

Indigenous matters FINDERS KEEPERS – THE DOCTRINE OF DISCOVERY

This is part of a series of articles on Indigenous issues and history to promote awareness of our shared history among the general population.

by David Shanahan

Imagine a typical Canadian family packing up and heading off to the cottage for a few days. Naturally, it's beside a lake, very rough and ready, no hydro or running water – just how they like it. Imagine, also, their shock on arriving at the isolated spot to find a U.S. flag flying outside their cottage, which is occupied by Americans. On challenging the trespassers, the Canadians are told that the Americans have every right to occupy the cabin, since it was not properly maintained, developed, or otherwise made use of. A rather unlikely scenario, perhaps? And yet that is precisely what happened when Europeans “discovered” Canada. The few sailors who came ashore in a small boat immediately claimed the land on behalf of their King.

Completely ignoring the fact that there were people already settled in the newly discovered lands, people with a long history and sophisticated culture, the Europeans rationalised their claim by pointing out that the inhabitants had not “properly” used the land they roamed, and that the highest authorities had granted to Europeans the right to claim such territory. On the face of it, the arrogance (not to mention ignorance) of the Europeans is astounding. It was like the old nursery rhyme: “Finders keepers, losers weepers”. But this was no nursery rhyme: this is Canadian history, and the daily life of many thousands of indigenous people in this country ever since those fateful sailors arrived on these shores.

Behind it all is what is known as the “Doctrine of Discovery”, a claim that goes back to the time of the first exploration of North America by Europeans. Shortly after the first voyage of Columbus in 1492, it was recognised that there were territories to the west and south, in the Americas, Asia, and Africa that could be exploited by Europeans: lands which promised great wealth to those who could get their hands on them. So, on May 4, 1493, Pope Alexander VI issued a Papal Decree entitled Inter Caetera, “Among other things”, which granted his gracious permission to European monarchs to

lay claim to any territory their subjects might discover, as long as it was more than 100 leagues to the west or south of European lands. He did this, he claimed, “out of the fullness of our apostolic power, by the authority of Almighty God conferred upon us in blessed Peter and of the vicarship of Jesus Christ, which we hold on earth”. So it was, that, on landing on this huge landmass on the other side of the Atlantic, this handful of Europeans, in their ignorance and arrogance, laid claim to everything in the name of a European monarch.

When the British Crown conquered the French Crown in Canada in 1760, the British King simply assumed title to what had been the “property” of the French King, by right of conquest. However, he had not conquered the native people at any time, nor did any subsequent monarch in Canada. In 1763, in issuing a Royal Proclamation detailing how the newly acquired territories would be administered, the British King drew a line on the map, running roughly from Lake Nipissing to Cornwall, beyond which was “Indian Territory”. But even that vast and still relatively unknown land was nevertheless claimed by the King, who graciously allowed the indigenous people to remain there under his jurisdiction.

“And We do further declare it to be Our Royal Will and Pleasure, for the present

as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians...all the Lands and Territories lying to the Westward.”

From the moment the Pope issued his Bull in 1497, up to the present day, monarchs of Europe, and in particular Great Britain, have laid claim to the lands that now comprise the Dominion of Canada. The rights and freedoms of the indigenous peoples of the territory were restricted and confined to whatever that monarch and their governments chose to allow them. Although most Christian denominations have repudiated the Doctrine of Discovery and called for its repudiation by governments, it has been used in court cases to buttress government control over indigenous people. Pope Francis has been officially requested by indigenous groups around the world to formally repudiate the Doctrine, so far with no effect. The United Nations Declaration on the Rights of Indigenous Peoples [UNDRIP], accepted by the Canadian Government, refutes the Doctrine of Discovery. In Senate hearings in May of last year, government officials declared that UNDRIP would not alter Canadian laws. It seems that a fifteenth century papal bull will continue to over-ride Canadian and international rights for indigenous people.

Ontario mandating Naloxone kits in high-risk workplaces

The Ontario government has introduced legislation to protect workers on the job and save lives. If passed, the Working for Workers Act, 2022 (Working for Workers Act 2), will require workplaces that are at risk of a worker opioid overdose to have naloxone kits. The legislation would also introduce the highest fines in Canada for companies that fail to follow workplace health and safety laws.

