased at their request by the Superintendent-General of Indian Affairs for the time being, or other officer having authority so to do, for their sole benefit, and to the best advantage.

And the said William Benjamin Robinson of the first part, on behalf of Her Majesty and the Government of this Province, hereby⁶ promises and agrees to make, or cause to be made, the payments as before mentioned; and further to allow the said Chiefs and their Tribes the full and free privilege to hunt over the Territory now ceded by them, and to fish in the waters thereof, as they have heretofore⁷ been in the habit of doing; saving

¹ Perpetual annuity = no fixed amount of time

² Cede = give up

³ Reservations = lands set aside for Indigenous bands.

⁴ hereunto annexed = listed below

⁵ Theron = following from the thing just mentioned.

⁶ Hereby = as a result of this document

⁷ Heretofore = before

and excepting such portions of the said Territory as may from time to time be sold or leased to individuals or companies of individuals, and occupied by them with the consent of the Provincial Government.

The parties of the second part further promise and agree that they will not sell, lease, or otherwise dispose of any portion of their Reservations without the consent of the Superintendent-General of Indian Affairs, or other officer of like authority, being first had and obtained. Nor will they at any time hinder⁸ or prevent persons from exploring or searching for minerals, or other valuable productions, in any part of the Territory hereby ceded to Her Majesty, as before mentioned. The parties of the second part also agree, that in case the Government of this Province should before the date of this agreement have sold, or bargained to sell, any mining locations, or other property, on the portions of the Territory hereby reserved for their use; then and in that case such sale, or promise of sale, shall be perfected by the Government, if the parties claiming it shall have fulfilled all the conditions upon which such locations were made, and the amount accruing⁹ therefrom¹⁰ shall be paid to the Tribe to whom the Reservation belongs.

The said William Benjamin Robinson, on behalf of Her Majesty, who desires to deal liberally¹¹ and justly with all her subjects, further promises and agrees, that should the Territory hereby ceded by the parties of the second part at any future period produce such an amount as will enable the Government of this Province, without incurring loss, to increase the annuity¹² hereby secured to them, then and in that case the same shall be augmented from time to time, provided that the amount paid to each individual shall not exceed the sum of one pound Provincial Currency¹³ in any one year, or such further sum as Her Majesty may be graciously pleased to order; and provided further that the number of Indians entitled to the benefit of this treaty shall amount to two-thirds of their present number, which is fourteen hundred and twenty-two, to entitle them to claim the full benefit thereof. And should they not at any future period amount to two-thirds of fourteen hundred and twenty-two, then the said annuity¹⁴ shall be diminished in proportion to their actual numbers.

The said William Benjamin Robinson of the first part further agrees, on the part of Her Majesty and the Government of this Province, that in consequence of the Indians inhabiting French River and Lake Nipissing having become parties to this treaty, the further sum of one hundred and sixty pounds Provincial Currency shall be paid in addition to the two thousand pounds above mentioned.

Schedule of Reservations made by the above-named subscribing Chiefs and Principal Men.

FIRST --Pamequonaishcung and his Band, a tract of land¹⁵ to commence seven miles, from the mouth of the River Maganetawang, and extending six miles east and west by three miles north.

SECOND --Wagemake and his Band, a tract of land to commence at a place called Nekickshegeshing, six miles from east to west, by three miles in depth.

THIRD--Kitcheposkissegan (by Papasainse), from Point Grondine westward, six miles inland, by two miles in front, so as to include the small Lake Nessinassung a tract for themselves and their Bands.

FOURTH-- Wabakekik, three miles front, near Shebawenaning, by five miles inland, for himself and Band.

⁸ Hinder = make more difficult

⁹ Accruing = adding up

¹⁰ Therefrom = from that place

¹¹ Liberally = generously

¹² Annuity = annual payment

¹³ Currency = money

¹⁴ Annuity = a fixed amount of money paid out each year

¹⁵ Tract of land = piece of land

FIFTH--Namassin and Naoquagabo and their Bands, a tract of land commencing near Qacloche, at the Hudson Bay Company's boundary; thence westerly to the mouth of Spanish River; then four miles up the south bank of said river, and across to the place of beginning.

SIXTH --Shawenakishick and his Band, a tract of land now occupied by them, and contained between two rivers, called Whitefish River, and Wanabitaseke, seven miles inland.

SEVENTH --Windawtegawinini and his Band, the Peninsula east of Serpent River, and formed by it, now occupied by them.

EIGHTH --Ponekeosh and his Band, the land contained between the River Mississaga and the River Penebewabecong, up to the first rapids.

NINTH --Dokis and his Band, three miles square at Wanabeyakokaun, near Lake Nipissing and the island near the Fall of Okickandawt.

TENTH --Shabokishick and his Band, from their present planting grounds on Lake Nipissing to the Hudson Bay Company's post, six miles in depth.

ELEVENTH --Tagawinini and his Band, two miles square at Wanabitibing, a place about forty miles inland, near Lake Nipissing.

TWELFH -- Keokouse and his Band, four miles front from Thessalon River eastward, by four miles inland.

THIRTEENTH -- Mishequanga and his Band, two miles on the lake shore east and west of Ogawaminang, by one mile inland.

FOURTEENTH -- For Shinguacouse¹⁶ and his Band, a tract of land extending from Maskinongé Bay, inclusive, to Partridge Point, above Garden River on the front, and inland ten miles, throughout the whole distance; and also Squirrel Island.

FIFTEENTH -- For Nebenaigoching and his Band, a tract of land extending from Wanabekineyunnung west of Gros Cap to the boundary of the lands ceded by the Chiefs of Lake Superior, and inland ten miles throughout the whole distance, including Batchewanaung Bay; and also the small island at Sault Ste. Marie used by them as a fishing station.

SIXTEENTH -- For Chief Mekis and his Band, residing at Wasaquesing (Sandy Island), a tract of land at a place on the main shore opposite the Island; being the place now occupied by them for residence and cultivation, four miles square.

SEVENTEENTH -- For Chief Muckatamishaquet and his Band, a tract of land on the east side of the River Naishconteong, near Pointe aux Barils, three miles square; and also a small tract in Washauwenega Bay -- now occupied by a part of the Band -- three miles square.

Signed, sealed, and delivered at Sault Ste. Marie, the day and year first above written, in presence of -

(Signed)

Astley P. Cooper, Capt. Rifle Brig.

(Signed)

W. B. Robison.

¹⁶ Shinguacouse = Shingwaukonse

George Ironside, S. I. Affairs.

F. W. Balfour, Lieul. Rifle Brig.

Allan MacDonnell.

Geo. Johnston, Interpreter.

Louis Cadott.

J. B. Assikinack.

T. W. Keating.

Joe. Wilson.

Shinguaconse, his+ + mark. [L. S.]

Nebenaigoching, his+ + mark. [L. S.]

Keokunse, his+ + mark. [L. S.]

Mishequonga, his+ + mark. [L. S.]

Tagawinini, his+ + mark. [L. S.]

Shabakeshick, his + mark. [L. S.]

Dokis, his + mark. [L. S.]

Ponekeosh, his + mark. [L. S.]

Windawegowinini, his + mark. [L. S.]

Shawanakeshick, his + mark. [L. S.]

Namassin, his + mark. [L. S.]

Muckata Mishaquet, his + mark. [L. S.]

Mekis, his + mark. [L. S.]

Maisquaso, his + mark. [L. S.]

Naoquagaho, his + mark. [L. S.]

Warokekick, his + mark. [L. S.]

Kithepossegun, (by Papasainse), his + mark. [L. S.]

Wagemake,, his + mark. [L. S.]



Handout: William Benjamin Robinson Biography

Reproduced from http://www.biographi.ca/en/bio/robinson_william_benjamin_10E.html.

ROBINSON, WILLIAM BENJAMIN, politician; b.22 Dec. 1797 in Kingston, U.C., youngest son of loyalists Christopher Robinson and Esther Sayre; d. 18 July 1873 in Toronto, Ont.

In the year after William Benjamin Robinson's birth the family, which included two older brothers, Peter and John Beverley, moved to York (Toronto); the father died when the youngest son was less than a year old. The family seems to have lived in scanty¹ comfort but in 1802 Esther married Elisha Beman, a mill-owner and merchant in Newmarket who had earlier been a tavern-keeper in York. It was at Newmarket that William was brought up and educated by his mother.

In his youth William was influenced by his brother Peter who took a special interest in him. Peter wrote in 1816 that "William is a very steady good lad, is with me now, and I mean to give him every opportunity of improving himself." When Peter moved from Newmarket to Holland Landing, William took over the mills and stores built by their stepfather, and on 5 May 1822 he married Elizabeth Ann Jarvis, daughter of William Jarvis, provincial secretary of Upper Canada. They had no children. In 1833 they moved to Holland Landing, taking over the house that Peter had built there. It became the usual stopover for travellers north.



William Benjamin Robinson

William also followed Peter into the fur trade, in the firm P. and W. Robinson. He established two trading-posts in the Muskoka district, one on an island, later called Yoho, in Lake Joseph, and the other on Georgian Bay at the mouth of the Muskoka River. He was described as being "one of the chief Indian traders throughout northern Ontario, a most intelligent and well-informed gentleman," and his reputation for fair dealing gave him a position of influence among the Indians.

In 1828 William, who like his brothers was strongly Tory in his sympathies, contested the first election for the Legislative Assembly in Simcoe County after its separation from York County. He lost to John Cawthra by nine votes, but won in the elections of 1830 and 1834. Lavish grants of lands in Medonte and Nottawasaga townships to Tory supporters just before Francis Bond Head's "bread and butter" election of 1836 were credited with helping Robinson defeat Samuel Lount, who soon after supported the agitations of William Lyon Mackenzie. In the assembly Robinson succeeded in having passed an act for macadamizing the York roads and in raising a loan of £10,000 for improvements in his constituency.

¹ Scanty = small

A new sphere of activity had opened for Robinson in 1833 when the assembly appointed him with Absalom Shade and John Macaulay as commissioners to superintend² the expenditure of a grant voted for the improvement of the Welland Canal. Robinson acted in a supervisory capacity for the canal for many years, his instructions being “to give his personal attendance on the canal until it was rendered navigable.” He carried out his duties with vigour (living in St Catharines from 1837 to 1843), and took charge of all contracts and disbursements.³

In the first election after the union of Upper and Lower Canada in 1841 Robinson was defeated in Simcoe by Elmes Steele of Medonte in a bitter contest in which the militia was notified to stand by. Out of the assembly, he negotiated in 1843 the first of the “Robinson Treaties” with the Indians, whereby over 700 acres of the District of Simcoe were “set aside to be held in trust for the use of the Chippewa Tribe of Lake Simcoe.” Chief William Yellowhead was a signatory.

In 1844 Robinson was re-elected to the assembly for Simcoe, and he held this seat until 1854. On 20 Dec. 1844 he became inspector-general in the government of William Henry Draper, with a seat on the Executive Council. Robinson, however, strongly opposed Draper’s bill in 1845 to establish a provincial “University of Upper Canada,” endowed partly from the grants made to King’s College, the Church of England university. Although Draper was willing to postpone the bill, Robinson resigned from the Executive Council in March 1845 as a matter of principle, an action which gained him praise from the *Globe* and other Reform newspapers as “the only honest politician” in the ministry. After the failure of Draper’s university bill Robinson refused to re-enter the Executive Council, but in 1846 accepted the post of chief commissioner of public works which he retained until the formation of the Reform ministry of Robert Baldwin and Louis-Hippolyte La Fontaine. His position enabled him to push forward many improvements in his constituency, such as the important road to Penetanguishene in 1846, the Ridge Road between Barrie and Orillia in 1848, and surveys of the county.