“Everyone in our province knows someone who has been impacted by the opioid epidemic,” said Monte McNaughton, Minister of Labour, Training and Skills Development. “These are brothers, sisters, mothers and daughters, and we need to do everything in our power to save lives. That is why our government is bringing life-saving naloxone kits to high-risk settings such as construction sites, bars and nightclubs.”

Approximately 2,500 people died from opioid-related causes between March, 2020, and January 2021 – of the victims who were employed,

30% were construction workers, by far the most of any industry impacted. Bars and nightclubs are also seeing increased opioid usage, which often involve recreational drugs laced with deadly opioids such as fentanyl and carfentanyl.

“While Ontario’s workers have been there to support us before and during this horrible pandemic, it’s just as important that we are there to support them,” said Michael Tibollo, Associate Minister of Mental Health and Addictions. “By ensuring access to life-saving naloxone kits where and when our workers need them, our government is helping to protect more Ontarians struggling with addiction from preventable deaths and taking decisive action to address the challenges of the opioid crisis.”

Naloxone is a medication that can temporarily reverse the effects of an opioid overdose and allow time for medical help to arrive. Requiring businesses in high-risk settings to have naloxone kits on hand will help reduce the stigma around opioid abuse,

raise awareness about the risks of accidental overdoses, and potentially save hundreds of lives a year.

Also included in Working for Workers Two are changes to the Occupational Health and Safety Act to increase the maximum fines for businesses that fail to protect their workers to the highest in the country.

The proposed increased fines would reinforce the importance of putting worker safety first and further penalize those that treat injuries as the cost of doing business. Officers and directors of businesses that do not provide a safe work environment that leads to a worker being severely injured or dying on the job could face fines of up to \$1.5 million under the Occupational Health and Safety Act (OSHA) if convicted. Charges for other individuals are also rising to up to \$500,000.

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the merrickville-wolford TIMES

The Voice of Merrickville-Wolford

Ukraine initiative a success in Merrickville



by Brandon Mayer

A fundraising initiative, which was started last month by the Merrickville-Wolford Chamber of Commerce to aid Ukraine in the wake of the invasion by Russia, has far surpassed its initial goal. The fundraiser began with a modest goal of raising \$15,000, but, as of the time of writing, nearly \$48,000 had been raised by local businesses in support of the war-stricken country.

The fundraising initiative had support from a large number of stores and restaurants in the Merrickville area. Merrickville-Wolford Chamber of Commerce Director, Yves Grandmaitre, gave credit to many businesses and individuals who went above and beyond with the fundraiser, including a gift basket draw from local gift shop Pickle & Myrrh, perogies being sold at local coffee shop Village Bean, and a Ukraine egg painting workshop offered by local artist Irene Chahley. Yves also noted that many

stores donated part of their sales as part of the fundraiser, and Mainstreet Restaurant single-handedly raised over \$10,000 of the total amount raised.

Given that many different charitable organizations are collecting and distributing money earmarked for Ukraine, the Times asked Yves what the money raised by the Chamber's initiative will be used for. "Fundraisers had the option of donating where they wished," Yves said. "Examples include the Red Cross, Doctors Without Borders, or Veterinarians Without Borders. Funds provided to the Chamber, including almost \$2,000 raised through coin collectors spread across the Village, will be donated to the '#United with Ukraine' initiative, organized by the Ukrainian World Congress."

Though the initiative has already seen such success, the fundraising is not yet over. Some stores and restaurants in the Merrickville area have decided to continue fundrais-

ing, as charities supporting Ukraine (and other relief efforts globally) continue to have a need for funds. Additionally, the local initiative may help to inspire similar fundraising in other localities.

"Our Chamber also reached out to other Ontario Chambers through the Ontario Chamber of Commerce weekly town hall and challenged them to mount a similar initiative," Yves said. "We heard back from several Chambers asking for more information."