In 1850 Governor General Lord Elgin [Bruce], prompted by Chief Justice John Beverley Robinson and by Bishop John Strachan, was anxious to appoint William assistant commissioner of public works to help relieve his financial difficulties, but Baldwin rejected the suggestion as a violation of his principle of giving patronage only to his supporters. Instead, the ministry commissioned Robinson, who was already well known to the Indians, by order in council on 11 Jan. 1850 to negotiate “for the adjustment on [the Indians’] claims to the lands in the vicinity of Lakes Superior and Huron, or of such portions of them as may be required for mining purposes.” In the late 1840s the Indians living on the northern shores of lakes, Huron and Superior had become concerned that, although the government had not arranged treaties with the tribes, location tickets were being issued to mining companies. An armed skirmish in 1848 at one of the Quebec Mining Company’s locations forced the government to act, and Alexander Vidal and Thomas Gummersall Anderson reported on a proposed treaty in December 1849.

Robinson, who had earlier submitted a memorandum to the government on possible ways of settling the issue in the region of the upper lakes, made two trips to the Sault Ste Marie and Michipicoten areas in April and May 1850 to sound out Indian leaders and Hudson’s Bay Company officials. Final negotiations took place at Sault Ste Marie and two treaties were signed; on 7 September the Indians of Lake Superior surrendered the land from Batchawana Bay to Pigeon River, and on 9 September the Indians of Lake Huron under Chief Shinguacouse gave up the area between Batchawana Bay and Penetanguishene. The Robinson treaties ended the difficulties on the upper lakes and were later used as models, but Robinson himself looked upon them as being “based on the same conditions as all preceding ones.” The treaties included provisions for the

² Superintend = high-rank

³ Disbursement = paying money

traditional “treaty money” cash payments (£2,000 in each of these cases), payments of annuities of £1 per Indian per year, the setting aside of reserves, and the retention of hunting and fishing rights throughout the surrendered tracts. The Indians would not interfere with mineral exploration and were to be entitled to royalties from any mineral deposits found on their own reserves. An “escalator” clause provided for an increase in the annuity payments should the value of the surrendered lands increase considerably; this was a unique feature of the treaties of 1850.

After 1845 Robinson’s attention in the assembly centred on the affairs of the Church of England and on measures to improve transportation facilities in the colony. He opposed Baldwin’s 1849 University of Toronto Act which secularized⁴ King’s College, and the following year he signed a petition to Queen Victoria requesting a royal charter for a new Church of England college. In 1850 and again in 1851 he voted against resolutions put forward by the Reform government to secularize the clergy reserves; and in the latter year he took an active part in proposals to construct an intercolonial railway linking Canada and the Maritimes. When the first separate school act for Canada West, introduced in 1855 in the Legislative Council by Étienne-Paschal Taché, reached the assembly, Robinson voted with other Tories and with George Brown and Mackenzie in opposing it, even though he gave nominal support to the Liberal Conservative ministry of Allan MacNab and Taché. He was a consistent supporter of the British connection. Although he had spoken against the union of Upper and Lower Canada both before and after the visit of Lord Durham [Lambton], and voted for dissolution⁵ of the union in 1851, he moved resolutions in the assembly expressing loyalty to the crown and the constitution during the annexation crisis of 1850. He became one of the commissioners of the Canada Company in 1852 and senior commissioner in 1865 on the death of Frederick Widder.

The representation act of 1853 divided the Simcoe County seat; Robinson was elected by acclamation in Simcoe South in 1854, but in 1857 was defeated by an opponent of long standing, Thomas Roberts Ferguson. He did not run again. After the death of his wife in 1865 he travelled abroad and on his return in 1867 lived in Toronto.

William Benjamin Robinson did not achieve the prominence of his two elder brothers but he carried out the various responsibilities that came his way with energy and ability, and honourably stuck to his convictions. He shared what came to be known as “the Robinson charm,” a rare humour, and a zest for living that made him a delightful companion.

DCB entry by Julia Jarvis

⁴ Secularized = separate from religion

⁵ Dissolution = to close down



Handout: Biography of Ojibwa Chief Shingwaukonse (Shinwauk, Little Pine) (1773–1854)

Shingwaukonse (also known as Shingwauk and “Little Pine”) was an Ojibwa chief and signatory to the Robinson-Huron treaty of 1850. Shingwaukonse was born in 1773 on Grand Island, Michigan. Though he was biologically of Métis ancestry, Shingwaukonse was raised in an Ojibwa cultural and political context. His mother was a member of the Sault Crane band. She separated from Shingwaukonse’s father when Shingwaukonse was an infant.

In 1836, at sixty-three years old, he became a head chief. He assumed many roles prior to that of head chief. As Janet Chutes writes: “As a trading chief he guided brigades to the Red River and the headwaters of the Mississippi. He gained notoriety¹ fighting against the Dakota, opposed the Shawnee Prophet's resistance campaign despite many other chiefs' involvement in it, and by 1809 had become an *oskabewis*, or spokesperson.” Shingwaukonse fought on the British side in the War of 1812, on the basis that the British would maintain an “Indian Buffer State”, and played a key role in mediating a dispute between an American official and an Ojibwa sub-chief at a treaty negotiation in 1820.



Chief Shingwaukonse. Image held by Shingwauk Residential Schools Centre.