Many locals in Merrickville-Wolford and surrounding municipalities have proudly shown their support for Ukraine by displaying Ukrainian flags outside their homes. The war between Ukraine and Russia began with the Russian invasion of Ukraine on February 24. Overwhelming evidence, including countless videos and photographs, have pointed to a full-scale attack on Ukraine at the hands of Russia, including vicious bombings and fatal attacks on civilians, including children. Peace talks between Ukraine and Russia have been attempted in the past month, but Russian President Vladimir Putin is now claiming that these talks have reached a dead end.

More about the Merrickville-Wolford Chamber's initiative can be found on a dedicated Facebook page at www.facebook.com/merrickvillewolfordstandswithukraine, or on the Chamber's website at merrickvillechamber.ca.

Indigenous matters

Indigenous status in 1950

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by David Shanahan

On 13 May and 16 May 1946, respectively, the House of Commons and the Senate passed parallel resolutions to establish the Special Joint Committee on the Indian Act. When local Indian Agents were asked for input into a proposed review of the Indian Act, one of the issues they raised across the country was that of defining what exactly an "Indian" was. Robert A. Hoey, Director of Indian Affairs, provided the Committee with a description of the problems faced in defining an "Indian" according to the Indian Act. He spoke of the "blood quantum" element in that definition:

In practice, this definition means that a person of pure Indian blood may marry a white woman, thus reducing the Indian blood in his offspring to 50 per cent. The son of such a union may follow in the footsteps of his father, reducing the Indian blood in his children to 25 per cent, and one can readily follow this reasoning to its logical conclusion. The question that has always disturbed me since entering the department, is the question relating to the moral authority of parliament by statutory enactment or a government by regulations or policy to deprive persons with 50 per cent or more white blood of the full rights of Canadian citizenship.

On May 27, 1946, Henry

Jackson appeared on behalf of the Union of Ontario Indians, speaking for the Robinson Treaty and James Bay Indians. He summed up the status and condition of the people he represented:

The Indians are subject to the ruling of the Department of Indian Affairs... The Department acts on all matters on the report of the Indian agent, under section 99A of the Indian Act. An agent is appointed through the recommendation of the Department of Indian Affairs and he presides over all meetings of Indian councils and controls all proceedings. He has sovereignty power to govern as he sees fit. The Indians are not at liberty to deliberate over and discuss their own domestic problems. They are tied down to a helpless condition and cannot move unless and until the Indian agent so directs. The fact is, under the present law, the Indians of Canada are unable to legally speak for themselves. They are a subjected race, held down and made helpless by the very Act which is supposed to help and protect them. The Indians cannot go direct to the Department of Indian Affairs for address of any grievance. All communications must go through the Indian agent, who, in many cases is the direct cause of a grievance. The agent has power to veto any resolutions of the Indian Council, and any effort on their part to go over his head will be totally ignored by the Department of Indian Affairs. Expenditures on Public

health, education and police cannot be made unless recommended by the Indian agent. Under the present administration, Council are under the exclusive control of the Indian agent, and the Indian councils are no longer considered as the controlling body of any Indian community. The Indian agent's duties are becoming more and more like a commander of an internment camp of a defeated enemy.

This was the situation for Indigenous people across Canada as late as 1950. The Indian Act was amended after the SJC sessions, and many of the most egregious elements, as mentioned by Henry Jackson were dropped. But the Indian Act remains in place, leaving the Canadian Government to decide how it should be enforced and what it should contain. Now, imagine if such an Act of Parliament was applied to Jewish Canadians, or Moslem Canadians, or British Canadians. It would have taken this long to repudiate and dispense with it.

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Indigenous matters

Losers weepers - The Law of Nations

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by David Shanahan

The Doctrine of Discovery provided the monarchs of Europe with a very questionable justification for claiming the territories inhabited by non-Europeans between the fifteenth and nineteenth century, and it remains a foundational principle in Canadian law today. However, it was not alone in providing a rationale for colonization and the oppression of indigenous people in this country. A book, first published in France in 1758, has also been used through the decades since its first appearance to justify the dislocation and colonization of this country's indigenous peoples.