It is often said that Shingwaukonse was a member of the Crane Clan. This is likely due in part to former Indian Agent Henry Rowe Schoolcraft’s assertion² in 1822 that Shingwaukonse traced “his lineage from the old Crane band.” Janet Chute has detailed the history of his association with this clan:

members [of the Crane clan] regarded an eighteenth-century figure, Gitcheokanojeed, or Great Crane, as their common ancestor. Shingwaukonse, however, did not possess the Crane totem [dodem], the bird symbol employed by most of the other Sault leaders as a designating mark in council forums. A totem was both a personal and a group identifier, transferred between generations in the male line. Linked to the local band through his mother and having either a French or French Metis father, Shingwaukonse initially lacked a totem. A celebrated war leader, orator, member of the Midewiwin and Wabano medicine societies, and a *djiski*, or shaking tent conjuror, Little Pine nevertheless elicited respect from native and nonnative alike. He was a leading member of the Midewiwin, or Grand Medicine Society, where traditional power holders congregated for several days to perform rites that stressed revitalization both on the personal and community level, and undoubtedly his reputation as a noted medicine practitioner enhanced his political

¹ Notoriety = famous

² Assertion = to say

stature. He had formally declared his autonomy from the United States in the spring of 1836, but it was not until later the same year, following the death of a Crane leader, Kaygayosh, who had been Shingwaukose's mentor in the Midewiwin, that Shingwaukose assumed the rank of a head chief, with the Plover totem that he had acquired during a visionary experience as his personal identifier.

As Shingwaukose "married a Crane woman by the name of Ogimaqua, or 'Chief Woman,' who, in turn, had been a granddaughter of Tuhgwahna, probably a brother of Great Crane", he could trace "his descent through both his mother and his wife's maternal grandfather" and "claim membership in the Crane unit, as well as rights to residence and resources at the rapids." His *dodem*, however, remained the Plover.

Shingwaukose was a staunch defender of aboriginal autonomy. He argued that aboriginal peoples had the right to benefit from the extraction of resources in their territories and that such development should occur on their terms. Unhappy with both British and American policies, he asked Anglican and Roman Catholic missionaries in 1841: "You are two Black Coats, now I want to know if our Saviour marked in the Bible, that the whites would journey towards the setting sun until they found a large Island in which there were many Indians living in rich country-that they should rob the natives of their animals, furs and land, after which the English and Americans should draw a line, from one to the other end of the Island and each take his share and do what he pleases with the Natives, I ask if that's written in the Bible?"

In 1846, land surveyor Alexander Vidal was sent by the Legislative Assembly of the United Canadas to survey lands in territory Shingwaukose believed belonged to his people. Shingwaukose asked Vidal to leave the area and appealed to the government for a meeting to resolve the issue. The response of the government was to order Shingwaukose to relocate to Manitoulin Island. He would refuse to move from the village at Garden River.

Shingwaukose tried repeatedly to engage the government in negotiations, travelling to Montreal in the spring of 1848 to voice his concerns about land use to Lord Elgin. He was particularly concerned that a mining location had been granted which included the whole of the Garden River village, a territory that had never been ceded and about which negotiations had never taken place. Shingwaukose complained that miners had "trespassed on his territory, blasted rock, and set fires that drove away game."

Believing the government's behavior to be a "colossal affront to his people's rights, intelligence, and aspirations", Shingwaukose charted a plan of direct action. In the fall of 1849, Shingwaukose - accompanied by Chief Nebenagoching, four Metis leaders, Allan Macdonell and his brother Angus Duncan, Toronto-based lawyer Wharton Metcalfe, and some 25 other aboriginal people - occupied the holdings of the Quebec and Montreal Mining Association at Mica Bay. The residents of Mica Bay were put on a ship to Sault Ste. Marie. The mine site was held until the spring of 1850, at which point Shingwaukose and many of his supporters voluntarily surrendered to justices of the peace. They were released after a few days in jail and given an official pardon in 1851. Shingwaukose would continue to advocate for his people until his death at eighty years of age in November, 1854.

Despite these challenges, Shingwaukose always emphasized negotiation and cooperation. He was not against resource development itself, but wanted to see the Ojibwa benefit from the development of resources in their territories. Shingwaukose's vision was to embrace the technological benefits the west brought while drawing on and maintaining Ojibwa traditions. These included not only Ojibwa values, but also legal and governmental structures. While Shingwaukose was anxious to have his people learn what the British could teach them, he wasn't willing to trade their independence and traditional way of life. What he sought instead was support to build on the skills the Ojibway already possessed, allowing them to develop businesses built around hunting, fishing and forestry. He also sought guarantees from both American and British officials that Native access to the resources within their territories would be protected. It has been said that he embraced a

“strategy of Aboriginal rights, self-determination and modern community development” and that “the chief focused his energies on the search for a homeland where Ojibwa could live with sufficient resources for a secure economic future and enjoy a fair degree of political autonomy.” In other words, Shingwaukonse wanted to be an equal partner in developing new mutually beneficial relationships within the structure of a new nation.

Shingwaukonse was also concerned with education. The Shingwauk School, or “Teaching Wigwam”, was originally envisaged³ by Shingwaukonse “as a crucible⁴ for cross-cultural understanding and for synthesis of traditional Anishnabek and modern European knowledge and learning systems.” This vision inspired the Shingwauk Kinooomaage Gamig: Centre for Excellence in Anishnaabe Education.

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³ Envisage = to think of

⁴ Crucible = test



Handout: Biography of Allan Macdonell

Reproduced from http://www.biographi.ca/en/bio/macdonell_allan_11E.html.

MACDONELL (McDonell), ALLAN, lawyer, office-holder, prospector, and pamphleteer; b. 5 Nov. 1808 at York (Toronto), Upper Canada, son of Alexander McDonell (Collachie) and Anne Smith; d. 9 Sept. 1888 at Toronto.

Allan Macdonell's grandfather, also named Allan, was a loyalist officer who settled in Glengarry County in 1784. His father was the first sheriff of the Home District, a member for Glengarry, and after 1831 also a legislative councillor. In York, Allan attended the Home District Grammar School and then studied law. Upon completion of his legal training in the office of Henry John Boulton, he was called to the bar in 1832 and entered into partnership with Allan Napier MacNab. It would seem that Macdonell did not find legal practice congenial¹ for he apparently quit the profession in 1837 except for one last foray in 1858, when he acted on behalf of George Brown in contesting, unsuccessfully, the legality of the "double shuffle" performed by John A. Macdonald.

In 1837 Macdonell was appointed to succeed William Munson Jarvis as sheriff of the Gore District. As a major in the Queen's Rangers he raised and equipped a troop of cavalry at his own expense during the rebellion of 1837–38. After the rebellion he resumed his shrievalty,² but resigned the post about 1842. Macdonell obtained a government licence in 1846 for "exploring the shore of Lake Superior for mines" and the following year he and several associates commenced work, prospecting primarily for copper. He was to devote more than ten years of his life to this project, being instrumental in organizing the Quebec and Lake Superior Mining Association in 1847 and active in the Victoria Mining Company (he served as the first president in 1856). In 1865 he was managing director of the Upper Canada Mining Company. During his years of involvement in mining Macdonell supported the Indians of the Great Lakes area in their attempts to obtain compensation from the government for their lands. He may well have been one of the "certain interested parties" to whom William Benjamin Robinson referred in his report on treaty negotiations as having advised the Indians to demand what Robinson considered "extravagant terms." The agitation³ proved successful and the Indians obtained better terms in the Robinson treaties of September 1850, at the signing of which Macdonell was present.

By the 1850s Macdonell's chief passion had become westward expansion, the annexation of the lands of the Hudson's Bay Company, and the destruction of that company's trade monopoly in the west. His interest in the northwest can be traced not only to his bent for promotion but to other sources as well: connections within his family – his uncle Miles Macdonell had been governor of the district of Assiniboia; politics – as a Toronto Reformer Macdonell distrusted the HBC and its monopoly; and personal interest – the company had tried to restrict his mining explorations in the 1840s. In 1851 Macdonell and a group of associates, including his brother Angus Duncan, applied to the Canadian assembly for a charter to build a railway from the Province of Canada to the Pacific. The petition was denied because the promoters had not completed adequate

¹ Congenial = pleasant

² Shrievalty = went back to his job as Sheriff

³ Agitation = excitement

preparatory work: they did not have the agreement of the imperial government which was sovereign in the northwest, of the HBC which governed the area, or of the Indian tribes which inhabited the territory. Moreover they had no capital. This preliminary effort prompted Macdonell to write *Observations on the construction of a railroad from Lake Superior to the Pacific* (1851) which, according to the historian Gerald E. Boyce, “for the next ten years served as the text for promoters of the Pacific Railway and Northwest annexation.” It was an extravagant document in which Macdonell argued that this railway would be a better link between Britain and the Orient than a Central American canal. Undeterred⁴ by the set-back, in 1852 Macdonell and his brother applied, unsuccessfully, for a charter to build a canal at Sault Ste Marie. Such a canal, which was shortly after built by the Americans, would link lakes Huron and Superior, thereby providing easier access to the Lake Superior mining area, and form part of a communications network between Canada and the west. Further attempts to obtain a Pacific railway charter in 1853 and 1855 also failed.

By the mid 1850s opinion in Canada West was, however, shifting in favour of the annexation of the HBC lands: arable land was vanishing in the province and the completion in 1855 of the Ontario, Simcoe and Huron Railroad [see Frederic William Cumberland] from Toronto to Collingwood made logical an attempt to penetrate the upper lakes region and beyond. Macdonell did what he could to push public opinion along. In 1856 he gave an enthusiastic speech to the Toronto Board of Trade in which he assaulted the claims of the HBC and proclaimed that “British subjects, and above all Canadians, will exercise a right of trade” in the west; the following year he amplified his views before an assembly committee that was investigating the firm’s monopoly. His grandiose⁵ planning was now meeting more receptive⁶ ears. To the general mania for railway development, prospecting, and commercial expansion was added a desire for a share of the gold discovered in British Columbia in 1858. Moreover, information on the northwest was more widespread as a result of the British expedition led by John Palliser, the Canadian one dominated by Henry Youle Hind and Simon James Dawson, and the emergence of a Canadian party led by Dr John Christian Schultz in the Red River Settlement.

Macdonell and his associates, such as William McMaster, Adam Wilson, and Thomas Clarkson, were finally successful in 1858 when they secured a charter for the North-West Transportation, Navigation and Railway Company. The charter granted normal corporate powers but the company also acquired some valuable privileges. For example, the government was permitted to authorize the “Company to enter upon any ungranted lands of the Crown” and to establish transportation and trade facilities “from any place or places on the shores of Lake Superior, to any point in the interior, or between any navigable waters within the limits of Canada” as long as such projects were “in one single continuous line of communication extending westward from Lake Superior.” Capital stock, originally 20,000 £5 shares, could be increased by £7,500 for each mile of portage railway constructed in units of five miles or more. The company was also permitted to procure⁷ timber, stone, fuel, and other necessary material from crown lands. The government was to be able to purchase back any company possession except wharves and warehouses for the investment value plus six per cent. A survey was to be completed within two years; the charter would lapse in 1860 unless major progress was recorded.