The Law of Nations: Or, Principles of the Law of Nature Applied to the Conduct and Affairs of Nations and Sovereigns, was written by Emmerich de Vattel and gained a wide following in Britain and North America as soon as it was translated into English in 1760. Its main principle was that the entire Earth was given to humans in general, and only those who made

“proper” use of it deserved to keep it. By “proper”, Vattel meant cultivation, settlement and making full use of the land being held by societies and nations.

This meant that those, such as many of the indigenous peoples in Canada, who lived by hunting, trapping and fishing, were abusing the land and did not deserve to keep it to themselves. Section 81 of the book states: “Those nations who inhabit fertile countries, but disdain to cultivate their lands, and choose rather to live by plunder, ...deserve to be extirpated as savage and pernicious beasts. There are others, who, to avoid labour, choose to live only by hunting, and their flocks... Those who still pursue this idle mode of life, usurp more extensive territories than, with a reasonable share of labour, they would have occasion for, and have, therefore, no reason to complain if other nations, more industrious and too closely confined, come to take possession of a part of those lands.” As far as he was concerned, those who were not permanently cultivating

“those extensive tracts rather ranged through than inhabited them”.

Addressing the situation with the indigenous people in North America, specifically, he stated in Section 209: “Their unsettled habitation in those immense regions cannot be accounted a true and legal possession; and the people of Europe, too closely pent up at home, finding land of which the savages stood in no particular need, and of which they made no actual and constant use, were lawfully entitled to take possession of it, and settle it with colonies... We do not, therefore deviate from the views of nature in confining the Indians within narrower limits.”

This mode of defining “savage” and “civilised” seems to have dominated British attitudes towards the First Nations, most particularly after their value as military allies had decreased following the War of 1812. The Crown and its representatives equated farming with civilization, and the traditional lifestyle of the Indians - hunting, trapping, fishing, a nomadic

way of life - as that of the savage. In 1830, the British Government introduced a new policy for dealing with indigenous people in Canada: “The Civilisation Policy”, by which they would be confined to permanent settlements where they would learn farming and be educated according to European methods.

The influence of de Vattel's book is seen in the repeated use of references to “cultivators of the soil” in correspondence between 1812 and 1836, and lands not being used for farming were known as the “waste lands of the Crown”. Governor General Francis Bond Head used

this language in explaining to the inhabitants of Manitoulin Island in 1836 why they should surrender their land: “If you would cultivate your Land it would then be considered your own Property in the same Way as your Dogs are considered among yourselves to belong to those who have reared them; but uncultivated Land is like wild Animals.”

This attitude underlay the entire Civilisation Policy, as would be explicitly stated in a Government Report of 1844: “The wisdom and justice of this course is most strongly recommended by Vattel, in his Law of Nations...”. The Report then quoted Section

209 (quoted above) to show that “Their unsettled habitation in those immense regions cannot be accounted a true and legal possession... We do not, therefore deviate from the views of nature in confining the Indians within narrower limits”.

The Law of Nations, like the Doctrine of Discovery, set out the principles upon which the indigenous peoples of Canada would be brought under legal and cultural restrictions, imposing a Eurocentric, and very dubious, attitude toward their traditions, culture and social structures, which has bound them to this day.

New survey shows appetite for a new home ownership model

from COMMUNITYWIRE

As home prices continue to rise in Canada, the dream of home ownership is getting further out of reach for Canadians. New data shows the undeniable reality as almost all Canadians believe home ownership accessibility is a problem in Canada (96%) and nine in 10 aspiring homeowners feel locked out of ever owning a home.

Results from the Home Ownership in Canada Study, which surveyed 2,000 Canadian adults, revealed nearly half (45%) of Canadians are renting their home or live with family while the other half (55%) own their home. For those renting or living with family, four in 10 (44%) have aspirations of buying a home within the next 10 years.

Rising home prices make that a challenge. The average home price in Canada rose to \$816,720 in February – a 20% increase from the previous year. Since February 2020, the average home price has increased by 50% from \$542,286. Saving for the recommended 20% down payment is a barrier for more than three in four aspiring homeowners.