Macdonell was elected a founding director of the North-West Transportation, Navigation and Railway Company along with such leading business figures as McMaster, Wilson, MacNab, Jean-Charles Chapais, John Gordon Brown, William Pearce Howland, and William Kennedy. This directorship Macdonell retained for the life of the company and he was one of the most active members of its board, but perhaps his most important contribution was as its chief propagandist. Three of Macdonell’s pamphlets were published by the company:

⁴ Undeterred = not giving up

⁵ Grandiose = big

⁶ Receptive = listening

⁷ Procure = get

Memoranda and prospectus of the North-West Transportation and Land Company; The North-West Transportation, Navigation, and Railway Company: its objects; and Prospectus of the North-West Transportation, Navigation, and Railway Company. The pamphlets attacked the HBC monopoly and stressed the benefits of opening the west. The first, published just before the company was incorporated and concentrating on prospects for trade and on communication, proposed a mail service to Red River and a transportation system based largely on water routes. The second, published after the company's charter was passed, emphasized the benefits in trade and employment the company would bring and described in detail the proposed transportation system, which would be a combination of railways, canals, and steamboats. In the third pamphlet, which stated the objectives of the company, he set out the "opening of a route to the rich prairie lands West of Red River" and the company's desire for a railway eventually to the Pacific. Amid the constant animosity⁸ towards the HBC and the incessant boosterism in these writings, the evolution of a transportation scheme is evident.

The operations of the North-West Transportation, Navigation and Railway Company were to be described in 1871 by Joseph James Hargrave, son of James, a chief factor of the HBC, as "quixotic"⁹ and "abortive"¹⁰; the firm was, in fact, premature and underfunded, and had no authorization from the HBC or the imperial government to operate west of Canada. In the fall of 1858 the company entered into a major deal which ultimately destroyed it. The Canadian government, perhaps affected by Macdonell's first pamphlet, had decided early in the year to subsidize¹¹ a mail route connecting Canada with Red River and awarded the contract to Captain Thomas Dick, who was associated with Macdonell and his colleagues. The key to Dick's operation was the ship *Rescue*, operating between Collingwood and Fort William (now part of Thunder Bay), Canada West. This he sold, along with the mail contract, to the North-West Transportation, Navigation and Railway Company in October 1858 for the inflated price of £6,000, paid in company stock. When it was revealed that Dick had owned the vessel jointly with some of the directors of the firm, a group of dissident¹² shareholders successfully brought suit against the company. Affected adversely¹³ both by the recession of 1857, which had dried up capital, and by the lawsuit brought by the shareholders, the company began to come apart in 1859. In March the firm was reorganized as the North-West Transit Company with headquarters in England and an executive committee in Toronto. The new company nevertheless lost the contract for the mail service, which had been run in an inefficient and expensive manner. Adequate capital could not be found in Britain and in 1860 the firm lost a second suit to a group of shareholders. Its mandate not having been fulfilled, its charter expired in that year.

In December 1856 the *Toronto Leader*, no doubt correctly, had called Macdonell a "monomaniac"¹⁴ who possessed an "unconquerable penchant for magnificent schemes." After 1860 he fades from public view and little is known of him other than that in the mid 1880s he was residing in Toronto, where he died. Although he was not an important business figure, Macdonell was nevertheless a prophet¹⁵ of Toronto's metropolitan or imperialistic ambitions to control and exploit the vast territories of western British North America.

⁸ Animosity = anger

⁹ Quixotic = unrealistic

¹⁰ Abortive = not getting the results

¹¹ Subsidize = support with money

¹² Dissident = to oppose authority

¹³ Adversely = does not work well

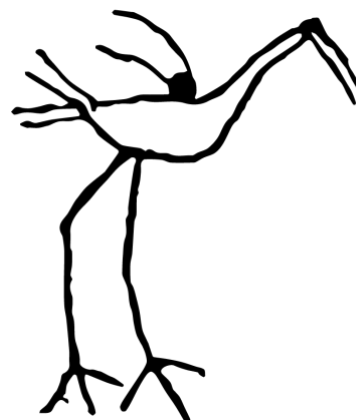
¹⁴ Monomaniac = crazy

¹⁵ Prophet = important person



Handout: Shingwaukonse's Dodem

Shingwaukonse signed his name with a Plover (which are small wading birds). Though Shingwaukonse was associated with the Crane Clan, he did not sign his name with the Crane dodem or totem. It is often said that Shingwaukonse was a member of the Crane Clan. This is likely due in part to former Indian Agent Henry Rowe Schoolcraft's assertion in 1822 that Shingwaukonse traced "his lineage from the old Crane band." As Janet Chute writes: "members [of the Crane clan] regarded an eighteenth-century figure, Gitcheokanojeed, or Great Crane, as their common ancestor. Shingwaukonse, however, did not possess the Crane totem [dodem], the bird symbol employed by most of the other Sault leaders as a designating mark in council forums."



A dodem, or totem, is a symbol for a particular social organization (family, Clan, etc.). Dodems are important devices for establishing and representing the bounds of extended family units and political communities. The dodem could be extended through marriage, thereby extending family obligations as "those who possessed the same dodem treated each other as siblings." (Chute, 2000) The group of Ojibwa people living at Sault Ste. Marie since at least 1640 were holders of the Crane dodem, or members of the Crane dodem, and also referred to themselves as 'people of the rapids.' Shingwaukonse was born without a dodem because his father was of French or French-Metis ancestry.

Shingwaukonse's connection to the Crane is traced to his mother. As Janet Chute explains:

Little Pine's affiliation with the 'old Crane band' stemmed from his mother, who was said to have possessed the Crane dodem. Later, the chief had married a Crane woman by the name of Ogimaqua, or 'Chief Woman,' who, in turn, had been a granddaughter of Tuhgwahna, probably a brother of Great Crane. By reckoning his descent through both his mother and his wife's maternal grandfather, Little Pine could claim membership in the Crane unit, as well as rights to residence and resources at the rapids.