“Rising home prices have outpaced wages, making it impossible for Canadians to get ahead. And with rising interest rates and inflation, the affordability gap is tougher than ever to close,” explained Rob Richards, co-founder and CEO of Key. “We created Key to make the dream of home ownership a reality for people. The reality is, this crisis is a complex problem that has no single silver bullet – it

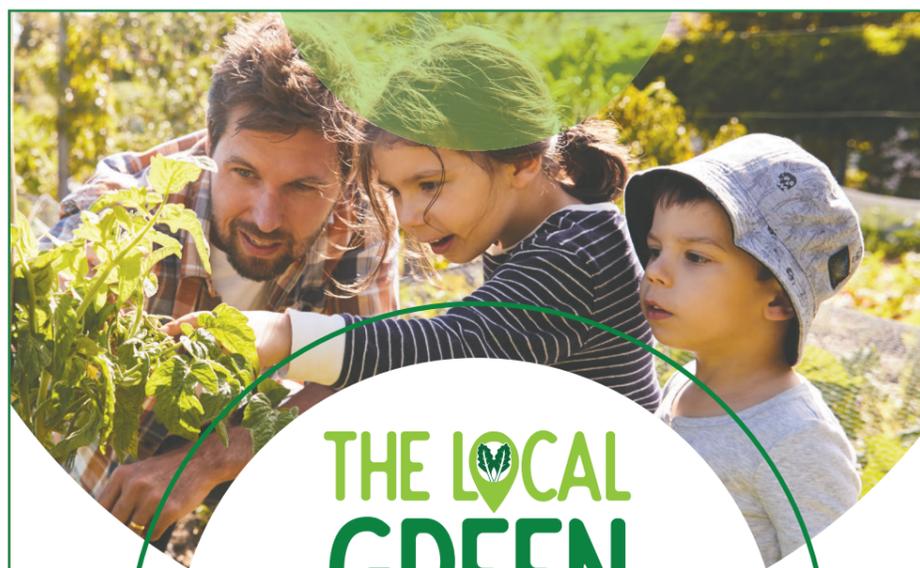
requires partnership and innovation to build new pathways to home ownership.”

Key launched a co-ownership model in November 2021 to help Canadians get on the property ladder sooner by removing the two biggest barriers that keep most people from owning. The tech-enabled model provides an opportunity to co-own a home to live in and build equity from day one, with a small down payment of 2.5 percent of the home's value, and without having to take on a mortgage. Key aligns real estate investor capital with resident capital to underwrite the cost of home ownership, making it more affordable for residents.

Canadians are looking at this as a potentially attractive solution – in the survey

when informed about Key's co-ownership model, an overwhelming 90% of Canadians felt it would make home ownership more accessible. Moreover, seven in 10 Canadians believe co-ownership is a better solution than rent-to-own models for making home ownership more accessible and affordable.

“Since launching, we've had more than 5,000 Canadians join our wait list that continues to grow each week,” shared Daniel Dubois, co-founder and president of Key. “In order to build a more equitable path forward for Canadians, we need private capital, supply partners and government support to shape solutions to address the growing home ownership crisis.”



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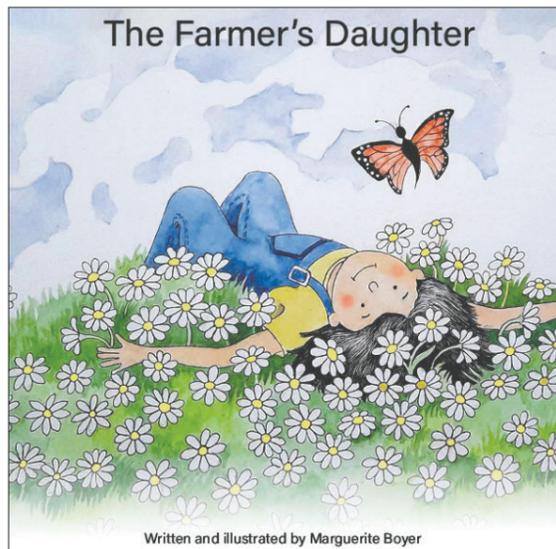
The Municipality of North Grenville is seeking community input on a proposed community benefits project stemming from the development of the Eastern Ontario Correctional Facility.

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Written and illustrated by Marguerite Boyer

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