Thus, Shingwaukonse was part of the extended Crane kinship despite not holding the dodem himself. His dodem, the Plover, was said to have been obtained in a vision he had while fasting. Shingwaukonse was an important member of the Grand Medicine Society. In this role he was a community leader who performed rituals that emphasized community and individual revitalization. His role as a medicinal practitioner enhanced his reputation and his political power. Shingwaukonse became a head chief in the Crane clan in 1836 when an important leader, Kaygayosh, died. Even after assuming this leadership position, Shingwaukonse continued to sign with his personal dodem, the plover, which he had acquired in a vision.

Each clan possessed a different dodem and played a distinctive role in Ojibwa society. By understanding these different roles, we can understand the importance of Shingwaukonse as a political leader. The Crane, for example, stands above the water and observes the outside world. Because of this, the Crane is sometimes

known as the outside Chief, and the outside Chief is responsible for negotiating with other communities. The loon clan is responsible for resolving internal dispute and other matters within the community.

Shingwaukonse's experience shows the importance of the dodem and the clan system for Ojibwa governance and law. In it, we can see how political leaders were chosen, how their authority was demonstrated, and how political units were organized. We can see the structure of government and some of its decision-making procedures.

Further resources on dodems and clan system: <http://ojibweresources.weebly.com/the-clan-system.html>



Handout: Record of Negotiation/Implementation

REPORT OF W.B. ROBINSON TO THE HONOURABLE COLONEL BRUCE:

Toronto, 24th September, 1850

Sir: - I have the honor herewith¹ to transmit the Treaty which on the part of the Government I was commissioned² to negotiate with the tribes of Indians inhabiting the northern shores of Lakes Huron and Superior; and I trust that the terms on which I succeeded in obtaining the surrender of all the lands in question, with the exception of some small reservations made by the Indians, may be considered satisfactory. They were such as I thought it advisable to offer, in order that the matter might finally be settled, without having any just grounds of complaint on the part of the Indians.

The Indians had been advised by certain interested parties to insist on such extravagant terms as I felt it quite impossible to grant; and from the fact that the American Government had paid very liberally³ for the land surrendered by their Indians on the South side of Lake Superior, and that our own in other parts of the country were in receipt of annuities⁴ much larger than I offered, I had some difficulty in obtaining the assent of a few of the chiefs to my proposition.

I explained to the chiefs in council the difference between the lands ceded⁵ heretofore⁶ in this Province, and those then under consideration, they were of good quality and sold readily at prices which enabled the Government to be more liberal, they were also occupied by the whites in such a manner as to preclude the possibility of the Indian hunting over or having access to them: whereas⁷ the lands now ceded are notoriously⁸ barren and sterile, and will in all probability never be settled except in a few localities by mining companies, whose establishments among the Indians, instead of being prejudicial, would prove of great benefit as they would afford a market for any things they may have to sell, and bring provisions and stores of all kinds among them



Probably the treaty photo of 1850 showing William B Robinson, Treaty commission on the left, Chief Shingwauk (1773-1854) centre, and Chief Nebenaigooching (1808-1899) on the right. Image held by Shingwauk Residential Schools Centre.

¹ Herewith = with this letter

² Commissioned = requested

³ Liberally = generously

⁴ Annuities = annual payments

⁵ Cede = give up

⁶ Heretofore = before

⁷ Whereas = before

⁸ Notoriously = known to be

at reasonable prices.

Neither did the British Government contemplate the removal of the Indians from their present haunts to some (to them) unknown region in the far West, as had been the case with their brethren on the American side.

...

Believing that His Excellency and the Government were desirous of leaving the Indians no just cause of complaint on their surrendering the extensive territory embraced in the treaty; and knowing there were individuals who most assiduously endeavored to create dissatisfaction among them, I inserted a clause securing to them certain prospective advantages should the lands in question prove sufficiently productive at any future period to enable the Government without loss to increase the annuity, This was so reasonable and just that I had no difficulty in making them comprehend it, and it in great measure silenced the clamor raised by their evil advisers.

In allowing the Indians to retain reservations of land for their own use I was governed by the fact that they in most cases asked for such tracts as they had heretofore been in the habit of using for purposes of residence and cultivation,⁹ and by securing these to them and the right of hunting and fishing over the ceded territory, they cannot say that the Government takes from their usual means of subsistence and therefore have no claims for support, which they no doubt would have preferred, had this not been done. The reservation at Garden River is the largest and perhaps of most value, but as it is occupied by the most numerous band of Indians, and from its locality (nine miles from the Sault) is likely to attract others to it, I think it was right to grant what they expressed a desire to retain. There are two mining locations at this place, which should not be finally disposed of unless by the full consent of Shinguacouse and his band."

"REPORT OF COMMISSIONERS, A. VIDAL AND T.G. ANDERSON, 1849."

"The claim of the present occupants of this tract¹⁰ derived from their forefathers, who have from time immemorial¹¹ hunted upon it, is unquestionably as good as that of any of the tribes who have received compensation for the cession of their rights in other parts of the Province; and therefore entitles them to similar remuneration, should the Government require the surrender of the whole or any portion of the lands; but while this is admitted, it must be observed with reference to this Right, that the Crown has always claimed "The Territorial Estate and Eminent Dominion" in and over the soil, - and although in Canada West, ever since its possession by the British Crown, the surrender of the right of hunting and occupancy has been purchased from the Indians, in other parts of British North America it appears not to have been regarded, as, for example, in the Charter grant of the Hudson's Bay Company, and in the treaties made with the United States and Russia, by which boundary lines were established and lines transferred, without any reference to Indian claims: it is also upon this assumption that the Crown "reserved to itself the exclusive privilege of treating with the Indians for the surrender or purchase of any portion of the land.

This conceded 'Right of Occupation' which is general and common to all, being admitted the tribal or individual interest in it becomes the subject of consideration: - long established custom, which among these uncivilized tribes is as binding in its obligations as Law in a civilized nation, has divided this territory among several bands each independent of the others; having its own Chief or Chiefs and possessing an exclusive right to and control over its own hunting grounds; - the limits of these grounds especially their frontages on

⁹ Cultivation = farming

¹⁰ Tract = piece of land

¹¹ Immemorial = forever

the Lake are generally well known and acknowledged by neighbouring bands; in two or three instances only, is there any difficulty in determining the precise boundary between adjoining tracts, there being in these cases a small portion of disputed territory to which two parties advance a claim.”

“There is a general wish expressed by the Indians to cede their territory to the Government provided they are not required to remove from their present places of abode,¹² - their hunting and fishing not interfered with, and that the compensation given to them be a perpetual annuity;¹³ but some diversity of opinion exists as to the amount and mode of payment desired. Where they are not influenced by the counsels¹⁴ of designing whites, the Chiefs candidly declare their ignorance of the value of their lands and are quite contented to leave it to the Government to be determine what should be given for them, expressing their confidence in the wisdom and justice of their Great Father, this was the case with all the bands on Lake Huron from St. Joseph’s to Penetanguishene, and with them, it is apprehended, there would be no difficulty in making a treaty on just and mutually advantageous terms. With those on Lake Superior it may possibly be a less easy task on account of their having been led to form extravagant notions of the value of the lands, and advised to insist upon unreasonable terms; yet even with them, should an equitable arrangement, paying due regard to their wishes in reference to reserves, be proposed and insisted upon, as the ultimatum of the Government, it would most probably be agreed to.

The Sualt [sic] Ste. Marie band alone appears to assume a position in which it would be impossible for the Government to treat with them; - they refuse to hold communication with it except through a Mr. Allan Macdonell (formerly of Hamilton) and acting under his advice insist upon reserving for their own use tracts of land embracing no less than nineteen of the mining locations for which the Government has already issued location tickets.”

CHIEFS DOKIS OF LAKE NIPPISSING

“When Mr. Robinson came to the Indians to make a Treaty for their lands, they were not willing to give up their lands and would not sign a Treaty. He then told them they need not be afraid to give up their rights because Government would never do anything to make the suffer, he said you know yourselves where you have the best lands and there is where you have your Reserves for yourselves and your children and their children ever after. He also said if at any time you have grievance you can go the Governor and he will see that you get all your rights or whatever you may ask.” - Chief Dokis of Lake Nippissing

“The Great Spirit, we think, placed these rich mines on our lands, for the benefit of his red children, so that their rising generation might get support from them when the animals of the woods should have grown too scarce for our subsistence. We will carry out, therefore the good object of our Father, the Great Spirit. We will sell you lands, if you will give us what is right and at the same time, we want pay for every pound of mineral that has been taken off our lands, as well as for that which may hereafter be carried away.” - Chief Shingwaukonse

“The English promised our Fathers that they would never take any land from them without purchasing it – we believed their words – and have not as yet been deceived – whenever the English have required any of our lands, they have held councils and purchased such lands as they required from us – for those reasons we consider the land to be ours and were not a little astonished to find that the money (mineral) on our lands has been taken possession of by the White Children of our Great Mother, without consulting us. We rested on the

¹² Abode = place where one lives

¹³ Annuity = annual payment

¹⁴ Counsels = advice



belief that it was only a preparatory step taken by the Governor to fix a value on it and then purchase it from us." - Chief Shingwaukonse, August 1848

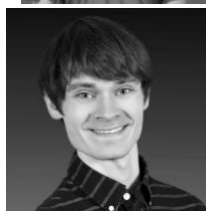
THE CONFEDERATION DEBATES EDUCATION TEAM



Jennifer Thiverge led *The Confederation Debates* education committee. She is a PhD candidate in History at the University of Ottawa and has a Masters of Education and a Bachelor of Education in Voice, Drama, and History. Her research interests are interdisciplinary, ranging from using drama to teach about World War One, Dark Heritage and Collective Memory in the Museums, to how gender plays a role in the History of Computer Science. As an active historian and educator, Jennifer has extensive experience in both fields.



Daniel Heidt, PhD is *The Confederation Debates* project manager. His doctoral research on Canadian politics and Ontario federalism during the nineteenth century demonstrated that asymmetrical political influence does not necessarily destabilize national unity. He also has a strong background in digital humanities and co-owns Waterloo Innovations, a company dedicated to working with researchers to improve digital workflows.



Bobby Cole is an MA student in Canadian and Indigenous Commemorative History at the University of Ottawa. His research focuses on the Historic Sites and Monuments Board of Canada's representation of Indigenous history in the 30 years following the Second World War.



Robert Hamilton is a PhD student at the University of Victoria Faculty of Law. His research focuses on Aboriginal law in Canada, with a specific focus on Aboriginal and Treaty rights in Canada's Maritime Provinces. Robert holds a B.A. (Hons) in Philosophy from St. Thomas University, a J.D. from University of New Brunswick Law School, and an LL.M. from Osgoode Hall Law School. He has published in the area of Aboriginal land rights in the Maritime Provinces and has presented his research at numerous academic conferences.



Elisa Sance is a PhD student in Canadian-American history at the University of Maine. Her doctoral research focuses on language, citizenship and identity in teacher training in Maine and New Brunswick during the twentieth century. As part of her training, Sance studied the teaching of modern languages, the teaching of children with learning and behavior problems in the regular classroom, and feminist pedagogy. She regularly attends professional development events on related topics and participates in outreach programs benefitting high schools and middle schools in Maine.

In addition to this team, Adam Blacklock, Dakota Lizee, and Eleanor Wong composed briefs for several of the historical figures included in this package.

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